

STATE OF UTAH

# **SENATE JOURNAL**

**FIRST SPECIAL SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE**

Convened and Adjourned on  
Wednesday, June 20, 2001

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty–Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Wednesday, June 20, 2001, and adjourning sine die on the same day.

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

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH

**SENATE JOURNAL**

**FIRST SPECIAL SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the First Extraordinary Session at 1:50 p.m., on Wednesday, June 20, 2001.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator John Valentine

**Pledge** – Senator Bill Hickman

**Roll call** – All Senators present, except Senators Evans, Julander and Suazo, excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2001 General Session of the Fifty–Fourth Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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–Fourth Legislature of the State of Utah into a Special Session at the State Capitol in Salt Lake City, Utah, on the 20th day of June, 2001 at 1:30 p.m., for the following purposes:

1. To consider the creation of the Utah College of Applied Technology and other changes relating to applied technology education.

2. For the Senate to advise and consent to appointments made by the Governor.

3. And, 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 State Capitol in Salt Lake  
City, Utah, this 7th day of June,  
2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **SUPPLEMENTAL PROCLAMATION**

PURSUANT to Item 3 of the Proclamation issued June 7, 2001, calling the Legislature into special session on June 20, 2001, I add the following items to the agenda for the special session:

1. To reconsider, together with any changes, the following legislation from the 2001 General Session:

A. HB 158, INDIVIDUAL INCOME TAX—ADDITION OF INTEREST TO FEDERAL TAXABLE INCOME;

B. HB 168, NOTICE BY SCHOOL TO CUSTODIAL AND NONCUSTODIAL PARENT;

C. HB 334, INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX—ENERGY SAVING SYSTEMS CREDITS;

D. HCR 6, RESOLUTION APPROVING WASTE DISPOSAL; and

E. SB 222, NOTIFICATION BY FAMILY SERVICES OF NONCUSTODIAL PARENT OF CHILD'S REMOVAL.

2. To reauthorize certain existing fees for the Department of Commerce that were inadvertently left out of legislation authorizing agency fees passed in the 2001 General Session.

3. To consider making technical corrections to the Criminal Code, Code of Criminal Procedure, and Judicial Code, and giving the Board of Pardons and Parole increased discretion regarding the psychological examination of certain offenders.

4. To consider approving any negotiated settlement agreement requiring legislative approval under Title 63, Chapter 38b, State Settlement Agreements.

5. To consider the extent to which a property must be regularly rented as a public sleeping accommodation to become subject to certain taxes within the Sales and Use Tax Act.

6. To consider reenacting Section 78-51-25 dealing with the unauthorized practice of law.

7. To consider changes to the requirements for registering motor vehicles that are provided by motor vehicle manufacturers for short-term use during certain public events in this state.

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 13th day of  
June, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of June 7, 2001, and signed by Governor Michael O. Leavitt, is a

true and correct copy of the original Proclamation calling the Fifty–Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 20th day of June, 2001, at 1:30 p.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2001 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 7th day of June,  
2001.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups , the Senate voted to adopt the Senate Rules of the 2001 General Session of the Fifty–Fourth Legislature as the rules for the First Special Session.

President Mansell appointed a committee comprised of Senators Lyle Hillyard, Dan Eastman, and Millie Peterson to notify Governor Michael O. Leavitt that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communications from him.

President Mansell appointed a committee comprised of Senators David Steele, Carlene Walker, and Karen Hale to notify the House of Representatives that the Senate is organized and ready to do business.

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

Senator Steele advised the Senate that the House has been notified that the Senate is organized and ready to do business.

Senator Hillyard advised the Senate that the Governor has been notified of the convening of the First Special Session.

## **COMMUNICATIONS FROM THE GOVERNOR**

### **ADVISE AND CONSENT**

Sandy D. Tenney read the following communication:

Mr. President:

June 20, 2001

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

#### **UTAH DEPARTMENT OF TRANSPORTATION**

John R. Njord appointed as the Executive Director of the Department of Transportation. Section 72-1-202, Utah Code Annotated 1953, as amended.

#### **STATE CAPITOL PRESERVATION BOARD**

Neal Stowe appointed to fill the unexpired term of Michael J. Stransky on the State Capitol Preservation Board, a term to expire July 1, 2002. Section 63C-9-201, Utah Code Annotated 1953, as amended.

#### **SCHOOL AND INSTITUTIONAL TRUST LANDS BOARD OF TRUSTEES**

James J. Eardley appointed to replace Louise Liston on the School and Institutional Trust Lands Board of Trustees for a term to expire July 1, 2007. Section 53C-1-202, Utah Code Annotated 1953, as amended.

#### **COMMITTEE OF CONSUMER SERVICES**

Kelly Casaday appointed to fill the unexpired term of Alvin W. Emery on the Committee of Consumer Services. Mr. Casaday is a republican. Section 54-10-2, Utah Code Annotated 1953, as amended.

#### **UTAH COMMISSION ON UNIFORM STATE LAWS**

Lyle W. Hillyard reappointed as a member of the Utah Commission on Uniform State Laws for a term to expire July 1, 2005. Section 68-4-5, Utah Code Annotated 1953, as amended.

Reed L. Martineau reappointed as a member of the Utah Commission on Uniform State Laws for a term to expire July 1, 2005. Section 68-4-5, Utah Code Annotated 1953, as amended.

**REAL ESTATE COMMISSION**

Gage H. Froerer appointed to replace Tom Calder on the Real Estate Commission for a term to expire June 30, 2004. Section 61-2-5.5, Utah Code Annotated 1953, as amended.

**REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD**

R. Curt Webb appointed to replace Dottie Burnham on the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2004. Section 61-2b-7, Utah Code Annotated 1953, as amended.

Paul M. King appointed to replace Ervin R. Holmes on the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2002. Section 61-2b-7, Utah Code Annotated 1953, as amended.

**WILDLIFE BOARD**

James E. Bowns appointed to replace Raymond Heaton on the Wildlife Board for a term to begin August 16, 2001 and expire August 15, 2007. Section 23-14-2, Utah Code Annotated 1953, as amended.

Allan E. Smith appointed to replace Curtis Dastrup on the Wildlife Board for a term to begin August 16, 2001 and expire August 15, 2007. Section 23-14-2, Utah Code Annotated 1953, as amended.

Richard G. Diamond appointed to replace J. Collin Allen on the Wildlife Board for a term to begin August 16, 2001 and expire August 15, 2007. Section 23-14-2, Utah Code Annotated 1953, as amended.

**BOARD OF YOUTH CORRECTIONS**

Yvette Donosso Diaz appointed to fill the unexpired term of Theresa A. Martinez on the Board of Youth Corrections, a term to expire April 1, 2005. Ms. Diaz is a republican. Section 62A-1-105, Utah Code Annotated 1953, as amended.

**YOUTH PAROLE AUTHORITY**

Deween C. Durrant appointed to fill the unexpired term of Alvin W. Emery on the Youth Parole Authority, a term to expire April 1, 2005. Section 62A-7-109, Utah Code Annotated 1953, as amended.

Jennifer Yim appointed to fill the unexpired term of Yvette Donosso Diaz on the Youth Parole Authority, a term to expire April 1, 2005. Section 62A-7-109, Utah Code Annotated 1953, as amended.

**STATE BOARD OF FINANCIAL INSTITUTIONS**

James C. Anderson reappointed as a member of the State Board of Financial Institutions for a term to expire July 1, 2005. Mr. Anderson is a republican. Section 7-1-203, Utah Code Annotated 1953, as amended.

Alta S. Earl reappointed as a member of the State Board of Financial Institutions for a term to expire July 1, 2005. Ms. Earl is independent. Section 7-1-203, Utah Code Annotated 1953, as amended.

Michael S. Milovich appointed to replace Scott Earl on the State Board of Financial Institutions for a term to expire July 1, 2005. Mr. Milovich is a democrat. Section 7-1-203, Utah Code Annotated 1953, as amended.

**BOARD OF TRAVEL DEVELOPMENT**

Randall G. Harmsen reappointed as a member of the Board of Travel Development for a term to expire July 1, 2005. Mr. Harmsen is a republican. Section 9-3-202, Utah Code Annotated 1953, as amended.

Jessica L. Stabrylla reappointed as a member of the Board of Travel Development for a term to expire July 1, 2005. Ms. Stabrylla is a democrat. Section 9-3-202, Utah Code Annotated 1953, as amended.

Gayle A. Stevenson appointed to replace Kirk Green on the Board of Travel Development for a term to expire July 1, 2005. Mr. Stevenson is a republican. Section 9-3-202, Utah Code Annotated 1953, as amended.

Lucille Tuttle appointed to fill the unexpired term of Glen A. Overton on the Board of Travel Development, a term to expire July 1, 2003. Ms. Tuttle is independent. Section 9-3-202, Utah Code Annotated 1953, as amended.

**SEARCH AND RESCUE ADVISORY BOARD**

Denise E. Burcombe reappointed as a member of the Search and Rescue Advisory Board for a term to expire July 1, 2005. Section 53-2-108, Utah Code Annotated 1953, as amended.

**BOARD OF OIL, GAS AND MINING**

Douglas E. Johnson appointed to fill the unexpired term of David Lauriski on the Board of Oil, Gas and Mining, a term to expire March 1, 2003. Mr. Johnson is a republican. Section 40-6-4, Utah Code Annotated 1953, as amended.

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

**Michael O. Leavitt,**  
Governor

Communication filed. Senator Valentine moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Evans	Julander	Suazo
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On motion of Senator Hillyard, John R. Njord spoke in Committee of the Whole.

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

**INTRODUCTION OF BILLS**

**NOTIFICATION BY SCHOOL OR FAMILY SERVICES TO  
NONCUSTODIAL PARENT OF CHILD’S DISCIPLINE OR REMOVAL**

**S.B. 1001**

*Parley Hellewell*

THIS ACT AMENDS THE HUMAN SERVICES CODE AND THE STATE SYSTEM OF PUBLIC EDUCATION. THIS ACT REQUIRES A PEACE OFFICER, CASE WORKER, OR SCHOOL TO INFORM A CUSTODIAL AND NONCUSTODIAL PARENT WHEN A MINOR IS TAKEN INTO PROTECTIVE CUSTODY OR SUSPENDED OR EXPELLED FROM SCHOOL. THE ACT ALSO MAKES TECHNICAL CORRECTIONS, was read for the first time.

**UNAUTHORIZED PRACTICE OF LAW PROHIBITED****S.B. 1002***Terry R. Spencer*

THIS ACT ADDS A NEW SECTION TO THE JUDICIAL CODE PERTAINING TO THE UNAUTHORIZED PRACTICE OF LAW BY PERSONS NOT LICENSED IN THIS STATE. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time.

**TAXES ON RENTALS OF PUBLIC SLEEPING ACCOMMODATIONS****S.B. 1003***John L. Valentine*

THIS ACT AMENDS THE SALES AND USE TAX ACT TO REQUIRE THAT CERTAIN PUBLIC SLEEPING ACCOMMODATIONS MUST BE REGULARLY RENTED FOR A TIME PERIOD OF LESS THAN 30 CONSECUTIVE DAYS TO BE SUBJECT TO CERTAIN TAXES WITHIN THE SALES AND USE TAX ACT, AND TO PROVIDE DEFINITIONS. THE ACT TAKES EFFECT ON JULY 1, 2001, IF APPROVED BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE, OR ON OCTOBER 1, 2001, IF THE TWO-THIRDS VOTE REQUIREMENT IS NOT MET, was read for the first time.

**REGISTRATION AND TAXATION OF VEHICLES FOR SPORTS  
EVENTS****S.B. 1004***John W. Hickman*

THIS ACT MODIFIES PROVISIONS RELATED TO MOTOR VEHICLES AND REVENUE AND TAXATION TO ADDRESS THE ISSUANCE OF TEMPORARY PERMITS OR TEMPORARY SPORTS EVENT REGISTRATION CERTIFICATES BY THE MOTOR VEHICLE ENFORCEMENT DIVISION OR A MOTOR VEHICLE DEALER, AND TO ADDRESS THE SUSPENSION OR REVOCATION OF THE AUTHORITY OF A MOTOR VEHICLE DEALER TO ISSUE A TEMPORARY PERMIT OR A TEMPORARY SPORTS EVENT REGISTRATION CERTIFICATE. THE ACT REQUIRES THE MOTOR VEHICLE ENFORCEMENT DIVISION TO IMPOSE FEES FOR ISSUING A TEMPORARY PERMIT OR A TEMPORARY SPORTS EVENT REGISTRATION CERTIFICATE, AND PROVIDES THAT THE FEES MAY BE USED AS DEDICATED CREDITS TOWARD THE COSTS INCURRED IN ISSUING TEMPORARY PERMITS AND TEMPORARY SPORTS EVENT REGISTRATION CERTIFICATES. THE ACT SUBJECTS A MOTOR VEHICLE ISSUED A TEMPORARY SPORTS EVENT

REGISTRATION CERTIFICATE TO A \$5 UNIFORM FEE IN LIEU OF PROPERTY TAXES, ADDRESSES THE IMPOSITION OF PROPERTY TAXES AND UNIFORM FEES ON TANGIBLE PERSONAL PROPERTY, AND PROVIDES A SALES AND USE TAX EXEMPTION FOR THE LEASE OR USE OF A MOTOR VEHICLE ISSUED A TEMPORARY SPORTS EVENT REGISTRATION CERTIFICATE. THE ACT MAKES TECHNICAL CHANGES, was read for the first time.

### **RESOLUTION APPROVING SETTLEMENT FOR PRIVATE PRISON**

**S.J.R. 101**

*David L. Gladwell*

THIS JOINT RESOLUTION OF THE LEGISLATURE APPROVES THE LEGAL SETTLEMENT REACHED BETWEEN THE UTAH DEPARTMENT OF CORRECTIONS AND CORNELL CORRECTIONS CORPORATION AND THEIR SUBCONTRACTORS VCBO ARCHITECTS AND HOGAN CONSTRUCTION. THIS JOINT RESOLUTION HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time.

On motion of Senator Poulton, under suspension of rules, **S.B. 1001, S.B. 1002, S.B. 1003, S.B. 1004, and S.J.R. 101** were placed on the Second Reading Calendar.

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On motion of Senator Steele, J. Wayne Lewis was recognized, on the occasion of his retirement, for his 35 years of service to the Legislature as an employee of Legislative Research and General Counsel.

### **SECOND READING CALENDAR**

On motion of Senator Hellewell, under suspension of the rules, **S.B. 1001, NOTIFICATION BY SCHOOL OR FAMILY SERVICES BY NONCUSTODIAL PARENT OF CHILD'S DISCIPLINE OR REMOVAL**, was read the second and third times. Senator Hellewell explained the bill.

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

1. Page 2, Line 37:  
After "immediately" insert "use reasonable efforts to locate and"
2. Page 2, Line 44:  
After "of" insert "locating and"

3. Page 2, Line 45:

After “database” insert “if the division is unable to locate the noncustodial parent through other reasonable efforts”

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	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Evans	Julander	Spencer	Suazo
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**S.B. 1001** was transmitted to the House.

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**S.B. 1002, UNAUTHORIZED PRACTICE OF LAW PROHIBITED,** was read the second time.

On motion of Senator Hillyard, the bill was circled.

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On motion of Senator Valentine, under suspension of the rules, **S.B. 1003, TAXES ON RENTALS OF PUBLIC SLEEPING ACCOMMODATIONS,** was read the second and third times. Senator Valentine explained the bill. Senators Hillyard and Waddoups commented.

On motion of Senator Valentine, the bill was circled.

**INTRODUCTION OF BILLS**

**RESOLUTION APPROVING TOBACCO LAWSUIT SETTLEMENT**

**S.J.R. 102**

*David H. Steele*

A JOINT RESOLUTION OF THE LEGISLATURE APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE STATE OF UTAH AND THE

LAW FIRMS OF BENDINGER, CROCKETT, PETERSON AND CASEY AND NESS, MOTLEY, LOADHOLT, RICHARDSON AND POOLE. THIS JOINT RESOLUTION HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time.

On motion of Senator Spencer, under suspension of rules, **S.J.R. 102** was moved to the bottom of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Spencer, the circle was removed from **S.B. 1002**, UNAUTHORIZED PRACTICE OF LAW PROHIBITED, and it was before the Senate. Senator Spencer explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Evans	Julander	Suazo
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**S.B. 1002** was transmitted to the House.

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On motion of Senator Hickman, under suspension of the rules, **S.B. 1004**, REGISTRATION AND TAXATION OF VEHICLES FOR SPORTS EVENTS, was read the second and third times. Senator Hickman explained the bill. 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	Bramble
Buttars	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard

Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Davis	Evans	Julander	Suazo
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**S.B. 1004** was transmitted to the House.

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On motion of Senator Gladwell, under suspension of the rules, **S.J.R. 101**, RESOLUTION APPROVING SETTLEMENT FOR PRIVATE PRISON, was read the second and third times. Senator Gladwell explained the bill. Senators Hillyard, Ron Allen, Mayne, and Waddoups commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Davis	Mayne
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**Absent or not voting were:** Senators

Evans	Julander	Suazo
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**S.J.R. 101** was transmitted to the House.

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On motion of Senator Steele, under suspension of the rules, **S.J.R. 102**, RESOLUTION APPROVING TOBACCO LAWSUIT, was read the second and third times. Senator Steele explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Jenkins
Knudson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hillyard	Mayne	Peterson
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**Absent or not voting were:** Senators

Evans	Hickman	Julander	Suazo
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**S.J.R. 102** was transmitted to the House.

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On motion of Senator Waddoups, the circle was removed from **S.B. 1003**, TAXES ON RENTALS OF PUBLIC SLEEPING ACCOMMODATIONS, and it was before the Senate. Senator Valentine explained the bill. Senators Mansell and Waddoups declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Jenkins	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	Evans	Hickman	Hillyard
Julander	Steele	Suazo	

**S.B. 1003** was transmitted to the House.

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On motion of Senator Peterson, and at 3:20 p.m., the Senate sauntered.

The Senate was called to order at 5:20 p.m., with President Mansell presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

June 20, 2001

The House passed, as amended, **H.B. 1006**, INDIVIDUAL INCOME TAX – ADDITION OF INTEREST TO FEDERAL TAXABLE INCOME, by Representative G. Curtiss, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1006** was read the first time.

On motion of Senator Bramble, **H.B. 1006** under suspension of rules, was placed at the top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 1006**, INDIVIDUAL INCOME TAX–ADDITION OF INTEREST TO FEDERAL TAXABLE INCOME, was read the second and third times. Senators Hillyard, Mansell, and Stephenson commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Hale	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Gladwell	Hellewell	Hillyard	Valentine
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**Absent or not voting were:** Senators

Evans	Hickman	Julander	Suazo
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**H.B. 1006** was signed by the President of the Senate in open session and returned to the House.

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On motion of Senator Valentine, and at 5:50 p.m., the Senate sauntered.

The Senate was called to order at 7:50 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE GOVERNOR****SUPPLEMENTAL PROCLAMATION**

PURSUANT to Item 3 of the Proclamation issued June 7, 2001, calling the Legislature into special session on June 20, 2001, and in addition to the supplemental proclamation issued June 13, 2001, I add the following items to the agenda for the special session:

1. To consider changing the effective date of H.B. 88, PRIVATE RECORDS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, from the 2001 General Session.

2. To consider changes to the Utah Revised Nonprofit Corporation Act dealing with action by written ballots, issues involving quorum, voting requirements, transition to the Utah Revised Nonprofit Corporation Act, and technical corrections.

3. To consider changes to the Uniform Probate Code dealing with the duties of an attorney-in-fact or agent if the principal becomes incapacitated or disabled.

4. To consider amending the Individual Income Tax Act to provide that the amount of a federal tax credit or advance refund amount allowed as result of the federal Economic Growth and Tax Relief Reconciliation Act of 2001 is not subject to state individual income taxation.

5. To consider changes to the requirements for registering and taxing motor vehicles that are provided by motor vehicle manufacturer for short-term use during certain events in this state.

6. To consider changing S.B. 48, PASSENGER LIMITATIONS FOR YOUNG DRIVERS from the 2001 General Session, clarifying its application only to driver licenses issued on or after July 1, 2001.

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 20th day of  
June, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: June 20, 2001

The House passed, as amended, **H.B. 1001**, NOTICE BY SCHOOL TO CUSTODIAL AND NONCUSTODIAL PARENT, by Representative F. Fife, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 1003**, APPLIED TECHNOLOGY EDUCATION GOVERNANCE, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1001** and **H.B. 1003** were read the first time.

On motion of Senator Valentine, under suspension of the rules, **H.B. 1001** and **H.B. 1003** were placed on the Second Reading Calendar.

**INTRODUCTION OF BILLS**

**UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS**

**S.B. 1005** *Lyle W. Hillyard*

THIS ACT MODIFIES THE UTAH REVISED NONPROFIT CORPORATIONS ACT TO ADDRESS ISSUES RELATED TO A QUORUM OF A NONPROFIT CORPORATION AND TAKING ACTION BY WRITTEN BALLOT. THE ACT ADDRESSES ISSUES RELATED TO TRANSITION BETWEEN THE OLD AND REVISED LAW. THE ACT HAS AN IMMEDIATE

EFFECTIVE DATE AND PORTIONS OF THE ACT HAVE RETROSPECTIVE OPERATION TO APRIL 30, 2001, was read for the first time.

**UNIFORM PROBATE CODE – POWER OF ATTORNEY AMENDMENTS**

**S.B. 1006**

*John L. Valentine*

THIS ACT MODIFIES A SECTION OF THE PROBATE CODE TO PROVIDE THAT A PERSON HOLDING A POWER OF ATTORNEY FOR A DISABLED PRINCIPAL MAY BE HELD ACCOUNTABLE BY THE PRINCIPAL’S HEIRS. THIS ACT BECOMES EFFECTIVE IMMEDIATELY, was read for the first time.

On motion of Senator Waddoups and under suspension of the rules, **S.B. 1005** and **S.B. 1006** were placed on the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, under suspension of the rules, **S.B. 1005**, UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS, was read the second and third times. Senator Hillyard explained the bill. Senators Valentine and Bramble declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Eastman	Evans	Julander	Suazo
Mansell			

**S.B. 1005** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **S.B. 1006**, UNIFORM PROBATE CODE – POWER OF ATTORNEY AMENDMENTS,

was read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Evans	Julander	Suazo	Mansell
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**S.B. 1006** was transmitted to the House.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.B. 1003**, APPLIED TECHNOLOGY EDUCATION GOVERNANCE, was read the second and third times.

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

- 1. Page 26, Line 784:  
After “of” insert “at least three”

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

- 1. Page 20, Line 592:  
After “vote of the” insert “business and industry”

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

- 1. Page 2, Line 35a:  
House Floor Amendments  
6-20-2001:  
Delete all of line 35a

2. Page 15, Lines 433a–h  
House Floor Amendments:  
6–20–2001:  
Delete all of lines 433a through 433h

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Hellewell, under suspension of the rules, **H.B. 1001**, NOTICE BY SCHOOL TO CUSTODIAL AND NONCUSTODIAL PARENT, was read the second and third times. Senator Ron Allen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Stephenson	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Eastman	Evans	Julander
Steele	Suazo	Valentine	

**H.B. 1001** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 1003**, APPLIED TECHNOLOGY EDUCATION GOVERNANCE, and it was before the Senate.

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

1. Page 36, Line 1091i:  
House Floor Amendments  
6–20–2001:  
After line 1091i insert:  
“(d) The regional applied technology colleges shall be responsible to provide technical skills training and basic skills as required by business and industry towards an associate of applied technology degree.”

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

1. Page 27, Line 806:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
2. Page 27, Line 819:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
3. Page 27, Line 832:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
4. Page 28, Line 849:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
5. Page 29, Line 870:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
6. Page 29, Line 883:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
7. Page 30, Line 906:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
8. Page 30, Line 921:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
9. Page 31, Line 930:  
House Floor Amendments  
6-20-2001:  
Delete "representative" and insert "member" after "of" insert "the"  
delete "appointed by its"
10. Page 31, Line 945:  
House Floor Amendments  
6-20-2001:  
Delete "representative" and insert "member" and delete "appointed by its"

Senator Blackham explained the bill. Senators Hillyard, Hickman, Mayne, and Buttars commented. Senator Steele declared a conflict of interest. Under suspension of the rules the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Gladwell	Hale
Hellewell	Hickman	Jenkins	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	Hillyard
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**Absent or not voting were:** Senators

Eastman	Evans	Julander	Suazo
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**H.B. 1003**, as amended, was returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

June 20, 2001

The House passed **H.B. 1002**, CRIMINAL LAW AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 1004**, DEPARTMENT OF COMMERCE – FEE APPROVAL, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 1005**, INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX – RENEWABLE ENERGY SYSTEMS TAX CREDITS, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed **H.B. 1007**, PRIVATE RECORDS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Representative C. Beshear, and it is transmitted for consideration; and

The House passed **H.B. 1008**, INDIVIDUAL INCOME TAX — 2001 FEDERAL RATE BRACKET BENEFIT, by Representative M. Throckmorton, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 101**, RESOLUTION APPROVING WASTE DISPOSAL, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1002, H.B. 1004, H.B. 1005, H.B. 1007, H.B. 1008,** and **H.C.R. 101** were read the first time.

On motion of Senator Valentine, and under suspension of the rules, **H.B. 1002, H.B. 1004, H.B. 1005, H.B. 1007, H.B. 1008,** and **H.C.R. 101** were placed on the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Buttars, under suspension of the rules, **H.B. 1002**, CRIMINAL LAW AMENDMENTS, was read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Eastman	Evans	Hickman	Julander
Spencer	Suazo	Mansell	

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

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.B. 1004**, DEPARTMENT OF COMMERCE – FEE APPROVAL, was read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Gladwell

Hale	Hellewell	Jenkins	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Eastman	Evans	Hickman	Hillyard
Julander	Spencer	Suazo	Mansell

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

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **H.B. 1005**, INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX – RENEWABLE ENERGY SYSTEMS TAX CREDITS, was read the second and third times. Senators Ron Allen and Blackham commented and the bill passed on the following roll call:

**Yeas, 15; Nays, 5; Absent, 9.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Gladwell	Hale	Hellewell
Jenkins	Knudson	Mayne	Poulton
Stephenson	Valentine	Walker	

**Voting in the negative were:** Senators

Blackham	Dmitrich	Peterson	Steele
Waddoups			

**Absent or not voting were:** Senators

Eastman	Evans	Hickman	Hillyard
Julander	Spencer	Suazo	Wright
Mansell			

**H.B. 1005** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, **H.B. 1007**, PRIVATE RECORDS UNDER GOVERNMENT RECORDS ACCESS AND

MANAGEMENT ACT, was read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Eastman	Evans	Hickman	Julander
Suazo	Wright	Mansell	

**H.B. 1007** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 1008**, INDIVIDUAL INCOME TAX – 2001 FEDERAL RATE BRACKET BENEFIT, was 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	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Eastman	Evans	Julander	Suazo
Wright	Mansell		

**H.B. 1008** was signed by the President of the Senate in open session and returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2001

The House passed, **S.B. 1004**, REGISTRATION AND TAXATION OF VEHICLES FOR SPORTS EVENTS, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 101**, RESOLUTION APPROVING SETTLEMENT FOR PRIVATE PRISON, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. **S.B. 1004** and **S.J.R. 101** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

### SECOND READING CALENDAR

On motion of Senator Valentine, under suspension of the rules, **H.C.R. 101**, RESOLUTION APPROVING WASTE DISPOSAL, was read the second and third times.

On motion of Senator Valentine, the bill was circled.

\* \* \*

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

The Senate was called to order at 9:45 p.m., with President Pro Tem Poulton presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2001

The House passed, **S.B. 1003**, TAXES ON RENTALS OF PUBLIC SLEEPING ACCOMMODATIONS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communication filed. **S.B. 1003** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: June 20, 2001

The House passed **H.B. 1009**, PASSENGER LIMITATIONS FOR YOUNG DRIVERS – PROSPECTIVE APPLICATION, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1009** was read the first time.

On motion of Senator Valentine, under suspension of rules, **H.B. 1009** was placed on the Second Reading Calendar.

### **SECOND READING CALENDAR**

On motion of Senator Hale, under suspension of the rules, **H.B. 1009**, PASSENGER LIMITATIONS FOR YOUNG DRIVERS – PROSPECTIVE, was 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

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

E. Allen	Evans	Hellewell	Julander
Suazo	Mansell		

**H.B. 1009** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.C.R. 101**, RESOLUTION ON APPROVING WASTE DISPOSAL, and it was before the Senate. Senator Valentine explained the bill.

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

1. Page 1, Line 6:  
Delete “only” and insert “exclusively”
2. Page 1, Line 11:  
Delete “only” and insert “exclusively”
3. Page 2, Line 29:  
Delete “only” and insert “exclusively”

Senators Ron Allen, Gladwell, Mayne, Dmitrich, Eastman, Peterson, and Buttars commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Eastman	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright

**Voting in the negative were:** Senators

R. Allen	Dmitrich	Hale	Mayne
Peterson			

**Absent or not voting were:** Senators

Evans	Julander	Suazo	Mansell
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**H.C.R. 101** was returned to the House.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2001

The House passed, **S.J.R. 102**, RESOLUTION APPROVING TOBACCO LAWSUIT SETTLEMENT, 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

Communication filed. **S.J.R. 102** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

On motion of Senator Poulton, and at 10:10 p.m., the Senate sauntered.

The Senate was called to order at 10:35 p.m., with President Pro Tem Poulton presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2001

The House passed, **S.B. 1005**, UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS, 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

Communication filed. **S.B. 1005** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: June 20, 2001

The House concurred in the Senate amendments and passed **H.B. 1003**, APPLIED TECHNOLOGY EDUCATION GOVERNANCE, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 1003** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President: June 20, 2001

The House passed, as amended, **S.B. 1001**, NOTIFICATION BY SCHOOL OR FAMILY SERVICES TO NONCUSTODIAL PARENT OF CHILD’S DISCIPLINE OR REMOVAL, by Senator P. Hellewell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

\* \* \*

On motion of Senator Hellewell, the Senate voted to concur in the House amendments to **S.B. 1001**, NOTIFICATION BY SCHOOL OR FAMILY SERVICES TO NONCUSTODIAL PARENT OF CHILD’S DISCIPLINE OR REMOVAL. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Jenkins	Knudson	Peterson	Poulton
Spencer	Stephenson	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Evans	Hillyard	Julander	Mayne
Steele	Suazo	Mansell	

**S.B. 1001** was returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: June 20, 2001

The House passed, **S.B. 1006**, UNIFORM PROBATE CODE – POWER OF ATTORNEY AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communication filed. **S.B. 1006** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: June 20, 2001

The House concurred in the Senate amendments and passed **H.C.R. 101**, RESOLUTION APPROVING WASTE DISPOSAL, by Representative D. Ure, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communication filed. **H.C.R. 101** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President: June 20, 2001

The Speaker of the House has signed **S.B. 1001**, NOTIFICATION BY SCHOOL OR FAMILY SERVICES TO NONCUSTODIAL PARENT OF CHILD'S DISCIPLINE OR REMOVAL, by Senator P. Hellewell, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communication filed. **S.B. 1001** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

A committee from the House of Representatives comprised of Representatives Hogue, Dayton, and Shurtliff notified the Senate that the House has concluded its business and is ready to adjourn sine die.

President Pro Tem Poulton appointed a committee comprised of Senators Bramble, Gladwell and Ed Allen to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Pro Tem Poulton appointed a committee comprised of Senators Buttars, Hellewell, and Hale to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

Senator Bramble reported that his committee, with a like committee from the House, had notified the Governor that the Senate has concluded its business.

On motion of Senator Valentine, the Senate voted to give each member of the Senate staff one additional day's compensation at the rate established for each employee.

On motion of Senator Valentine, and at 10:50 p.m., the First Special Session of the Fifty-Fourth Legislature adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

THIRD EXTRAORDINARY SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, July 18, 2001

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Third Extraordinary Session convening on Wednesday, July 18, 2001, and adjourning sine die on the same day.

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

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH

**SENATE JOURNAL**

**THIRD EXTRAORDINARY SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Third Extraordinary Session at 12:00 noon on Wednesday, July 18, 2001.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Peter Knudson

**Pledge** – Senator Gene Davis

**Roll call** – All Senators present, except Senators Bramble, Buttars, Blackham, and Steele excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Third Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of July, 2001 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 3rd day of July,  
2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of July 3, 2001, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Third Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 18th day of July, 2001, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2001 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 3rd day of July,  
2001.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2001 General Session of the Fifty-Fourth Legislature as the rules for the Third Extraordinary Session.

President Mansell appointed a committee comprised of Senators Eastman, Wright, and Suazo to notify Governor Michael O. Leavitt's representative that the Senate is convened in the Third Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communication:

### **COMMUNICATIONS FROM THE GOVERNOR**

July 3, 2001

Dear President Mansell and Members of the Senate:

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

#### **STATE BOARD OF REGENTS**

David J. Grant reappointed as a member of the State Board of Regents for a term to expire June 30, 2007. Mr. Grant is a republican. Section 53B-1-104, Utah Code Annotated 1953, as amended.

Marlon O. Snow appointed to replace Aileen Clyde on the State Board of Regents for a term to expire June 30, 2007. Mr. Snow is a republican. Section 53B-1-104, Utah Code Annotated 1953, as amended.

Daryl C. Barrett appointed to replace Karen Huntsman on the State Board of Regents for a term to expire June 30, 2007. Ms. Barrett is a democrat. Section 53B-1-104, Utah Code Annotated 1953, as amended.

Sara V. Sinclair appointed to replace Ken Anderton on the State Board of Regents for a term to expire June 30, 2007. Ms. Sinclair is a democrat. Section 53B-1-104, Utah Code Annotated 1953, as amended.

Nolan E. Karras appointed to replace Paul S. Rogers on the State Board of Regents for a term to expire June 30, 2007. Mr. Karras is a republican. Section 53B-1-104, Utah Code Annotated 1953, as amended.

Jed H. Pitcher appointed to fill the unexpired term of Winn Richards on the State Board of Regents, a term to expire June 30, 2003. Mr. Pitcher is an independent. Section 53B-1-104, Utah Code Annotated 1953, as amended.

John B. Norman, Jr. appointed to replace Rob Peterson as the student member on the State Board of Regents for a term to expire June 30, 2002. Section 53B-1-104, Utah Code Annotated 1953, as amended.

#### **UTAH STATE BOARD OF EDUCATION**

John C. Pingree appointed to fill the unexpired term of Jill Kennedy on the State Board of Education, a term to expire December 31, 2004. Section 20A-1-507, Utah Code Annotated 1953, as amended.

#### **SALT LAKE COMMUNITY COLLEGE BOARD OF TRUSTEES**

Peter R. Genereaux reappointed as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

David G. Thomas reappointed as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Mary F. Bangerter reappointed as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Jake Y. Harouny appointed to replace Thomas W. Forsgren on the Salt Lake Community College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

#### **SNOW COLLEGE BOARD OF TRUSTEES**

Gwen McGarry reappointed as a member of the Snow College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Scott L. Wyatt reappointed as a member of the Snow College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Kay B. Greene appointed to replace Robyn E. Kremer on the Snow College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Timothy M. Blackham appointed to replace Mark R. Stoddard on the Snow College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**SOUTHERN UTAH UNIVERSITY BOARD OF TRUSTEES**

Alice R. Burns reappointed as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Henry J. Eyring, Jr. reappointed as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

John Yardley reappointed as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Jeff Wright appointed to replace Jeff Hatch on the Southern Utah University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Anne A. Judd appointed to fill the unexpired term of Thomas Higbee on the Southern Utah University Board of Trustees, a term to expire June 30, 2003. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Dwayne O. Nielson appointed to fill the unexpired term of Steven Snow on the Southern Utah University Board of Trustees, a term to expire June 30, 2003. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**UTAH VALLEY STATE COLLEGE BOARD OF TRUSTEES**

John H. Zenger reappointed as a member of the Utah Valley State College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

David Bradford reappointed as a member of the Utah Valley State College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Melanie Bastion appointed to replace Paul K. Sybrowsky on the Utah Valley State College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Jonathan C. Coon appointed to replace Douglas Morrison on the Utah Valley State College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**UNIVERSITY OF UTAH BOARD OF TRUSTEES**

Sally Burbidge Cassity reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Gary L. Crocker reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

C. Hope Eccles reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Gloria Talley Wilkinson reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

#### **UTAH STATE UNIVERSITY BOARD OF TRUSTEES**

Gayle F. McKeachnie reappointed as a member of the Utah State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Linda Eyre appointed to replace Claudette Eastman on the Utah State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Dinesh C. Patel appointed to replace Lowell S. Peterson on the Utah State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Eugenia Echols appointed to replace Sara Sinclair on the Utah State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

#### **WEBER STATE UNIVERSITY BOARD OF TRUSTEES**

Jane Brewer reappointed as a member of the Weber State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Dan E. James reappointed as a member of the Weber State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Jean Bickmore White reappointed as a member of the Weber State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Catherine Ortega appointed to replace Seldon O. Young on the Weber State University Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**UTAH STATE RETIREMENT BOARD**

F. James Cowan appointed to replace Mary Ann Garner on the Utah State Retirement Board for a term to expire July 1, 2005. Section 49-1-202, Utah Code Annotated 1953, as amended.

John L. Lunt appointed to replace Marvin Hammond on the Utah State Retirement Board for a term to expire July 1, 2005. Section 49-1-202, Utah Code Annotated 1953, as amended.

William N. Shiebler appointed to replace Edgar H. Thronsdon on the Utah State Retirement Board for a term to expire July 1, 2005. Section 49-1-202, Utah Code Annotated 1953, as amended.

**BOARD OF PARKS AND RECREATION**

Jeffrey S. Packer reappointed as a member of the Board of Parks and Recreation for a term to expire July 1, 2005. Mr. Packer is a democrat. Section 63-11-14, Utah Code Annotated 1953, as amended.

D. Scott Truman reappointed as a member of the Board of Parks and Recreation for a term to expire July 1, 2005. Mr. Truman is a republican. Section 63-11-14, Utah Code Annotated 1953, as amended.

Joe C. Judd appointed to replace Bruce L. King on the Board of Parks and Recreation for a term to expire July 1, 2005. Mr. Judd is a democrat. Section 63-11-14, Utah Code Annotated 1953, as amended.

Scott W. Parson appointed to replace Lucille Tuttle on the Board of Parks and Recreation for a term to expire July 1, 2005. Mr. Parson is a republican. Section 63-11-14, Utah Code Annotated 1953, as amended.

**JUDICIAL CONDUCT COMMISSION**

Rodney K. Orton appointed to replace Kenneth L. Warnick on the Judicial Conduct Commission for a term to expire June 30, 2005. Mr. Orton is a republican. Section 78-7-27, Utah Code Annotated, as amended, and Article VIII, Section 13 of the Utah Constitution.

**QUALITY GROWTH COMMISSION**

Brad T. Barber appointed to fill the unexpired term of Dee Allsop on the Quality Growth Commission, a term to expire April 15, 2003. Mr. Barber is an independent. Section 11-38-201, Utah Code Annotated 1953, as amended.

**SOLID AND HAZARDOUS WASTE CONTROL BOARD**

Judy Lever reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mrs. Lever is a republican. Section 19-6-103, Utah Code Annotated 1953, as amended.

Lowell S. Peterson reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mr. Peterson is a republican. Section 19-6-103, Utah Code Annotated 1953, as amended.

Thomas I. Probert reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mr. Probert is an independent. Section 19-6-103, Utah Code Annotated 1953, as amended.

Scott W. Widmer reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mr. Widmer is an independent. Section 19-6-103, Utah Code Annotated 1953, as amended.

Craig W. Anderson appointed to replace Gayle Stevenson on the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mr. Anderson is an independent. Section 19-6-103, Utah Code Annotated 1953, as amended.

John D. Newman appointed to replace Tom Hardy on the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mr. Newman is a republican. Section 19-6-103, Utah Code Annotated 1953, as amended.

Kenneth L. Alkema appointed to replace Charles Judd on the Solid and Hazardous Waste Control Board for a term to expire May 8, 2005. Mr. Alkema is a republican. Section 19-6-103, Utah Code Annotated 1953, as amended.

#### **UTAH ARTS COUNCIL BOARD OF DIRECTORS**

Fred C. Esplin reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

Jerald D. Holyoak reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

Frank McEntire reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

L. Scott Marsh appointed to replace Sara Lee Gibb on the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

Kenneth W. Brewer appointed to replace Neila C. Seshachari on the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

Ron Nishijima appointed to replace Kathleen B. Peterson on the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

Julia L. Moffitt appointed to replace Joanne F. Shiebler on the Utah Arts Council Board of Directors for a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

June Thorley appointed to fill the unexpired term of Floyd Rigby on the Utah Arts Council Board of Directors, a term to expire July 1, 2003. Section 9-6-204, Utah Code Annotated 1953, as amended.

### **SOIL CONSERVATION COMMISSION**

Richard L. Saunders appointed to fill the unexpired term of Claude Hicken on the Soil Conservation Commission, a term to expire May 8, 2002. Section 4-18-4, Utah Code Annotated 1953, as amended.

### **UTAH COMPREHENSIVE HEALTH INSURANCE POOL BOARD OF DIRECTORS**

Kenneth N. Buchi reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2005. Section 31A-29-104, Utah Code Annotated 1953, as amended.

Douglas J. Hasbrouck reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2005. Section 31A-29-104, Utah Code Annotated 1953, as amended.

Patrick J. Johnson appointed to replace Dolores F. Rowland on the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2005. Section 31A-29-104, Utah Code Annotated 1953, as amended.

Jake L. Boyer appointed to replace Lloyd Carr on the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2005. Section 31A-29-104, Utah Code Annotated 1953, as amended.

### **RURAL MENTAL HEALTH THERAPIST FINANCIAL ASSISTANCE COMMITTEE**

Sandra L. Kikuchi reappointed as a member of the Rural Mental Health Therapist Financial Assistance Committee for a term to expire February 15, 2005. Section 62A-13-103, Utah Code Annotated 1953, as amended.

Arda Morrell reappointed as a member of the Rural Mental Health Therapist Financial Assistance Committee for a term to expire February 15, 2005. Section 62A-13-103, Utah Code Annotated 1953, as amended.

Cloyd Harrison appointed to replace Sarah Ann Skanchy on the Rural Mental Health Therapist Financial Assistance Committee for a term to expire February 15, 2005. Section 62A-13-103, Utah Code Annotated 1953, as amended.

Paul I. Thorpe appointed to replace James H. Whear on the Rural Mental Health Therapist Financial Assistance Committee for a term to expire February 15, 2005. Section 62A-13-103, Utah Code Annotated 1953, as amended.

Norman E. Thibault appointed to replace Ross A. Williams on the Rural Mental Health Therapist Financial Assistance Committee for a term to expire February 15, 2005. Section 62A-13-103, Utah Code Annotated 1953, as amended.

Donald E. Beck appointed to fill the unexpired term of Charles H. Sharp on the Rural Mental Health Therapist Financial Assistance Committee, a term to expire February 15, 2003. Section 62A-13-103, Utah Code Annotated 1953, as amended; and

July 11, 2001

Dear President Mansell and Members of the Senate:

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

### **COLLEGE OF EASTERN UTAH BOARD OF TRUSTEES**

Tracy Jeffs reappointed as a member of the College of Eastern Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Dan M. Scartzina reappointed as a member of the College of Eastern Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Stacy Himonas appointed to replace Camille F. Jensen on the College of Eastern Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

LaNell Denison appointed to replace James D. Banasky on the College of Eastern Utah Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Thomas E. Sawyer appointed to fill the unexpired term of Larry Rodgers on the College of Eastern Utah Board of Trustees, a term to expire June 30, 2003. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**DIXIE STATE COLLEGE BOARD OF TRUSTEES**

M. Royce Jones reappointed as a member of the Dixie College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Eric Ludlow appointed to replace Robert Linford on the Dixie College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Vicki R. Wilson appointed to replace Marilyn Arnold on the Dixie College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

Robert S. Moore appointed to replace Lisa-Michelle Church on the Dixie College Board of Trustees for a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

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

**Michael O. Leavitt**  
Governor

Communication filed.

On motion of Senator Valentine, President Mansell, Senators Poulton and Dmitrich, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement on the submittal dated July 11, 2001, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Steele
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\* \* \*

President Mansell directed the committee to wait upon the Governor to notify him that the Senate has concluded its business.

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

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

STATE OF UTAH

# **SENATE JOURNAL**

FOURTH EXTRAORDINARY SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, September 12, 2001

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fourth Extraordinary Session convening on Wednesday, September 12, 2001, and adjourning sine die on the same day.

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

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH

**SENATE JOURNAL**

**FOURTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Fourth Extraordinary Session at 12:00 noon on Wednesday, September 12, 2001.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Dan Eastman

**Pledge**– Senator Millie Peterson

**Roll call** – All Senators present, except Senators Mayne and Spencer, excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Fourth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 12th day of September, 2001 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 28th day of  
August, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### CERTIFICATION

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of August 28, 2001, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Fourth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 12th day of September, 2001, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2001 General Session of the Utah State Legislature, except that the seat from District 2 is temporarily vacant.

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 28th day of  
August, 2001.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2001 General Session of the Fifty-Fourth Legislature as the rules for the Fourth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Stephenson, Hellewell, and Ed Allen to notify Governor Michael O. Leavitt that the Senate is convened in the Fourth Extraordinary Session in accordance with his proclamation.

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

### **ADMINISTRATION OF OATH**

President Mansell administered the oath of office to Alicia L. Suazo who was appointed by Governor Michael Leavitt to fill the vacancy in Senate District 2 created by the untimely passing of the late Senator Pete Suazo. Alicia Suazo addressed the Senate.

### **COMMUNICATIONS FROM THE GOVERNOR**

Sandy D. Tenney read the following communication:

Mr. President:

August 28, 2001

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

#### **Utah College of Applied Technology Board of Trustees**

A. Earl McCain appointed as a member of the Utah College of Applied Technology Board of Trustees. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

Janet A. Cannon appointed as a member of the Utah College of Applied Technology Board of Trustees. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

Charles E. Johnson appointed as a member of the Utah College of Applied Technology Board of Trustees. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

Pamela J. Atkinson appointed as a member of the Utah College of Applied Technology Board of Trustees. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

Thomas E. Bingham appointed as a member of the Utah College of Applied Technology Board of Trustees. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

### **Radiation Control Board**

Kent J. Bradford appointed to fill the unexpired term of James J. Thompson on the Radiation Control Board, a term to expire July 1, 2004. Mr. Bradford is non-partisan. Section 19-3-103, Utah Code Annotated 1953, as amended.

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

**Michael O. Levitt**

Governor

Communication filed. Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

#### **Voting in the affirmative were:** Senators

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

#### **Absent or not voting were:** Senators

Mayne	Spencer
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On motion of Senator Steele, the Senate voted to send a proclamation of support and condolence to those entities and families in New York City and Washington, D.C. affected by the terrorist attacks on the World Trade Center and the Pentagon.

On motion of Senator Buttars, the Senate voted to send a letter to President George W. Bush affirming the Utah Senate's full support of his declaration that the United States will seek out and punish not only the terrorists, but those who harbor terrorists. Senators Bramble, Ron Allen and Ed Allen spoke to the motion.

Both motions passed on a voice vote.

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

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

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

STATE OF UTAH

# **SENATE JOURNAL**

**SECOND SPECIAL SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE**

Convened  
Tuesday, September 25, 2001

Adjourned Sine Die  
Monday, October 1, 2001

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Special Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Special Session convening on Tuesday, September 25, 2001, and adjourning sine die on Monday, October 1, 2001.

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

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH  
**SENATE JOURNAL**  
**SECOND SPECIAL SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**  
**FIRST DAY**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Second Extraordinary Session at 8:00 a.m., on Tuesday, September 25, 2001.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Lyle Hillyard

**Pledge** – Senator Karen Hale

**Roll call** – All Senators present

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2001 General Session of the Fifty–Fourth Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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–Fourth Legislature of the State of Utah into a Second Special Session at the State Capitol in Salt Lake City, Utah, on the 25th day of September, 2001 at 8:00 a.m., for the following purposes:

1. To consider redistricting based on the 2000 census.
2. To consider a resolution to honor the heroism and mourn the losses resulting from the terrorist attacks of September 11, 2001, and to declare the support of the State of Utah for our nation and its people.

3. To consider a resolution honoring the life and memory of Senator Pete Suazo.

4. And, 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 State Capitol in Salt Lake  
City, Utah, this 19th day of  
September, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of September 19, 2001, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty-Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 25th day of September, 2001, at 8:00 a.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2001 General Session, except that Alicia Suazo was

appointed by the Governor on September 11th, 2001, to fill the vacancy in Senate District Two, due to the passing of Pete Suazo.

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 24th day of  
September, 2001.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2001 General Session of the Fifty-Fourth Legislature as the rules for the Second Special Session. Additionally, the Rules Committee recommends that the same redistricting principles adopted by the Redistricting Committee be adopted as rule for use in the Second Special Session:

1. Congressional districts must be as nearly equal as practicable with a deviation not greater than + or - 0.5%.

2. State legislative districts and state school board districts must have substantial equality of population among the various districts with a deviation not greater than + or - 4%.

3. Districts will be single-member districts.

4. Plans will be drawn to create 3 congressional districts, 4 congressional districts, 29 state senate districts, 75 state house districts, and 15 state school board districts.

5. In drawing districts, the official population enumeration of the 2000 decennial census will be used.

6. Districts will be contiguous and reasonably compact.

The Rules Committee recommends further, to assist in the clarity of district definitions, that maps be used rather than Census Bureau Tract and Block numbers for defining proposed and new Congressional, State Senate, State House of Representatives, and State School Board districts.

President Mansell appointed a committee comprised of Senators David Steele, Chris Buttars, and Karen Hale to notify Governor Michael O. Leavitt that the Senate is convened in the Second Special Session in accordance with his proclamation and is organized and ready to receive any communications from him.

President Mansell appointed a committee comprised of Senators Dave Gladwell, Scott Jenkins, and Paula Julander to notify the House of Representatives that the Senate is organized and ready to do business.

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

## **INTRODUCTION OF BILLS**

### **SENATE REDISTRICTING PLAN**

**S.B. 2001**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UTAH STATE SENATE DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS ACT ESTABLISHES ELECTION DATES FOR EACH DISTRICT TO ENSURE THAT SENATE TERMS ARE STAGGERED. THIS ACT ESTABLISHES CERTAIN MAPS AS THE LEGAL BOUNDARIES OF SENATE DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT ON JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING MEMBERS OF THE UTAH STATE SENATE AND ON JANUARY 1, 2003 FOR ALL OTHER PURPOSES, was read for the first time.

### **CONGRESSIONAL THREE MEMBER PLAN**

**S.B. 2002**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UNITED STATES CONGRESSIONAL DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS

ACT ESTABLISHES CERTAIN MAPS AS THE LEGAL BOUNDARIES OF CONGRESSIONAL DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING REPRESENTATIVES TO THE CONGRESS OF THE UNITED STATES AND JANUARY 1, 2003 FOR ALL OTHER PURPOSES, was read for the first time.

### **CONGRESSIONAL FOUR MEMBER PLAN**

**S.B. 2003**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UNITED STATES CONGRESSIONAL DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS ACT ESTABLISHES CERTAIN MAPS AS THE LEGAL BOUNDARIES OF CONGRESSIONAL DISTRICTS. THIS ACT TAKES EFFECT UPON A FINAL, UNAPPEALABLE RULING BY A COURT OR UPON CERTIFICATION FROM THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES THAT UTAH IS ENTITLED TO A FOURTH CONGRESSIONAL SEAT. THIS ACT PROVIDES A LEGISLATIVE INTENT STATEMENT AND A COORDINATION CLAUSE, was read for the first time.

### **RESOLUTION RECOGNIZING CONTRIBUTIONS OF SENATOR PETE SUAZO**

**S.C.R. 201**

*Mike Dmitrich*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR RECOGNIZES THE CONTRIBUTIONS OF SENATOR PETE SUAZO TO HIS COMMUNITY, TO MINORITIES IN UTAH, AND TO THE ENTIRE STATE. THE RESOLUTION ALSO HONORS HIS SKILL AND TIRELESS EFFORTS AS AN ADVOCATE FOR HIS CONSTITUENTS AND FOR HIS COMMITMENT TO THE YOUTH OF UTAH, was read for the first time.

On motion of Senator Mansell, these bills will be considered read for the first time.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, **S.B. 2001, S.B. 2002, S.B. 2003,** and **S.C.R. 201** were placed on the Second Reading Calendar for immediate consideration.

\* \* \*

On motion of Senator Dmitrich, **S.C.R. 201** was moved to the top of the Second Reading Calendar.

### **COMMUNICATIONS FROM THE GOVERNOR**

Mr. President:

September 19, 2001

I am calling the Fifty-Fourth Legislature into a Second Special Session on September 25, 2001, at 8:00 a.m. at the State Capitol. As you know, the principal purpose of the special session will be to consider redistricting based on the 2000 census.

I feel I can contribute to the process most productively if I approve or disapprove the bills you pass quickly, while you are still in session. I sincerely hope we can resolve any disagreement prior to the final passage of the bills, but, in any case, before you adjourn.

I appreciate the difficult nature of redistricting, and I wish you well in your deliberations.

Sincerely,  
Michael O. Leavitt  
Governor

\* \* \*

Senator Steele advised the Senate that the Governor has been notified of the convening of the First Special Session.

\* \* \*

Senator Hale introduced a citation. Senator Valentine read the official citation honoring "Voices of Friendship", an international children's choral festival.

\* \* \*

Senator Gladwell advised the Senate that the House has been notified that the Senate is organized and ready to do business.

### **SECOND READING CALENDAR**

Sandy Tenney read the following resolution:

**RESOLUTION RECOGNIZING  
CONTRIBUTIONS OF SENATOR PETE SUAZO**

**S.C.R. 201**

*Mike Dmitrich*

This concurrent resolution of the Legislature and the Governor recognizes the contributions of Senator Pete Suazo to his community, to minorities in Utah, and to the entire state. The resolution also honors his skill and tireless efforts as an advocate for his constituents and for his commitment to the youth of Utah.

*Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

WHEREAS, Senator Pete Suazo was born in Salt Lake City on June 4, 1951;

WHEREAS, Pete graduated from West High School in 1969 and received a Bachelor's degree in Criminology/Corrections in 1973 and a Master's degree in Human Resource Management/Economics in 1978, both from the University of Utah;

WHEREAS, Pete had the resources to move out of his neighborhood, but he committed himself to better his community and ensure that the concerns of its residents were not overlooked in the public process;

WHEREAS, Pete's early career with the Boys and Girls Clubs and the Salt Lake Neighborhood Housing Services saw him often standing shoulder to shoulder with at-risk youths who had been ordered by the courts to participate in work projects;

WHEREAS, Pete made these efforts because, next to his family, children were what mattered most to him;

WHEREAS, Pete worked for Centro Civico Mexicano before joining the staff of Salt Lake City Mayor, Palmer DePaulis;

WHEREAS, in the late 1980's Pete told his wife, "This Chicano boy is going to be a state Senator;"

WHEREAS, in 1992 Pete was elected to the Utah House of Representatives;

WHEREAS, in 1996 Pete made good on his vow when he was elected to the Utah Senate;

WHEREAS, Pete soon became known as a tough but gentlemanly politician who successfully balanced his passion for the causes he believed in with the ability to listen to those who opposed him and work toward agreement;

WHEREAS, Pete never forgot his roots or his constituency, largely racial minorities and working-class families;

WHEREAS, impeccable leadership skills gained him the respect of and credibility from political colleagues, the media, and his constituency;

WHEREAS, his many successes include shepherding legislation to rename the state's Human Rights Day for the Reverend Martin Luther King and working to get hate crimes legislation passed in the Senate;

WHEREAS, Pete was a true role model for all but especially for youth and he devoted special attention and demonstrated a unique commitment to helping them build toward a successful future;

WHEREAS, Pete was intensely devoted to his family, loved the mountains, was a member of the Utah Amateur Boxing Federation, was the first Utahn to achieve international status as an amateur boxing official, and was an avid hunter, golfer, and fisherman;

WHEREAS, Pete was a heroic figure to the Hispanic community and to all Utahns who work hard and strive to be fair;

WHEREAS, Pete may be remembered most for reaching out to all of Utah's ethnic and religious communities, engendering hope throughout the diverse neighborhoods he called home;

WHEREAS, the causes for which Pete worked so tirelessly may have failed to connect with the majority of Utahns, but his motive for pushing them was shared by many of those who fought his efforts – he wanted a better Utah; and

WHEREAS, Pete grew up with little but had limitless aspirations, worked hard to get his education, and as he chalked up many personal accomplishments he took care to pave the way for others:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, recognize and honor the contributions Senator Pete Suazo has made to his community, to minorities throughout the state, to all the citizens of Utah, and to the Utah Legislature.

BE IT FURTHER RESOLVED that the Legislature and the Governor recognize Senator Pete Suazo's commitment to helping the youth of Utah prepare for the limitless opportunities that await them.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Senator Alicia L. Suazo.

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, **S.C.R. 201**, RESOLUTION RECOGNIZING CONTRIBUTIONS OF SENATOR PETE SUAZO, was considered read the second and third times. Senator Dmitrich explained the bill. Senator Ron Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Poulton, and at 8:55 a.m., the Senate sauntered.

The Senate was called to order at 10:20 a.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: September 25, 2001

The House passed, as amended, **H.C.R. 201**, RESOLUTION OF REMEMBRANCE AND RECOGNITION OF THE ATTACK ON AMERICA, by Representative B. Ferry, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 201** was read the first time.

\* \* \*

On motion of Senator Waddoups, **H.C.R. 201** was placed at the top of the Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.C.R. 201**, RESOLUTION OF REMEMBRANCE AND RECOGNITION OF THE ATTACK ON AMERICA, as amended, was read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Steele
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**H.C.R. 201** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

A special musical number was presented by Melissa Webb and Jacci Sharp entitled "The Land of Liberty." The lyrics were written by Melissa Webb and Jacci Sharp and the music composed by Abe Kaelin.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: September 25, 2001

The House passed, **S.C.R. 201**, RESOLUTION RECOGNIZING CONTRIBUTIONS OF SENATOR PETE SUAZO, by Senator M. Dmitrich, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.C.R. 201** was 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 10:30 a.m., the Senate recessed.

The Senate reassembled at 11:50 a.m., with President Mansell presiding.

\* \* \*

On motion of Senator Waddoups, **S.B. 2003** was placed at the top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, **S.B. 2003**, CONGRESSIONAL FOUR MEMBER PLAN, was read the second time. Senator Waddoups explained the bill.

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: September 25, 2001  
The House passed **H.B. 2002**, STATE BOARD OF EDUCATION REDISTRICTING PLAN, by Representative G. Adair, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 2002** was read the first time.

On motion of Senator Waddoups, under suspension of rules, **H.B. 2002** was placed on the Second Reading Calendar.

### UNFINISHED BUSINESS

The Senate returned to discussion on **S.B. 2003**. Senator Waddoups explained the bill. Senators Ron Allen and Buttars commented.

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

### CONGRESSIONAL FOUR MEMBER PLAN

**1st Sub. S.B. 2003**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UNITED STATES CONGRESSIONAL DISTRICTS. THIS ACT ELIMINATES

CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS ACT ESTABLISHES CERTAIN MAPS AS THE LEGAL BOUNDARIES OF CONGRESSIONAL DISTRICTS. THIS ACT TAKES EFFECT UPON A FINAL, UNAPPEALABLE RULING BY A COURT OR UPON CERTIFICATION FROM THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES THAT UTAH IS ENTITLED TO A FOURTH CONGRESSIONAL SEAT. THIS ACT PROVIDES A LEGISLATIVE INTENT STATEMENT AND A COORDINATION CLAUSE.

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. S.B. 2003**, CONGRESSIONAL FOUR MEMBER PLAN, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hellewell	Hickman	Jenkins
Knudson	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Hale	Julander
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**Absent or not voting were:** Senators

Eastman	Hillyard	Mayne
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**1st Sub. S.B. 2003** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of rules, **H.B. 2002** was placed at the top of the Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Valentine, under suspension of the rules, **H.B. 2002**, STATE BOARD OF EDUCATION REDISTRICTING PLAN, was considered read the second and third times. Senator Davis commented and 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	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Hillyard	Knudson	Mayne
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**H.B. 2002** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Poulton, and at 3:10 p.m., the Senate recessed.

The Senate reassembled at 7:30 p.m., with President Mansell presiding.

**INTRODUCTION OF BILLS**

**VENUE FOR CONSUMER TRANSACTIONS**

**S.B. 2004**

*John L. Valentine*

THIS ACT ENACTS A PROVISION WITHIN THE JUDICIAL CODE PERTAINING TO WRITTEN CONTRACTS WITHIN CONSUMER TRANSACTIONS. IT PROVIDES GUIDELINES FOR WHERE AN ACTION TO ENFORCE CONTRACT ACTIONS MAY BE BROUGHT DEPENDING ON WHETHER OR NOT IT PERTAINS TO REAL PROPERTY. THIS ACT TAKES EFFECT IMMEDIATELY WITH RETROSPECTIVE OPERATION TO APRIL 23, 1990, was read for the first time and referred to the Rules Committee.

**2001 REVENUE BOND AUTHORIZATIONS AMENDMENT**

**S.B. 2005**

*Beverly Ann Evans*

THIS ACT AMENDS THE REVENUE BOND AUTHORITY OF THE STATE BUILDING OWNERSHIP AUTHORITY. THIS ACT MODIFIES PREVIOUSLY ADOPTED INTENT LANGUAGE. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups, **S.B. 2002** was placed at the top of the Second Reading Calendar.

On motion of Senator Waddoups, **S.B. 2002**, CONGRESSIONAL THREE MEMBER PLAN, was read the second time.

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

### **CONGRESSIONAL THREE MEMBER PLAN**

#### **1st Sub. S.B. 2002**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UNITED STATES CONGRESSIONAL DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES OF CONGRESSIONAL DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING REPRESENTATIVES TO THE CONGRESS OF THE UNITED STATES AND JANUARY 1, 2003 FOR ALL OTHER PURPOSES.

\* \* \*

On motion of Senator Waddoups, the following substitute bill replaced the first substitute bill.

### **CONGRESSIONAL THREE MEMBER PLAN**

#### **2nd Sub. S.B. 2002**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UNITED STATES CONGRESSIONAL DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES OF CONGRESSIONAL DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING REPRESENTATIVES TO THE CONGRESS OF THE UNITED STATES AND JANUARY 1, 2003 FOR ALL OTHER PURPOSES.

Senator Waddoups explained the bill. Senators Davis, Valentine, Evans, and Ed Allen commented.

On motion of Senator Waddoups, the bill was circled.

**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 September 25th, 2001 and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Supplemental Proclamation adding to the purposes of the 2nd 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 25th day of September, 2001.

**Olene S. Walker**  
Lieutenant Governor

Communication filed.

**SUPPLEMENTAL PROCLAMATION**

PURSUANT to Item 4 of the Proclamation issued September 19, 2001, calling the Legislature into special session, I add the following items to the agenda for the special session:

1. To consider amending the repayment of the revenue bond for the cancer clinical research hospital facility in Section 63B-10-301.
2. To consider correcting an error in the passage of the 1990 amendments to Section 78-13-4, dealing with the proper venue for actions on written contracts.
3. To consider changing the date by which a political party must designate which registered voters may vote for the party's candidates in a primary election.
4. To consider regulating the unauthorized practice of law.
5. To consider a resolution condemning retaliation against Islamic and Arab communities in the wake of the terrorist attacks on the United States of September 11, 2001.

6. To consider extending arrest authority to federal and out-of-state law enforcement officers serving in this state during the 2002 Winter Olympic Games.

7. To consider increasing the penalty for riot and false alarm.

8. To consider extending worker compensation coverage to out-of-state public safety officers during the 2002 Winter Olympic Games.

9. To consider continuing the payment of the state portion of insurance for state employees who receive active duty orders in the armed forces for service in the war on terrorism.

10. To consider renaming the Utah Professional Athletic Commission in honor of Peter Suazo and amending the gross receipts tax and the ticket fee for funding amateur boxing.

11. To consider amending the classification of municipalities to allow optional lower reclassification according to population.

12. To consider a resolution requesting the federal government to allow harvesting of infested stands of timber to promote forest health and resource use.

13. To consider amending tobacco settlement funding law to comply with Utah Constitution Article XXII, Section 4.

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 25th day of  
September, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

Communication filed.

\* \* \*

On motion of Senator Evans, **S.B. 2005** was moved to the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Evans, under suspension of the rules, **S.B. 2005**, 2001 REVENUE BOND AUTHORIZATIONS AMENDMENT, was considered read the second and third times. Senator Evans explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hillyard	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Bramble	Buttars	Jenkins	Valentine
Wright			

**Absent or not voting were:** Senators

Davis	Hickman	Mayne
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**S.B. 2005** was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, **S.B. 2001**, SENATE REDISTRICTING PLAN, was read the second time. Senator Waddoups explained the bill. Senators Wright, Dmitrich, Julander, Hillyard, Ron Allen, and Evans commented.

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

**SENATE REDISTRICTING PLAN**

**1st Sub. S.B. 2001**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UTAH STATE SENATE DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS ACT ESTABLISHES ELECTION DATES FOR EACH DISTRICT TO ENSURE THAT SENATE TERMS ARE STAGGERED. THIS ACT ESTABLISHES

CERTAIN MAPS AS THE LEGAL BOUNDARIES OF SENATE DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT ON JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING MEMBERS OF THE UTAH STATE SENATE AND ON JANUARY 1, 2003 FOR ALL OTHER PURPOSES.

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

1. On the appropriate maps for **1st Sub. S.B. 2001**, exchange the numbers in Senate Districts 13 and 16.

The amendment passed on a voice vote.

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

1. On the appropriate maps for **1st Sub. S.B. 2001** exchange the numbers in Senate Districts 11 and 12.

The amendment passed on a voice vote.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Poulton, the Senate sauntered at 8:45 a.m.

The Senate reconvened at 9:25 a.m.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **S.B. 2004**, VENUE FOR CONSUMER TRANSACTIONS, was read the second and third times. Senator Valentine explained the bill. Senator Ed Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**S.B. 2004** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, intent language for **S.B. 2004** was adopted.

**INTENT LANGUAGE FOR S.B. 2004**

“During the 1990 General Session, the Legislature passed S. B. 124, Venue for Consumer Transactions. Due to an error during the enrolling process, the bill which the Governor signed was not identical to the bill passed by the Legislature. This error came to light during recent litigation and the court determined that it did not meet the necessary constitutional conditions required to amend the Utah Code. The court then decided that the appropriate statute to apply was the pre-1990 version of the statute.

The language proposed to be reinstated by S. B. 2004 has been part of the Utah Code for the past 11 years. It is accepted practice and relied upon in filing actions. It’s reinstatement will provide continuity to this area of practice and help clarify any residual ambiguity that may be present concerning the Legislature’s intent in 1990 after the recent litigation.

It is, therefore, the intent of the Legislature that:

- Section 78-13-4 remain as it has been used and applied for the past 11 years
- any actions tried and decided over the past 11 years based upon Section 78-13-4 not be affected by this legislation
- this legislation not represent a practice or policy change in the law of venue for consumer transactions.”

\* \* \*

On motion of Senator Waddoups, the circle was removed from **2nd Sub. S.B. 2002, CONGRESSIONAL THREE MEMBER PLAN**, and it was before the Senate. Senator Waddoups explained the bill.

On motion of Senator Waddoups, under suspension of the rules, **2nd Sub. S.B. 2002, CONGRESSIONAL THREE MEMBER PLAN**, was read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Hale	Julander
Peterson			

**Absent or not voting was:** Senator

Mayne

**2nd Sub. S.B. 2002** was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **1st Sub. S.B. 2001**, SENATE REDISTRICTING PLAN, and it was before the Senate. Senator Waddoups explained the bill.

On motion of Senator Waddoups, the bill was amended to change boundaries in Senate Districts 5, 6, 19, 20, and 21 (as will be reflected in a Second Substitute SB 2001 to be adopted on Wednesday, Sept 26, 2001). The amendment passed on a voice vote.

On motion of Senator Hale, boundary changes were proposed to Senate Districts 3 and 7. Senators Poulton and Waddoups spoke against the amendment. The amendment failed on a voice vote.

On motion of Senator Waddoups, boundary changes were proposed for Senate Districts 19 and 26 (as will be reflected in a Second Substitute SB 2001 to be adopted on Wednesday, Sept 26, 2001). Senator Evans explained the amendment. The amendment passed on a voice vote.

On motion of Senator Waddoups, boundary changes were proposed for Senate Districts 1, 2, 4, and 7 (as will be reflected in a Second Substitute SB 2001 to be adopted on Wednesday, Sept 26, 2001). Senator Gene Davis spoke in favor of the amendment. The amendment passed on a voice vote.

On motion of Senator Ed Allen, district numbers will be exchanged in Senate Districts 18 and 20. On page 2 of SB 2001, line 38, delete "18" and insert 20. On

line 42, delete “20” and insert 18 (as will be reflected in a Second Substitute SB 2001 to be adopted on Wednesday, Sept 26, 2001). The motion passed on a voice vote.

On motion of Senator Steve Poulton, district numbers will be exchanged in Senate Districts 3 and 4 (as will be reflected in a Second Substitute SB 2001 to be adopted on Wednesday, Sept 26, 2001). The motion passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**INTRODUCTION OF BILLS**

**PETE SUAZO UTAH ATHLETIC COMMISSION**

**S.B. 2006**

*Ed P. Mayne*

THIS ACT MODIFIES THE UTAH PROFESSIONAL ATHLETIC COMMISSION ACT BY RENAMING THE COMMISSION IN HONOR OF PETE SUAZO. THE ACT ALSO REPEALS THE GROSS RECEIPTS TAX ON BROADCAST REVENUES AND THE TICKET FEE FOR FUNDING AMATEUR BOXING, was read for the first time.

**WORKERS’ COMPENSATION AMENDMENTS FOR OUT-OF-STATE  
PUBLIC SAFETY OFFICERS DURING THE OLYMPICS**

**S.B. 2007**

*Beverly Ann Evans*

THIS ACT MODIFIES THE OLYMPIC LAW ENFORCEMENT AND PUBLIC SAFETY WORKERS’ COMPENSATION ACT. THE ACT MODIFIES THE DEFINITION OF WITHOUT PAY IN RELATION TO PUBLIC

SAFETY VOLUNTEERS. THE ACT PROVIDES THAT PUBLIC SAFETY VOLUNTEERS ARE CONSIDERED GOVERNMENT EMPLOYEES FOR LIABILITY PROTECTION AND INDEMNIFICATION PURPOSES. THE ACT PROVIDES FOR THE COORDINATION OF BENEFITS FROM IN-STATE AND OUT-OF-STATE WORKERS' COMPENSATION INSURANCE FOR PUBLIC SAFETY VOLUNTEERS FROM ANOTHER STATE. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time.

### **PEACE OFFICER STATUS DURING OLYMPICS**

**S.B. 2008**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE. THE ACT CREATES A PEACE OFFICER CLASSIFICATION FOR FEDERAL OLYMPIC OFFICERS. THE ACT DEFINES FEDERAL OLYMPIC OFFICERS AND GRANTS THEM FULL-SPECTRUM PEACE OFFICER AUTHORITY IN THE STATE DURING THE LIMITED TIME PERIOD OF THE 2002 OLYMPIC WINTER GAMES AND THE 2002 PARALYMPIC WINTER GAMES. THE ACT ALSO GRANTS AUTHORITY TO OUT-OF-STATE PEACE OFFICERS WORKING IN THE STATE UNDER THE OLYMPIC PUBLIC SAFETY COMMAND. THE ACT PROVIDES FOR AN EFFECTIVE DATE, was read for the first time.

### **CRIMINAL PENALTIES FOR RIOTS AND FALSE ALARMS**

**S.B. 2009**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE UTAH CRIMINAL CODE BY INCREASING THE PENALTIES FOR RIOTS AND GIVING A FALSE ALARM. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time.

\* \* \*

On motion of Senator Poulton and at 10:00 p.m., the Senate adjourned until 9:00 a.m., Wednesday, September 26, 2001.

## SECOND DAY MORNING SESSION

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

**Prayer** – Senator Millie Peterson

**Pledge of Allegiance** – Senator Carlene Walker

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2001

The House passed, as amended, **H.B. 2003**, UNAUTHORIZED PRACTICE OF LAW AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 2004**, CERTIFICATION OF PRIMARY VOTING REQUIREMENTS BY POLITICAL PARTIES, by Representative L. Pace, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

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

On motion of Senator Waddoups, **H.B. 2003** and **H.B. 2004** were placed on the Second Reading Calendar.

### THIRD READING CALENDAR

**1st Sub. S.B. 2001**, SENATE REDISTRICTING PLAN, was read the third time.

On motion of Senator Dmitrich, the bill was circled.

### SECOND READING CALENDAR

On motion of Senator Davis, under suspension of the rules, **S.B. 2006**, PETE SUAZO UTAH ATHLETIC COMMISSION, was read the second and third times. Senator Davis explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans

Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Buttars	Mayne	Wright
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**S.B. 2006** was transmitted to the House.

\* \* \*

On motion of Senator Evans, under suspension of the rules, **S.B. 2007, WORKERS' COMPENSATION AMENDMENTS FOR OUT-OF-STATE PUBLIC SAFETY OFFICERS DURING THE OLYMPICS**, was read the second and third times. Senator Evans explained the bill. Senator Poulton commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Buttars	Mayne	Wright
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**S.B. 2007** was transmitted to the House.

\* \* \*

**S.B. 2008, PEACE OFFICER STATUS DURING OLYMPICS**, was read the second time.

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

**PEACE OFFICER STATUS DURING OLYMPICS**

**1st Sub. S.B. 2008**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE. THE ACT CREATES A PEACE OFFICER CLASSIFICATION FOR FEDERAL OLYMPIC

OFFICERS. THIS ACT DEFINES FEDERAL OLYMPIC OFFICERS AND GRANTS THEM FULL SPECTRUM PEACE OFFICER AUTHORITY IN THE STATE DURING THE LIMITED TIME PERIOD OF THE 2002 OLYMPIC WINTER GAMES AND THE 2002 PARALYMPIC WINTER GAMES. THE ACT ALSO GRANTS AUTHORITY TO OUT-OF-STATE PEACE OFFICERS WORKING IN THE STATE UNDER THE OLYMPIC PUBLIC SAFETY COMMAND. THIS ACT PROVIDES FOR AN EFFECTIVE DATE.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. S.B. 2008**, PEACE OFFICER STATUS DURING OLYMPICS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Bramble commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Mayne
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**1st Sub. S.B. 2008** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2009**, CRIMINAL PENALTIES FOR RIOTS AND FALSE ALARMS, was considered read the second and third times. Senator Hillyard explained the bill. Senators Walker and Ron Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Dmitrich
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Peterson	Spencer	Steele	Suazo
Valentine	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Eastman	Jenkins	Stephenson
Waddoups	Wright		

**Absent or not voting were:** Senators

Buttars	Davis	Mayne	Poulton
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**S.B. 2009** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, **H.B. 2003**, UNAUTHORIZED PRACTICE OF LAW AMENDMENTS, was read the second time. Senators Spencer, Steele, Hickman, Hillyard, Ed Allen, Julander, Waddoups, and Bramble commented.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **H.B. 2004**, CERTIFICATION OF PRIMARY VOTING REQUIREMENTS BY POLITICAL PARTIES, was considered read the second and third times. Senator Davis commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 6; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis	Dmitr
ich	Evans	Gladwell	Hale	Helle
well	Hickman	Hillyard	Julander	Knuds
on	Peterson	Poulton	Steele	Suazo
Valentine	Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Eastman	Jenkins	Spencer
Stephenson	Wright		

**Absent or not voting were:** Senators

Buttars	Mayne
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**H.B. 2004** was signed by the President of the Senate in open session and returned to the House.

### THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **1st Sub. S.B. 2001**, SENATE REDISTRICTING PLAN, and it was before the Senate.

On motion of Senator Waddoups, the following substitute bill replaced the first substitute bill.

**SENATE REDISTRICTING PLAN**

**2nd Sub. S.B. 2001**

*Michael G. Waddoups*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UTAH STATE SENATE DISTRICTS. THIS ACT ELIMINATES CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS ACT ESTABLISHES ELECTION DATES FOR EACH DISTRICT TO ENSURE THAT SENATE TERMS ARE STAGGERED. THIS ACT ESTABLISHES CERTAIN MAPS AS THE LEGAL BOUNDARIES OF SENATE DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT ON JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING MEMBERS OF THE UTAH STATE SENATE AND ON JANUARY 1, 2003 FOR ALL OTHER PURPOSES.

On motion of Senator Dmitrich, boundary changes were adopted for Senate Districts 13 and 27. The motion passed on a voice vote.

On motion of Senator Gladwell, all of Pleasant View City was consolidated into Senate District 19. The motion passed on a voice vote.

Senator Waddoups moved, under suspension of rules, for passage of **2nd Sub. S.B. 2001**. The bill passed on the following roll call vote:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Peterson
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**Absent or not voting were:** Senators

Buttars	Mayne
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**2nd Sub. S.B. 2001** was transmitted to the House.

### SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **H.B. 2003**, UNAUTHORIZED PRACTICE OF LAW AMENDMENTS, and it was before the Senate .

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

1. Page 2, Line 29:  
delete “avenues to improve the accessibility”,  
delete all of the language on line 30,
2. Page 2, Line 31:  
delete “Judiciary include in its study”
3. Page 2, Line 34:  
delete “the licensing of” and insert “allowing”

Senator Valentine explained the bill. Senator Spencer commented.

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

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Mayne
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**H.B. 2003** was returned to the House.

\* \* \*

Senator Hillyard requested that he be counted as an “aye” vote on **2nd Sub. S.B. 2001**. The motion passed on a voice vote.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: September 26, 2001

The House passed **H.B. 2006**, CLASSIFICATION OF CITIES AND TOWNS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.C.R. 203**, RESOLUTION URGING THE HARVESTING OF INFESTED STANDS OF TIMBER, by Representative B. Johnson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 2006** and **H.C.R. 203** were read the first time.

On motion of Senator Blackham, under suspension of the rules, **H.B. 2006** and **H.C.R. 203** were placed on the Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 2006**, CLASSIFICATION OF CITIES AND TOWNS, was read the second time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.C.R. 203**, RESOLUTION URGING THE HARVESTING OF INFESTED STANDS OF TIMBER, was considered read the second and third times. Senator Blackham explained the bill. Senators Peterson and Ed Allen commented and 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Hillyard	Julander	Mayne
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**H.C.R. 203** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 2006**, CLASSIFICATION OF CITIES AND TOWN, and it was before the Senate. Senator Gladwell explained the bill. On motion of Senator Gladwell, under suspension of rules, the bill was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Julander	Mayne	Wright
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**H.B. 2006** was signed by the President in open session and returned to the House.

\* \* \*

On motion of Senator Hickman, 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 HOUSE**

Mr. President:

September 26, 2001

The House substituted and passed, **4th Sub. S.B. 2002**, CONGRESSIONAL THREE MEMBER PLAN, by Senator Michael G. Waddoups, and it is transmitted for further consideration; and

The House substituted and passed, **4th Sub. S.B. 2003**, CONGRESSIONAL FOUR MEMBER PLAN, by Senator Michael G. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Poulton, **4th Sub. S.B. 2002** and **4th Sub. S.B. 2003** were placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **4th Sub. S.B. 2002**, CONGRESSIONAL THREE MEMBER PLAN. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Hale	Julander
Peterson			

**Absent or not voting were:** Senators

Mayne	Valentine
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**4th Sub. S.B. 2002** was returned to the House.

\* \* \*

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **4th Sub. S.B. 2003**, CONGRESSIONAL FOUR MEMBER PLAN. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans

Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	Hale	Julander	Peterson
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**Absent or not voting were:** Senators

Mayne	Valentine
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**4th Sub. S.B. 2003** was returned to the House.

\* \* \*

On motion of Senator Poulton, and at 2:00 p.m., the Senate sauntered.

The Senate was called to order at 3:20 p.m., with President Mansell presiding.

\* \* \*

Motion: Senator Poulton moved to adjourn the Senate until Monday, October 1, 2001 at approximately 11 am. The motion passed.

Motion: A quorum still being present, President Mansell recognized Senator Poulton for a motion. Senator Poulton moved that the Senate acknowledged and consented to the House of Representative's adjournment until Monday, October 1, 2001. The motion passed.

Motion: Senator Poulton remade his motion to adjourn the Senate until Monday, October 1, 2001 at approximately 11 am. The motion passed.

**SENATE JOURNAL**  
**SEVENTH DAY**  
**AFTERNOON SESSION**

The Senate was called to order at 2:15 p.m., with President Al Mansell presiding.

**Prayer** – Senator Howard Stephenson

**Pledge of Allegiance** – Senator Scott Jenkins

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: September 26, 2001

The Speaker of the House has signed **4th Sub. S.B. 2002**, CONGRESSIONAL THREE MEMBER PLAN, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

Mr. President: October 1, 2001

The House passed, **S.B. 2007**, WORKERS' COMPENSATION AMENDMENTS FOR OUT-OF-STATE PUBLIC SAFETY OFFICERS DURING THE OLYMPICS, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**4th Sub. S.B. 2002** and **S.B. 2007** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: October 1, 2001

The House substituted and passed, **4th Sub. S.B. 2001**, SENATE REDISTRICTING PLAN, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **4th Sub. S.B. 2001**, SENATE REDISTRICTING PLAN. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	Hale	Peterson
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**Absent or not voting were:** Senators

R. Allen	Mayne	Poulton
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Senator Julander requested leave of the body to allow her to change her vote on **4th Sub. S. B. 2001** from “nay” to “aye.” The Senate voted by voice to allow the change.

**4th Sub. S.B. 2001** was returned to the House.

\* \* \*

Mr. President:

October 1, 2001

The House passed, as amended, **S.B. 2005**, 2001 REVENUE BOND AUTHORIZATIONS AMENDMENT, 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 **S.B. 2005**, 2001 REVENUE BOND AUTHORIZATIONS AMENDMENT. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen                      Blackham                      Mayne                      Poulton

**S.B. 2005** was returned to the House.

\* \* \*

Mr. President: October 1, 2001

The Speaker of the House has signed **4th Sub. S.B. 2003**, CONGRESSIONAL FOUR MEMBER PLAN, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House requests the return of **4th Sub. S.B. 2003**, CONGRESSIONAL FOUR MEMBER PLAN, by Senator M Waddoups, for reconsideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to refuse to return **4th Sub. S.B. 2003** to the House. The motion passed on a voice vote.

**4th Sub. S.B. 2003** was signed by the President in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: October 1, 2001

The House concurred in the Senate amendments and passed **H.B. 2003**, UNAUTHORIZED PRACTICE OF LAW AMENDMENTS, by Representative S. Urquhart, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 2003** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President: October 1, 2001

The House passed, as amended with the following amendments, **H.B. 2001**, HOUSE OF REPRESENTATIVES REDISTRICTING PLAN, by Representative G. Adair, and it is transmitted for consideration.

1. The House amended House Districts 6 and 12 as shown on the attached two maps labeled as Amendment V1A3.

2. The House amended House Districts 3, 4, 5, 52, 53, 54, 66, 67, 68, 69, 70, and 71 as shown on the attached six maps labeled as Amendment V1A8.

3. The House amended House Districts 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51 as shown on the attached two maps labeled as Amendment V1A6.

4. The House amended House Districts 23, 25, 26, and 29 and the Salt Lake County portions of Districts 20 and 27 as shown on the attached map labeled as Amendment V1A10 and made additional technical amendments to move the northeast part of District 20 in Salt Lake County that is north of City Creek into District 26.

5. The House amended House District 13 and the Davis County portion of District 20 as shown on the attached map labeled as Amendment V1A9.

6. The House amended House Districts 55 and 56 as shown on the attached map labeled as Amendment V1A12.

7. The House amended House Districts 71 and 72 as shown on the attached map labeled as Amendment V1A4; and

The House passed, as amended, **H.C.R. 202**, RESOLUTION CONDEMNING RETALIATION AGAINST ISLAMIC AND ARAB COMMUNITIES, by Representative D. Litvack, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 2001** and **H.C.R. 202** were read the first time.

On motion of Senator Waddoups, **H.B. 2001** and **H.C.R. 202** were placed at the top of the Second Reading Calendar.

## SECOND READING CALENDAR

**H.B. 2001**, HOUSE OF REPRESENTATIVES REDISTRICTING PLAN, was read the second time.

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

### HOUSE OF REPRESENTATIVES REDISTRICTING PLAN

**3rd Sub. H.B. 2001**

*Gerry A. Adair*

THIS ACT MODIFIES STATUTORY PROVISIONS GOVERNING UTAH HOUSE OF REPRESENTATIVE DISTRICTS. THIS ACT ELIMINATES

CURRENT BOUNDARIES AND ESTABLISHES NEW BOUNDARIES. THIS ACT ESTABLISHES CERTAIN MAPS AS THE LEGAL BOUNDARIES OF HOUSE DISTRICTS AND ESTABLISHES PROCEDURES FOR ADDRESSING OMISSIONS AND UNCERTAIN BOUNDARIES. THIS ACT TAKES EFFECT ON JANUARY 1, 2002 FOR PURPOSES OF NOMINATING AND ELECTING MEMBERS OF THE UTAH HOUSE OF REPRESENTATIVES AND ON JANUARY 1, 2003 FOR ALL OTHER PURPOSES.

Senators Steele, Ed Allen, and Hillyard commented.

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

1. Renumber House District 65 as House District 66 on all maps.
2. Renumber House District 66 as House District 65 on all maps.

On motion of Senator Waddoups, under suspension of the rules, **3rd Sub. H.B. 2001**, HOUSE OF REPRESENTATIVES REDISTRICTING PLAN, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	Hale	Julander	Peterson
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**Absent or not voting were:** Senators

R. Allen	Mayne	Poulton
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**3rd Sub. H.B. 2001**, as amended, was returned to the House.

\* \* \*

Senator Valentine motioned to request the House to return **S.B. 2004** to the Senate for reconsideration. The motion passed on a voice vote.

\* \* \*

On motion of Senator Hale, under suspension of the rules, **H.C.R. 202**, RESOLUTION CONDEMNING RETALIATION AGAINST ISLAMIC AND ARAB COMMUNITIES, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen	Blackham	Mayne	Waddoups
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**H.C.R. 202** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

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

The Senate was called to order at 5:10 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: October 1, 2001

The Speaker of the House has signed **4th Sub. S.B. 2001**, SENATE REDISTRICTING PLAN, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2005**, 2001 REVENUE BOND AUTHORIZATIONS AMENDMENT, by Senator B. Evans, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**4th Sub. S.B. 2001** and **S.B. 2005** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: October 1, 2001  
 The House transmits **S.B. 2004**, VENUE FOR CONSUMER TRANSACTIONS, by Senator J. Valentine, for further consideration.  
Carole E. Peterson, Chief Clerk

Senator Valentine made the motion to strike the enacting clause on **S.B. 2004** and explained his position. The motion passed on a voice vote.

\* \* \*

Mr. President: October 1, 2001  
 The House passed, as amended, **1st Sub. S.B. 2008**, PEACE OFFICER STATUS DURING OLYMPICS, by Senator L. Hillyard, and it is transmitted for further consideration.  
Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 2008**, PEACE OFFICER STATUS DURING OLYMPICS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans	Mayne	Valentine
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**1st Sub. S.B. 2008** was returned to the House.

\* \* \*

Mr. President: October 1, 2001  
 The House concurred and passed, upon reconsideration, **3rd Sub. H.B. 2001**, HOUSE OF REPRESENTATIVES REDISTRICTING PLAN, by Representative G. Adair, and it is transmitted for the signature of the President.  
Carole E. Peterson, Chief Clerk

**3rd Sub. H.B. 2001** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

### COMMUNICATIONS FROM THE HOUSE

Mr. President: October 1, 2001  
 The Speaker of the House has signed **1st Sub. S.B. 2008**, PEACE OFFICER STATUS DURING OLYMPICS, by Senator L. Hillyard, and it is transmitted for the signature of the President.  
Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 2008** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: October 1, 2001  
 The House passed, as amended, **S.B. 2006**, PETE SUAZO UTAH ATHLETIC COMMISSION, by Senator E. Mayne, et al, and it is transmitted for further consideration.  
Carole E. Peterson, Chief Clerk

On motion of Senator Davis, the Senate voted to concur in the House amendments to **S.B. 2006**, PETE SUAZO UTAH ATHLETIC COMMISSION. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Mansell			

**Absent or not voting were:** Senators

R. Allen	Mayne	Walker	Wright
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**S.B. 2006** was returned to the House.

\* \* \*

President Mansell appointed Senators Spencer, Bramble, and Peterson to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Wright, Walker, and Ron Allen to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

Senator Spencer reported that his committee, with a like committee from the House, had notified the Governor’s representative that the Legislature has concluded its business.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: October 1, 2001

The Speaker of the House has signed **S.B. 2006**, PETE SUAZO UTAH ATHLETIC COMMISSION, by Senator E. Mayne, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 2006** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

On motion of Senator Poulton, the Senate voted to give each member of the Senate staff one additional day’s compensation at the rate established for each employee.

On motion of Senator Poulton, and at 6:00 p.m., the Second Special Session of the Fifty–Fourth Legislature adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

FIFTH EXTRAORDINARY SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, October 24, 2001

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifth Extraordinary Session convening on Wednesday, October 24, 2001, and adjourning sine die on the same day.

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

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH

**SENATE JOURNAL**

**FIFTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Fifth Extraordinary Session at 12:00 noon on Wednesday, October 24, 2001.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Ed Mayne

**Pledge** – Senator Carlene Walker

**Roll call** – All Senators present, except Senators Hillyard and Hickman, excused.

Sandy Tenney read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 24th day of October, 2001 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 9th day of  
October, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of October 9, 2001, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Fifth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 24th day of October, 2001, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2001 General Session of the Utah State Legislature,

except that Alicia Suazo was appointed to fill the unexpired term in Senate District 2.

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  
October, 2001.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2001 General Session of the Fifty-Fourth Legislature as the rules for the Fifth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Gladwell, Steele, and Hale to notify Governor Michael O. Leavitt's representative that the Senate is convened in the Fifth Extraordinary Session in accordance with his proclamation.

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

### **COMMUNICATIONS FROM THE GOVERNOR**

Sandy D. Tenney read the following communication:

Mr. President:

October 9, 2001

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

#### **UTAH STATE BOARD OF EDUCATION**

Max L. Torres appointed to fill the unexpired term of Bette Arial on the State Board of Education, a term to expire December 31, 2002. Section 20A-1-507, Utah Code Annotated 1953, as amended.

#### **DIXIE COLLEGE BOARD OF TRUSTEES**

Mary Chamberlain appointed to fill the unexpired term of Max Torres on the Dixie College Board of Trustees, a term to expire June 30, 2003. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**HEALTH DATA COMMITTEE**

Clark B. Hinckley reappointed as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Mr. Hinckley is a republican.

Sandra Peck reappointed as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Ms. Peck is a democrat.

Gregory P. Poulsen reappointed as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Mr. Poulsen is a republican.

Scott D. Ideson appointed to replace Michael Stapley as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Mr. Ideson is a republican.

Marilyn Tang appointed to replace Orrin Colby as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Ms. Tang is independent.

Gail M. McGuill appointed to replace Penny Brooke as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Ms. McGuill is a democrat.

Terry S. Haven appointed to replace Lori Reichard as a member of the Health Data Committee for a term to expire June 30, 2004. Section 26–33a–103, Utah Code Annotated 1953, as amended. Ms. Haven is a democrat.

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

**Michael O. Levitt**  
Governor

Communication filed. Senator Valentine moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans

Gladwell	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

E. Allen                      Hickman                      Hillyard

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

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

On motion of Senator Poulton, and at 12:25 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

**SIXTH EXTRAORDINARY SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE**

Convened and Adjourned on  
Wednesday, November 14, 2001

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Sixth Extraordinary Session convening on Wednesday, November 14, 2001, and adjourning sine die on the same day.

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

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH

**SENATE JOURNAL**

**SIXTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Sixth Extraordinary Session at 12:00 noon on Wednesday, November 14, 2001.*

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

**Prayer** – Senator Ed Allen

**Pledge** – Senator Curtis Bramble

**Roll call** – All Senators present, except Senators Evans, Julander, Hellewell and Spencer, excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 14th day of November, 2001 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 30th day of  
October, 2001.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of October 30, 2001, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Sixth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 14th day of November, 2001, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2001 General Session of the Utah State Legislature,

except that Alicia Suazo was appointed to fill the unexpired term in Senate District 2.

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 30th day of  
October, 2001.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2001 General Session of the Fifty-Fourth Legislature as the rules for the Sixth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Knudson, Blackham, and Davis to notify Governor Michael O. Leavitt's representative that the Senate is convened in the Sixth Extraordinary Session in accordance with his proclamation.

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

### **COMMUNICATIONS FROM THE GOVERNOR**

Sandy D. Tenney read the following communication:

Mr. President:

October 30, 2001

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

#### **UTAH ARTS COUNCIL BOARD OF DIRECTORS**

Lee Bennion appointed to fill the unexpired term of Ron Nishijima on the Utah Arts Council Board of Directors, a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

#### **AIR QUALITY BOARD**

Ernest E. Wessman appointed to fill the unexpired term of Joseph Thompson on the Air Quality Board, a term to expire March 1, 2003. Section 19-2-103, Utah Code Annotated 1953, as amended. Mr. Wessman is an independent.

### **CRIME VICTIMS REPARATIONS BOARD**

Louise S. Speth appointed to replace Sid Groll as a member of the Crime Victims Reparations Board for a term to expire April 15, 2005. Section 63-25a-404, Utah Code Annotated 1953, as amended.

Karen Watkins appointed to replace LaDawn Prue as a member of the Crime Victims Reparations Board for a term to expire April 15, 2005. Section 63-25a-404, Utah Code Annotated 1953, as amended.

Gary A. Sargent appointed to replace Mark Shurtleff as a member of the Crime Victims Reparations Board for a term to expire April 15, 2005. Section 63-25a-404, Utah Code Annotated 1953, as amended.

### **CENTRAL UTAH WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS**

Michael H. Jensen appointed to fill the unexpired term of Robert F. Weyher, Jr. on the Central Utah Water Conservancy District Board of Directors, a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

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

**Michael O. Levitt**  
Governor

Communication filed. Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

#### **Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

#### **Absent or not voting were:** Senators

Evans	Hellewell	Julander	Spencer
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President Mansell directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

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

On motion of Senator Poulton, and at 12:45 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

2002 GENERAL SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE

Convened  
Monday, January 21, 2002

Adjourned Sine Die  
Wednesday, March 6, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2002 General Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 21, 2002, and adjourning sine die on Wednesday, March 6, 2002.

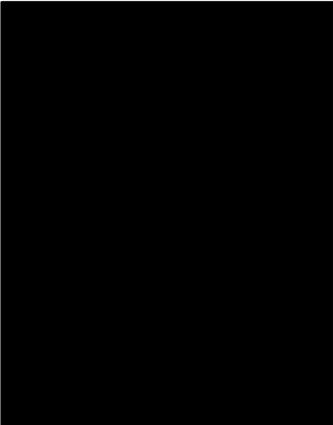
**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

# **PRESIDENT OF THE SENATE**

## **2002 General Session Fifty-Fourth Legislature**



The 2002 General Session of the Fifty-Fourth Legislature was unique in many ways. While still mourning the loss of Senator Pete Suazo – whose untimely death in the fall of 2001 created a vacancy in Senate District 2 – we had the pleasure of welcoming his wife, Alicia Suazo, who was appointed by the governor to serve out the remainder of his term. She has served with dignity and has exhibited great courage and strength during this difficult time; we have appreciated her service and the opportunity of working with her.

The Legislature made a decision to adjourn for two weeks during Salt Lake City's hosting of the 2002 Winter Olympic Games. Because of the terrorist attacks on September 11, 2001, law-enforcement officials recommended this action because they felt the security risk would be too great if the legislature were to remain in session. This two-week break provided a once-in-a-lifetime opportunity for legislators and staff to serve as volunteers and hosts to many of the visitors from around the world who came to Salt Lake City to attend the Olympic games. It was an unforgettable experience.

Prior to the convening of the 2002 General Session on January 21, the legislature held two weeks of preliminary meetings to compensate for the two-week adjournment. Committees discussed and voted on proposed legislation and held public hearings. The work completed during this time enabled the legislature to begin floor debates almost immediately and greatly accelerated the process.

Bills passed during the session tightened DUI laws, changed the child welfare system, and prohibited unsolicited commercial email. Other issues debated are too numerous to mention here; but another positive outcome is that despite a revenue shortfall, there was not a tax increase.

As the legislature continues to grapple with the challenges of providing adequate services in the areas of education, transportation, and social services – to name a few – members will continue to work hard to provide the kind of leadership the good people of Utah deserve. It has been an honor and a privilege to serve with such dedicated public officials who truly have the best interest of their constituents in mind and who work together to find the best possible solutions to the sometimes difficult issues they face.

**Al Mansell  
President Utah State Senate**

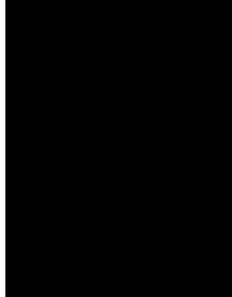


## SENATE LEADERSHIP

### MAJORITY LEADERSHIP (Republican)



L. Steven Poulton  
*Majority Leader*



John L. Valentine  
*Majority Whip*

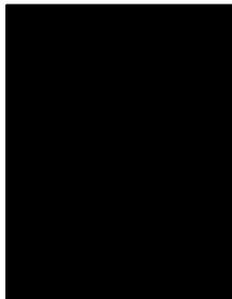


Peter C. Knudson  
*Asst. Majority Whip*

### MINORITY LEADERSHIP (Democrat)



Mike Dmitrich  
*Minority Leader*

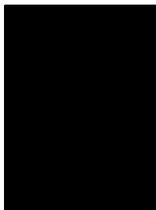


Ron Allen  
*Minority Whip*



Gene Davis  
*Asst. Minority Whip*

### SENATE STAFF



Annette B. Moore  
*Secretary of  
the Senate*



Sandy D. Tenney  
*Manager  
Senate Services*



Lynette Erickson  
*Docket Clerk*



## SENATE LEADERSHIP

President of the Senate (R) . . . . .	Al Mansell
Majority Leader (R) . . . . .	L Steven Poulton
Majority Whip (R) . . . . .	John L. Valentine
Assistant Majority Whip (R) . . . . .	Peter C. Knudson
Minority Leader (D) . . . . .	Mike Dmitrich
Minority Whip (D) . . . . .	Ron Allen
Assistant Minority Whip (D) . . . . .	Gene Davis

## HOUSE LEADERSHIP

Speaker of the House (R) . . . . .	Martin R. Stephens
Majority Leader (R) . . . . .	Kevin S. Garn
Majority Whip (R) . . . . .	David Ure
Assistant Majority Whip (R) . . . . .	Greg J. Curtis
Minority Leader (D) . . . . .	Ralph Becker
Minority Whip (D) . . . . .	Patrice M. Arent
Assistant Minority Whip (D) . . . . .	Brad King

## STATE OFFICIALS

Governor . . . . .	Michael O. Leavitt
Lieutenant Governor . . . . .	Olene S. Walker
Attorney General . . . . .	Mark Shurtleff
Auditor . . . . .	Auston Johnson
Treasurer . . . . .	Edward T. Alter

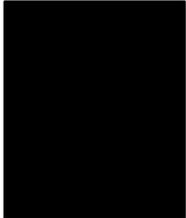
## CONGRESSIONAL DELEGATION

Senator . . . . .	Robert F. Bennett
Senator . . . . .	Orrin G. Hatch
Congressman . . . . .	Jim Matheson
Congressman . . . . .	James V. Hansen
Congressman . . . . .	Chris Cannon

## UTAH SUPREME COURT

Chief Justice . . . . .	Richard C. Howe
Assoc. Chief Justice . . . . .	Leonard H. Russon
Justice . . . . .	Christine M. Durham
Justice . . . . .	Michael J. Wilkins
Justice . . . . .	Matthew B. Durrant

**MEMBERS OF THE SENATE**



**Alicia L. Suazo**

## MEMBERS OF THE SENATE

### Fifty–Fourth Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
<b>Paula F. Julander</b>	1	Salt Lake	D	1467 Penrose Drive Salt Lake City, Utah 84103 Home (801) 363–0868
<b>Alicia Suazo</b>	2	Salt Lake	D	1307 North Garnette Street Salt Lake City, Utah 84116 Home (801) 521–3751
<b>Gene Davis</b> Asst. Minority Whip	3	Salt Lake	D	865 Parkway Avenue Salt Lake City, Utah 84106 Home (801) 484–9428
<b>Howard A. Stephenson</b>	4	Salt Lake, Utah	R	1038 East 13590 South Draper, Utah 84020 Home (801) 576–1022
<b>D. Chris Buttars</b>	5	Salt Lake	R	9241 South Lisa Ave West Jordan, Utah 84088 Home (801) 561–0535
<b>Michael G. Waddoups</b>	6	Salt Lake	R	2005 West 5620 South Taylorsville, Utah 84118 Home (801) 967–0225
<b>Karen Hale</b> Minority Caucus Mgr.	7	Salt Lake	D	2564 Maywood Drive Salt Lake City, Utah 84109 Home (801) 485–6642
<b>Carlene Walker</b>	8	Salt Lake	R	4085 East Prospector Drive Salt Lake City, Utah 84121 Home (801) 733–4599
<b>L. Steven Poulton</b> Majority Leader	9	Salt Lake	R	4524 Briarcreek Dr. Salt Lake City, Utah 84117 Home (801) 272–4338
<b>Al Mansell</b> President	10	Salt Lake	R	6995 S Union Park Ctr #100 Midvale, Utah 84047 Home (801) 942–6019
<b>Ed Mayne</b>	11	Salt Lake	D	5044 West Bannock Circle West Valley City, Utah 84120 Home (801) 968–7756

<b>Millie M. Peterson</b>	12	Salt Lake	D	7131 West 3800 South West Valley City, Utah 84128 Home (801) 250-5944
<b>Ron Allen</b> Minority Whip	13	Salt Lake, Tooele	D	835 Lakeview Stansbury Park, Utah 84074 Home (435) 882-3535
<b>John L. Valentine</b> Majority Whip	14	Utah	R	857 East 970 North Orem, Utah 84097 Home (801) 224-1693
<b>Parley G. Hellewell</b>	15	Utah	R	492 South 1000 West Orem, Utah 84058 Home (801) 226-3034
<b>Curtis S. Bramble</b>	16	Utah	R	3663 North 870 East Provo, Utah 84604 Home (801)226-3663
<b>Bill Wright</b>	17	Utah	R	P.O. Box 178 Elberta, Utah 84626 Home (801)667-3333
<b>D. Edgar Allen</b>	18	Davis Weber	D	4317 South Fern Drive Ogden, Utah 84403 Home (801) 392-1050
<b>David L. Gladwell</b>	19	Weber, Morgan	R	3159 North 1075 East Ogden, Utah 84414 Home (801) 782-4130
<b>Scott K. Jenkins</b>	20	Weber	R	4385 West 1975 North Plain City, Utah 84404 Home (801) 731-5120
<b>David H. Steele</b>	21	Davis	R	3376 West 400 North West Point, Utah 84015 Home (801) 825-3033
<b>Terry Spencer</b>	22	Davis	R	1110 North Kimberly Drive Layton, Utah 84040 Home (801) 543-4450
<b>Dan R. Eastman</b>	23	Davis	R	968 Canyon Crest Drive Bountiful, Utah 84010 Home (801) 295-5133

<b>Peter C. Knudson</b> Asst. Majority Whip	24	Box Elder, Cache	R	1209 Michelle Drive Brigham City, Utah 84302 Home (435) 723-2035
<b>Lyle W. Hillyard</b>	25	Cache, Rich, Summit	R	175 East First North Logan, Utah 84321 Home (435) 753-0043
<b>Beverly A. Evans</b>	26	Carbon, Daggett, Duchesne, Summit, Uintah, Wasatch	R	HC 65, Box 36 Altamont, Utah 84001 Home (435) 454-3719
<b>Mike Dmitrich</b> Minority Leader	27	Carbon, San Juan, Grand, Emery, Kane, Washington	D	566 North Dover Circle Price, Utah 84501 Home (435) 637-0426
<b>Leonard M. Blackham</b>	28	Juab, Sanpete, Sevier, Millard, Piute, Wayne, Beaver, Garfield	R	P.O. Box 337 Moroni, Utah 84646 Home (435) 436-8489
<b>J. W. "Bill" Hickman</b>	29	Washington, Iron	R	214 North Emerald Drive St George, Utah 84770 Home (435) 673-2671

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

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

**\*“Rules of the Fifty-Fourth Legislature 2002”**

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

\*Copies available in the Office of Legislative Research and General Counsel.

**STATE OF UTAH**  
**SENATE JOURNAL**  
**2002 GENERAL SESSION**  
**of the**  
**FIFTY-FOURTH LEGISLATURE**  
**FIRST DAY**  
**MORNING SESSION**

*Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Fourth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 21, 2002 at ten o'clock a.m.*

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

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

Oh, God, Our Eternal Father in Heaven, as Thou knowest, we have gathered here today in the General Session of the 2002 Legislature of the great State of Utah, with gratitude in our hearts for the heritage which is ours; for wise men who were raised up to bring forth the Constitution that gives us a foundation a foundation of principles to guide us in our everyday actions, and especially for these Legislative bodies as they go forward in their great assignments.

We are also grateful for the heritage of this great state for a pioneer heritage that has taught us industry, honesty, and morality. Wilt Thou bless us that we may ever carry on that heritage from generation to generation.

Now these are troubled times in the world. Events have happened in the past year that have sobered us, making us even more receptive to guidance and inspiration as we go forward. How grateful we are for these men and women who devote their time in this state to lead us and direct us in these troubled times. Wilt Thou bless them and watch over them in all that they do, that they may have wisdom and judgment in the decisions that are made here, that cooperation and unity may exist and that decisions made will be for the onward rolling of this great state.

Now in a few weeks we will celebrate an event that brings the world to our state. Will Thou bless those proceedings that they may be done in a way that plans have been made and carried to full fruition as they go forward in this great opportunity.

Now Father, we ask for Thy blessings to be on this body. Watch over them; give them the energy and the strength they need in these troubled times, we humbly pray in the name of our Lord and Savior, Jesus Christ, amen.

### **POSTING OF COLORS**

Utah National Guard

**Pledge of Allegiance**—Margurite Mansell

Annette Moore, Secretary of the Senate, read the Bill of Rights as designated in HJR 10 from the 2001 General Session which states that “on the first day of the 2002 General Session of the Legislature, the Bill of Rights will be read aloud in its entirety in both houses of the Legislature.”

### **SPECIAL MUSICAL PRESENTATIONS**

“The Star Spangled Banner” was performed by Tarra Sperry, Miss Sandy.

The Brighton High Madrigals (directed by Steve Smith) performed “I May Never Pass This Way Again,” “Home on the Range” and “God Bless America.”

\* \* \*

On motion of Senator Poulton, the Senate voted to express appreciation to Elder Perry for delivering the invocation and to have his words spread upon the pages of the Senate Journal.

\* \* \*

Annette B. Moore read the Certification of Membership of the 2002 General Session of the Fifty-Fourth Legislature from the Lieutenant Governor.

### **CERTIFICATE OF MEMBERSHIP OF THE 2002 GENERAL SESSION OF THE UTAH STATE SENATE 54TH LEGISLATURE**

I, OLENE S. WALKER, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday,

November 7, 2000, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2001, to-wit:

FIFTH DISTRICT: County of Salt Lake

**D. Chris Buttars**

SIXTH DISTRICT: County of Salt Lake

**Michael G. Waddoups**

EIGHTH DISTRICT: County of Salt Lake

**Carlene Walker**

FOURTEENTH DISTRICT: County of Utah

**John L. Valentine**

SIXTEENTH DISTRICT: County of Utah

**Curtis S. Bramble**

SEVENTEENTH DISTRICT: County of Utah

**Bill Wright**

NINETEENTH DISTRICT: Counties of Weber, Morgan

**David L. Gladwell**

TWENTIETH DISTRICT: County of Weber

**Scott K. Jenkins**

TWENTY-THIRD DISTRICT: County of Davis

**Dan R. Eastman**

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich, Summit

**Lyle W. Hillyard**

TWENTY-SEVENTH DISTRICT: Counties of Carbon,

San Juan, Grand, Emery, Kane, Washington

**Mike Dmitrich**

TWENTY-EIGHTH DISTRICT: Counties of Juab, Sanpete, Sevier

Millard, Piute, Wayne, Beaver, Garfield

**Leonard M. Blackham**

TWENTY-NINTH DISTRICT: Counties of Iron, Washington

**J.W. (Bill) Hickman**

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 3, 1998, the following named persons were chosen by the electors as a member of the Legislature of the State of Utah, to serve in the Senate each for the term of four years, beginning January 1, 1999, to-wit:

FIRST DISTRICT: County of Salt Lake

**Paula F. Julander**

THIRD DISTRICT: County of Salt Lake

**Gene Davis**

FOURTH DISTRICT: Counties of Salt Lake, Utah

**Howard A. Stephenson**

SEVENTH DISTRICT: County of Salt Lake

**Karen Hale**

NINTH DISTRICT: County of Salt Lake

**L. Steven Poulton**

TENTH DISTRICT: County of Salt Lake

**Al Mansell**

ELEVENTH DISTRICT: County of Salt Lake

**Ed Mayne**

TWELFTH DISTRICT: County of Salt Lake

**Millie M. Peterson**

THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele

**Ron Allen**

FIFTEENTH DISTRICT: County of Utah

**Parley Hellewell**

EIGHTEENTH DISTRICT: Counties of Davis, Weber

**D. Edgar Allen**

TWENTY-FIRST DISTRICT: County of Davis

**David H. Steele**

TWENTY-SECOND DISTRICT: County of Davis

**Terry R. Spencer**

TWENTY-FOURTH DISTRICT: Counties of Box Elder, Cache

**Peter C. Knudson**

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

**Beverly Evans**

I FURTHER CERTIFY THAT Alicia L. Suazo was appointed by the Governor on September 11, 2001 to fill the vacancy in Senate District Two, occasioned by the passing of Pete Suazo.

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 Twenty-First Day of January, 2002.

**OLENE S. WALKER**  
Lieutenant Governor

\* \* \*

**Roll Call** – All Senators present

\* \* \*

On motion of President Mansell, the leaders of the 2001 General Session of the Fifty-Fourth Legislature will be officially recorded in the Senate Journal as the leaders of the 2002 General Session, except that Senator Gene Davis was elected during the interim to replace Senator Pete Suazo as Assistant Minority Whip. The members of leadership are:

**President – Al Mansell**  
**Majority Leader – L. Steven Poulton**  
**Majority Whip – John L. Valentine**  
**Asst. Majority Whip – Peter C. Knudson**  
**Minority Whip – Ron Allen**  
**Asst. Minority Whip – Gene Davis**

\* \* \*

President Mansell appointed a Senate Rules Committee comprised of Senator Michael G. Waddoups, Chair, and Senators Chris Buttars, David Gladwell, Parley Hellewell, Peter Knudson, Terry Spencer, Gene Davis, and Ed Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Mansell appointed Senator Beverly Evans as a committee chair to serve Patronage and Employees. (See list of employees on page 1249)

On motion of Senator Waddoups, the Senate Rules and Joint Rules of the 2001 General Session of the Fifty-Fourth Legislature were adopted with the understanding that changes to these rules for the 2002 General Session of the Fifty-Fourth Legislature will be considered and adopted as soon as possible.

President Mansell appointed Senators Stephenson, Bramble, and Ron Allen as a committee to notify Governor Leavitt that the Senate is organized and ready to do business.

President Mansell appointed Senators Gladwell, Jenkins and Peterson as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Bowman, David Clark, and Hutchings formally notified the Senate that the House is organized and ready to do business.

Senator Gladwell reported the House has been notified that the Senate is organized and ready to do business.

Senator Stephenson reported that the Governor has been notified that the Senate is organized and ready to do business.

### **READING OF TITLES AND RESOLUTIONS**

On motion of Senator Waddoups, the Senate voted to suspend the reading of the titles of all bills and resolutions on the Senate calendar as they are read for the first time and introduced, and considered on second reading, third reading, Consent, and Concurrence Calendars. The motion is to apply to all bills and resolutions introduced during this legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

The motion to suspend the reading of the titles of all bills and resolutions passed by the required constitutional two-thirds majority.

On motion of President Mansell the following information is to be officially recorded in the Senate Journal. (See committee membership on Page 930)

**STANDING COMMITTEES**

- Business, Labor, and Economic Development
- Education
- Energy, Natural Resources, and Agriculture
- Human Services
- Judiciary
- Revenue and Taxation
- State and Local Affairs
- Transportation and Public Safety
- Rules
- Quasi-Governmental Entities

**EXECUTIVE APPROPRIATIONS AND  
JOINT APPROPRIATIONS SUBCOMMITTEES**

- Executive Appropriations Committee
- Commerce and Revenue
- Economic Development and Human Resources
- Executive Office, Criminal Justice, and Legislature
- Capital Facilities and Administrative Services
- Health and Human Services
- Natural Resources
- Public Education
- Transportation and Environmental Quality
- Quasi-Governmental Entities

\* \* \*

Senator Evans, Chair of the Patronage and Employee Committee, introduced the members of the Senate Staff.

On motion of Senator Evans, the Senate voted to adopt the Employee Committee Report and employ the persons recommended as Senate staff for the 2002 General Session.

\* \* \*

Senator Valentine introduced the Senate interns.

**INTRODUCTION OF BILLS**

**REPORTS TO HEALTH AND HUMAN SERVICES**

**S.B. 4**

*Terry R. Spencer*

THIS ACT MODIFIES THE HEALTH CODE, THE STATE SYSTEM OF PUBLIC EDUCATION, THE HUMAN SERVICES CODE, STATE AFFAIRS IN

GENERAL, THE UTAH CRIMINAL CODE, AND THE JUDICIAL CODE BY ELIMINATING REQUIREMENTS FOR REPORTS TO THE HEALTH AND HUMAN SERVICES INTERIM COMMITTEE. THE ACT REDUCES THE NUMBER OF ANNUAL REPORTS SUBMITTED TO THE COMMITTEE FROM 34 REPORTS TO 13 REPORTS. THE ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

**APPROPRIATION FOR SEXUAL VIOLENCE  
VICTIM ASSISTANCE PROGRAMS**

**S.B. 5**

*Terry R. Spencer*

THIS ACT APPROPRIATES \$100,000, AS AN ONGOING APPROPRIATION, FROM THE GENERAL FUND FOR FISCAL YEAR 2002-03, TO THE UTAH CRIMINAL JUSTICE COMMISSION, FOR SEXUAL VIOLENCE VICTIM ASSISTANCE PROGRAMS. THIS ACT TAKES EFFECT JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**APPLICATION FOR VEHICLE TITLE AMENDMENTS**

**S.B. 6**

*Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY AMENDING WHICH OWNERS MUST SIGN A MOTOR VEHICLE CERTIFICATE OF TITLE, was read for the first time and referred to the Rules Committee.

**CIGARETTE TAX STAMP AND CONTRABAND AMENDMENTS**

**S.B. 7**

*D. Edgar Allen*

THIS ACT MODIFIES PROVISIONS RELATED TO THE TAX CODE. THE ACT AMENDS CONFIDENTIALITY RESTRICTIONS. THE ACT PROHIBITS A PERSON LICENSED TO SELL CIGARETTES IN THE STATE FROM SELLING CIGARETTES OF A TOBACCO PRODUCT MANUFACTURER WHO IS NOT IN COMPLIANCE WITH ESCROW REQUIREMENTS. THE ACT CHANGES TOBACCO ESCROW REPORTING REQUIREMENTS FROM AN ANNUAL TO QUARTERLY REPORTS AND IMPOSES PENALTIES FOR FAILURE TO FILE REPORTS. THE ACT AMENDS THE DEFINITION OF CONTRABAND CIGARETTE. THE ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

**REPEAL OF NATIONAL GUARD ADVISORY BOARD****S.B. 8***Millie M. Peterson*

THIS ACT MODIFIES PROVISIONS GOVERNING THE NATIONAL GUARD BY REPEALING THE NATIONAL GUARD ADVISORY BOARD, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO DRIVING UNDER THE INFLUENCE****S.B. 9***Carlene M. Walker*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE. THE ACT AMENDS REQUIRED COMPENSATORY-SERVICE HOURS OF FIRST DUI OFFENDERS. THE ACT REQUIRES SUPERVISED PROBATION FOR THIRD DEGREE FELONY DUI OFFENDERS WHO ARE PLACED ON PROBATION, was read for the first time and referred to the Rules Committee.

**REVISIONS TO SENATE ADVISE AND CONSENT POWERS****S.B. 10***Ron Allen*

THIS ACT MAKES UNIFORM THE LANGUAGE IN THE UTAH CODE GOVERNING SENATE ADVISE AND CONSENT POWERS. THIS ACT CONFORMS SPECIFIC STATUTORY CONFLICTS RELATING TO THE GOVERNOR'S APPOINTMENT POWERS WITH GENERAL PROVISIONS GOVERNING THE GOVERNOR'S APPOINTMENT POWERS. THIS ACT MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**PROHIBITING INTIMACY WITH YOUTH  
RECEIVING STATE SERVICES****S.B. 11***Paula F. Julander*

THIS ACT MODIFIES THE CRIMINAL CODE BY CREATING THE OFFENSES OF CUSTODIAL SEXUAL RELATIONS AND CUSTODIAL SEXUAL MISCONDUCT WITH YOUTH WHO ARE RECEIVING STATE SERVICES. THESE OFFENSES ADDRESS INAPPROPRIATE ACTS COMMITTED BY PERSONS EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR THE JUVENILE COURT, OR PRIVATE CONTRACTORS OF THESE AGENCIES. THE ACT PROVIDES DEFINITIONS AND PENALTIES, AND SPECIFIES THE DEFENSE OF COMPULSION. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**TRANSFER OF YOUTH SERVICES OVERSIGHT****S.B. 12***D. Chris Buttars*

THIS ACT MODIFIES THE UTAH HUMAN SERVICES CODE CHAPTERS PROVIDING CHILD AND FAMILY SERVICES AND YOUTH CORRECTIONS, BY MOVING REFERENCES TO YOUTH SERVICES INTO THE YOUTH CORRECTIONS CHAPTER. THE ACT PROVIDES A DEFINITION OF YOUTH SERVICES AND GUIDELINES FOR PROVIDING YOUTH SERVICES PROGRAMS. THIS ACT TAKES EFFECT JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**ALCOHOLIC BEVERAGE SERVICE – WARNING REQUIRED****S.B. 13***Carlene M. Walker*

THIS ACT MODIFIES THE ALCOHOLIC BEVERAGE CONTROL ACT TO CHANGE THE CONTENTS OF WARNINGS REQUIRED TO BE POSTED BY LICENSEES AND OTHERS GOVERNED BY THE ALCOHOLIC BEVERAGE CONTROL ACT, was read for the first time and referred to the Rules Committee.

**DRIVER LICENSE REPORTING****S.B. 14***Millie M. Peterson*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE RELATING TO THE REPORTING PROCESS FOR IMPAIRED DRIVERS. THIS ACT PROVIDES ANONYMITY FOR REPORTS AND PROVIDES PENALTIES FOR FALSE REPORTS, was read for the first time and referred to the Rules Committee.

**ORGAN DONATION CHECKOFF****S.B. 15***Karen Hale*

THIS ACT ENACTS PROVISIONS AUTHORIZING A VOLUNTARY CHECKOFF FOR MOTOR VEHICLE REGISTRATIONS AND DRIVER LICENSE APPLICATIONS AND RENEWALS FOR THE PURPOSE OF PROMOTING AND SUPPORTING ORGAN DONATION. THE ACT CREATES THE ORGAN DONATION CONTRIBUTION ACCOUNT. THE ACT MODIFIES THE DUTIES OF THE DEPARTMENT OF HEALTH TO INCLUDE ADMINISTRATION OF THE ACCOUNT. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**TRAFFIC OFFENSE ADJUDICATION****S.B. 16***Peter C. Knudson*

THIS ACT MODIFIES THE JUDICIAL CODE BY ALLOWING JUSTICE COURT JUDGES TO CONDUCT ADMINISTRATIVE PROCEEDINGS. THIS ACT ALLOWS CERTAIN COUNTIES AND MUNICIPALITIES TO IMPOSE A CIVIL PENALTY FOR MINOR TRAFFIC OFFENSES AND TO PROVIDE ADMINISTRATIVE TRAFFIC PROCEEDINGS. THE ACT GIVES A DEFENDANT CERTAIN RIGHTS AND SUBJECTS AN ADMINISTRATIVE LAW JUDGE TO A COMPLAINT AND DISCIPLINARY PROCESS. THIS ACT TAKES EFFECT JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS****S.B. 17***D. Chris Buttars*

THIS ACT AMENDS THE HUMAN SERVICES CODE. THE ACT ADDS DEFINITIONS OF VARIOUS TERMS USED IN THE MANAGEMENT INFORMATION SYSTEM AND LICENSING INFORMATION SYSTEM PROVISIONS. THE ACT REORGANIZES, CLARIFIES, AND AMENDS STATUTES GOVERNING THE DIVISION OF CHILD AND FAMILY SERVICES MANAGEMENT INFORMATION SYSTEM. THE ACT REQUIRES THAT A FINDING OF SUBSTANTIATION BE DETERMINED BY A PREPONDERANCE OF EVIDENCE, BY A COMMITTEE OF AT LEAST THREE DIVISION EMPLOYEES. THE ACT PROVIDES AN OPPORTUNITY TO ALLEGED PERPETRATORS TO CHALLENGE SUBSTANTIATION AND INCLUSION IN THE MANAGEMENT INFORMATION SYSTEM. THE ACT PREVENTS THE INCLUSION OF THE NAME AND OTHER INFORMATION REGARDING AN ALLEGED PERPETRATOR IN THE LICENSING INFORMATION SYSTEM UNTIL AFTER AN ADMINISTRATIVE LAW JUDGE HAS RULED THAT THE DIVISION'S SUBSTANTIATION IS JUSTIFIED, UNLESS THE ALLEGED PERPETRATOR CONSENTS OR THERE HAS BEEN A COURT ADJUDICATION OF CHILD ABUSE OR NEGLECT OR A CRIMINAL CONVICTION OR GUILTY PLEA RELATED TO NEGLECT, PHYSICAL ABUSE, OR SEXUAL ABUSE. THE ACT CLARIFIES THE RIGHT OF JUDICIAL REVIEW OF FINAL AGENCY ACTION. THE ACT CLARIFIES AND MODIFIES THE CIRCUMSTANCES IN WHICH A COURT RULING WOULD REQUIRE REMOVAL OF AN ALLEGED PERPETRATOR'S NAME FROM THE LICENSING INFORMATION SYSTEM. THE ACT MAKES

TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

## **UNIFORM WITHDRAWAL PROCEDURES FOR SPECIAL DISTRICTS**

### **S.B. 18**

*David L. Gladwell*

THIS ACT MODIFIES THE LOCAL DISTRICTS AND SPECIAL DISTRICTS CODES BY REPEALING EXISTING PROCEDURES FOR WITHDRAWALS FROM SPECIAL OR LOCAL DISTRICTS AND CREATING A UNIFORM PROCEDURE FOR WITHDRAWAL. THE ACT PROVIDES FOR DEFINITIONS. THE ACT ESTABLISHES THE REQUIREMENTS FOR PETITIONS FOR WITHDRAWAL FROM A LOCAL DISTRICT. THE ACT CREATES A STREAMLINED PROCESS FOR UNOPOSED WITHDRAWALS. THE ACT PROVIDES A PROCESS FOR THE CERTIFICATION OF PETITIONS AND FOR NOTICE AND PUBLIC HEARINGS. THE ACT PROVIDES A PROCESS FOR A LOCAL DISTRICT AND A MUNICIPALITY TO JOINTLY ADJUST THE BOUNDARIES OF A LOCAL DISTRICT. THE ACT SETS OUT THE CRITERIA FOR A LOCAL DISTRICT BOARD TO APPROVE OR REJECT A PROPOSED WITHDRAWAL AND OUTLINES THE PROCEDURES FOR ALLOCATING ASSETS AND LIABILITIES UPON WITHDRAWAL. THE ACT PROVIDES FOR THE CONTINUATION OF TAX LEVIES IN WITHDRAWN AREAS AND OTHER PROTECTIONS FOR LOCAL DISTRICT BONDS. THE ACT ALLOWS FOR JUDICIAL REVIEW OF THE DECISION OF THE LOCAL DISTRICT BOARD. THE ACT MAKES OTHER TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

## **UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT**

### **S.B. 19**

*Michael G. Waddoups*

THIS ACT MODIFIES THE COMMERCE AND TRADE PROVISIONS BY ENACTING THE UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT. THE ACT DEFINES CERTAIN TERMS. IT REQUIRES PROGRESS PAYMENTS ON CERTAIN CONSTRUCTION CONTRACTS. THE ACT REQUIRES THE OWNER TO PROMPTLY DISPUTE A BILLING OR ESTIMATE WITH WHICH THE OWNER DOES NOT AGREE AND LIMITS THE AMOUNT THAT AN OWNER CAN WITHHOLD FROM A PROGRESS PAYMENT. THE ACT REQUIRES PROMPT PAYMENT BY THE OWNER UPON COMPLETION OF THE WORK. THE ACT PROVIDES FOR INTEREST ON LATE PAYMENTS. THE ACT GIVES SUBCONTRACTORS THE RIGHT TO NOTIFICATION OF PROGRESS PAYMENTS. THE ACT

PROVIDES FOR THE AWARDING OF COSTS AND ATTORNEYS' FEES. THE ACT REQUIRES PROMPT PAYMENT BY THE CONTRACTOR TO SUBCONTRACTORS AND SUPPLIERS. THE ACT REQUIRES THE WAIVER OF MECHANICS' LIEN RIGHTS BY CONTRACTORS AND SUBCONTRACTORS UPON RECEIPT OF PAYMENT. THE ACT PROVIDES FOR THE INTERRUPTION OF THE WORK ON A CONSTRUCTION CONTRACT WITHOUT PENALTY IN CASES OF AN ENVIRONMENTAL HAZARD. THE ACT PROVIDES FOR THE INTERRUPTION OF WORK ON A CONSTRUCTION CONTRACT OR THE TERMINATION OF THE CONTRACT IN CASES OF NONPAYMENT. THE ACT PROVIDES AN EFFECTIVE DATE AND A COORDINATION CLAUSE, was read for the first time and referred to the Rules Committee.

### **BONDING AUTHORITY FOR IRRIGATION DISTRICTS**

**S.B. 20**

*David L. Gladwell*

THIS ACT MODIFIES THE SPECIAL DISTRICTS CODE BY AMENDING PROVISIONS RELATED TO IRRIGATION DISTRICTS. THE ACT PROVIDES FOR DEFINITIONS. THE ACT REPEALS EXISTING PROVISIONS RELATING TO BONDING AUTHORITY OF IRRIGATION DISTRICTS AND ENACTS NEW BONDING PROVISIONS. THE ACT REPEALS OUTDATED PROVISIONS RELATING TO IRRIGATION DISTRICTS. THE ACT PROVIDES FOR THE ASSESSMENT OF USE CHARGES IN PLACE OF ANNUAL ASSESSMENTS OR TAXES. THE ACT PROVIDES FOR THE COLLECTION OF DELINQUENT USE CHARGES. THE ACT MAKES OTHER CHANGES TO THE IRRIGATION DISTRICT PROVISIONS, was read for the first time and referred to the Rules Committee.

### **MOTOR VEHICLE REGISTRATION AMENDMENTS**

**S.B. 21**

*David H. Steele*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE TO ALLOW A COURT TO REQUIRE PROOF OF PROPER VEHICLE REGISTRATION AS PART OF ANY SENTENCE IMPOSED FOR A VIOLATION OF CERTAIN VEHICLE REGISTRATION REQUIREMENTS, was read for the first time and referred to the Rules Committee.

### **ATTEMPTED MURDER AMENDMENTS**

**S.B. 22**

*David L. Gladwell*

THIS ACT MODIFIES THE CRIMINAL CODE TO PROVIDE THAT THE OFFENSE OF ATTEMPTING TO COMMIT CERTAIN LISTED FIRST

DEGREE FELONIES IS ALSO A FIRST DEGREE FELONY, AND THAT THE INDETERMINATE TERM FOR THESE ATTEMPTED FIRST DEGREE FELONIES IS NOT LESS THAN THREE YEARS, BUT MAY BE FOR LIFE, was read for the first time and referred to the Rules Committee.

### **WORKFORCE SERVICES AMENDMENTS**

**S.B. 23**

*Beverly Ann Evans*

THIS ACT MODIFIES PROVISIONS RELATING TO WORKFORCE SERVICES. THE ACT MODIFIES THE DEFINITION OF CONSORTIUM OF COUNTIES AND THE MEMBERSHIP OF REGIONAL COUNCILS ON WORKFORCE SERVICES. THE ACT AUTHORIZES THE DEPARTMENT OF WORKFORCE SERVICES TO ADMINISTER OATHS, CERTIFY TO OFFICIAL ACTS, AND ISSUE SUBPOENAS AND MAKES CERTAIN TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **RELEASE OF CUSTODIAL OR NONCUSTODIAL PARENT'S ADDRESS**

**S.B. 24**

*D. Edgar Allen*

THIS ACT MODIFIES THE REQUIREMENTS UNDER WHICH THE OFFICE OF RECOVERY SERVICES MAY RELEASE INFORMATION ON CUSTODIAL OR NONCUSTODIAL PARENTS, was read for the first time and referred to the Rules Committee.

### **OFFICE OF RECOVERY SERVICES AMENDMENTS**

**S.B. 25**

*D. Edgar Allen*

THIS ACT ENACTS NEW LANGUAGE TO REQUIRE THAT AN APPLICATION FOR CHILD SUPPORT SERVICES INFORM THE APPLICANT THAT PROVIDING FALSE INFORMATION MAY LEAD TO PROSECUTION OR CASE CLOSURE, was read for the first time and referred to the Rules Committee.

### **SERIOUS YOUTH OFFENDER AMENDMENTS**

**S.B. 26**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE JUDICIAL CODE BY PROVIDING THAT CERTAIN OFFENSES COMMITTED BY A MINOR WITHIN A SECURE

FACILITY ARE NOT SUBJECT TO DISTRICT COURT JURISDICTION, AND CLARIFYING WHEN JURISDICTION OVER A MINOR IS RETAINED UNDER THE SERIOUS YOUTH OFFENDER PROVISIONS, was read for the first time and referred to the Rules Committee.

### **AMENDMENTS TO GUILTY AND MENTALLY ILL**

**S.B. 27**

*David L. Gladwell*

THIS ACT MODIFIES THE CODE OF CRIMINAL PROCEDURE, CREATING A NEW PLEA OF "GUILTY AND MENTALLY ILL AT THE TIME OF THE OFFENSE" AND SETTING STANDARDS FOR JURY INSTRUCTIONS ON MENTAL DEFENSES, was read for the first time and referred to the Rules Committee.

### **TAX CREDITS – REMOVAL OF TAX CREDIT FROM TAX FORM AND PROHIBITION ON CLAIMING OR CARRYING FORWARD TAX CREDIT**

**S.B. 28**

*Curtis S. Bramble*

THIS ACT AMENDS THE INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAXES TO REQUIRE THE STATE TAX COMMISSION UNDER CERTAIN CIRCUMSTANCES TO REMOVE A TAX CREDIT FROM A TAX RETURN, TO PROHIBIT A PERSON FILING A TAX RETURN FROM CLAIMING OR CARRYING FORWARD A TAX CREDIT UNDER CERTAIN CIRCUMSTANCES, AND TO REQUIRE THE STATE TAX COMMISSION TO MAKE REPORTS UNDER CERTAIN CIRCUMSTANCES TO THE REVENUE AND TAXATION INTERIM COMMITTEE AND CERTAIN STATE AGENCIES. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2002, was read for the first time and referred to the Rules Committee.

### **INTERLOCAL COOPERATION ACT AMENDMENTS**

**S.B. 29**

*Leonard M. Blackham*

THIS ACT MODIFIES THE INTERLOCAL COOPERATION ACT. THE ACT MODIFIES PROVISIONS RELATING TO THE CREATION AND GOVERNANCE OF SEPARATE LEGAL OR ADMINISTRATIVE AGENCIES THAT UTAH PUBLIC AGENCIES MAY CREATE TO ACCOMPLISH THE PURPOSE OF THEIR JOINT ACTION. THE ACT PROVIDES FOR THE CREATION OF ENERGY SERVICES AGENCIES AND PROVIDES FOR

THEIR POWERS. THE ACT MODIFIES PROVISIONS REQUIRED TO BE INCLUDED IN AN AGREEMENT FOR JOINT OR COOPERATIVE ACTION. THE ACT REPEALS PROVISIONS REQUIRING APPROVAL OF AGREEMENTS BY AN ATTORNEY. THE ACT MAKES CERTAIN PROVISIONS FOR CALCULATING THE GROSS RECEIPTS TAX FOR PROJECT ENTITIES. THE ACT MODIFIES PROVISIONS RELATING TO ADDITIONAL REQUIREMENTS FOR INTERLOCAL COOPERATION AGREEMENTS THAT DO NOT ESTABLISH A SEPARATE LEGAL OR ADMINISTRATIVE ENTITY. THE ACT MODIFIES PROVISIONS RELATING TO AGREEMENTS BETWEEN STATE AND FEDERAL AGENCIES. THE ACT ELIMINATES A REQUIREMENT THAT APPLIES IF AN INTERLOCAL COOPERATION ENTITY CONSTRUCTS OR ACQUIRES FACILITIES TO PROVIDE SERVICES THAT EXCEED THOSE NEEDED TO MEET THE REQUIREMENTS OF THE PARTICIPATING PUBLIC AGENCIES. THE ACT MODIFIES A PROVISION DEFINING PROJECTS THAT ARE SUBJECT TO A REQUIREMENT TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM THE PUBLIC SERVICE COMMISSION. THE ACT MODIFIES DEFINITIONS AND ADDS NEW DEFINITIONS, MAKES CONFORMING CHANGES, AND MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**FUNDING FORMULA FOR ALCOHOL  
RELATED ACTIVITIES OF LOCAL GOVERNMENTS**

**S.B. 30**

*Michael G. Waddoups*

THIS ACT MODIFIES THE ALCOHOLIC BEVERAGE CONTROL CODE TO MODIFY THE REQUIREMENT THAT THE LEGISLATURE APPROPRIATE MONIES TO BE USED BY COUNTIES AND MUNICIPALITIES FOR SPECIFIED PURPOSES RELATED TO ALCOHOL. THE ACT ALSO MODIFIES HOW THE MONIES ARE DISTRIBUTED. THE ACT PROVIDES A MECHANISM TO SUSPEND PAYMENTS IF ITS IS FOUND THAT A MUNICIPALITY OR COUNTY IS NOT USING THE MONIES FOR THE SPECIFIED PURPOSES, was read for the first time and referred to the Rules Committee.

**INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS**

**S.B. 31**

*Curtis S. Bramble*

THIS ACT MODIFIES THE INDIVIDUAL INCOME TAX ACT BY REQUIRING THE STATE TAX COMMISSION TO MAKE CERTAIN

ADJUSTMENTS TO THE INDIVIDUAL INCOME TAX BRACKETS AND AMOUNTS OF TAX AS A RESULT OF INFLATION OR DEFLATION, AND MAKING TECHNICAL CHANGES. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2002, was read for the first time and referred to the Rules Committee.

### **ELECTRIC POWER FACILITIES AMENDMENTS**

#### **S.B. 32**

*Leonard M. Blackham*

THIS ACT MODIFIES PROVISIONS RELATING TO THERMAL POWER FACILITIES AND MAKES THEM APPLY INSTEAD TO ELECTRIC POWER FACILITIES. THE ACT EXPANDS APPLICATION OF THOSE PROVISIONS TO INCLUDE INTERLOCAL ENTITIES AND MODIFIES PROVISIONS RELATING TO THE REQUIREMENTS FOR AGREEMENTS FOR COMMON FACILITIES, THE FINANCING OF COMMON FACILITIES, AND THE LIABILITY OF PUBLIC POWER ENTITIES AND POWER UTILITIES. THE ACT MODIFIES DEFINITIONS AND MAKES CONFORMING AND TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **ACCESS TO HEALTH CARE AND COVERAGE TASK FORCE**

#### **S.B. 33**

*Peter C. Knudson*

THIS ACT CREATES THE ACCESS TO HEALTH CARE AND COVERAGE TASK FORCE. THE ACT SPECIFIES MEMBERSHIP, RESPONSIBILITIES, AND REPORTING DATES FOR THE TASK FORCE. THE ACT APPROPRIATES \$37,000 FROM THE GENERAL FUND FOR FISCAL YEAR 2001-02 TO FUND THE TASK FORCE AND REPEALS THE TASK FORCE ON NOVEMBER 30, 2002, was read for the first time and referred to the Rules Committee.

### **PRIVATE RECORDS AMENDMENTS**

#### **S.B. 34**

*David H. Steele*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT TO EXPAND RECORDS DESIGNATED AS PRIVATE TO INCLUDE CERTAIN RECORDS IN A PERSONALIZED USER DATABASE FOR STATE ONLINE APPLICATIONS, was read for the first time and referred to the Rules Committee.

**VOTER RESIDENCE WHERE LOT IS  
DIVIDED BY COUNTY BOUNDARY LINE**

**S.B. 35**

*Carlene M. Walker*

THIS ACT MODIFIES THE ELECTION CODE TO PROVIDE FOR THE DETERMINATION OF RESIDENCY FOR VOTING PURPOSES WHEN A PERSON'S RESIDENCE IS DIVIDED BY A COUNTY BOUNDARY LINE. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**PROVISIONAL BALLOT**

**S.B. 36**

*John W. Hickman*

THIS ACT MODIFIES THE ELECTION CODE BY ESTABLISHING A PROCEDURE FOR CERTAIN PERSONS TO VOTE A PROVISIONAL BALLOT IN UTAH ELECTIONS. THIS ACT CHANGES THE DATE FOR THE LOCAL BOARD OF CANVASSERS TO MEET. THIS ACT MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**MUTUAL WATER COMPANY CHANGE APPLICATIONS**

**S.B. 37**

*Leonard M. Blackham*

THIS ACT MODIFIES THE WATER AND IRRIGATION CODE TO ALLOW A SHAREHOLDER IN A WATER COMPANY TO REQUEST A CHANGE IN POINT OF DIVERSION, PLACE OF USE, OR PURPOSE OF USE OF WATER REPRESENTED BY THE SHAREHOLDER'S STOCK IN THE WATER COMPANY, was read for the first time and referred to the Rules Committee.

**LEGISLATIVE COMMITTEE NAMES REVISIONS**

**S.B. 38**

*Peter C. Knudson*

THIS ACT CHANGES REFERENCES TO INTERIM COMMITTEES TO REFLECT THE CURRENT COMMITTEE STRUCTURE. THIS ACT ALSO MODIFIES THE UTAH CODE TO MAKE TECHNICAL CORRECTIONS TO INTERIM COMMITTEE NAMES. , was read for the first time and referred to the Rules Committee.

**HIGHWAY DESIGNATION****S.B. 39***Peter C. Knudson*

THIS ACT MODIFIES THE TRANSPORTATION CODE BY RENAMING A SECTION OF A STATE HIGHWAY ROUTE, was read for the first time and referred to the Rules Committee.

**TUITION ASSISTANCE APPROPRIATION FOR NATIONAL GUARD****S.B. 40***Peter C. Knudson*

THIS ACT CREATES AN ONGOING APPROPRIATION OF \$200,000 FOR TUITION ASSISTANCE AT INSTITUTIONS OF HIGHER EDUCATION FOR MEMBERS OF THE NATIONAL GUARD, was read for the first time and referred to the Rules Committee.

**ADVISORY COUNCIL ON  
INTERGOVERNMENTAL RELATIONS AMENDMENTS****S.B. 41***Millie M. Peterson*

THIS ACT MODIFIES THE UTAH ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS BY AMENDING THE REQUIREMENTS FOR A QUORUM OF THE COUNCIL, was read for the first time and referred to the Rules Committee.

**NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS****S.B. 42***Dan R. Eastman*

THIS ACT AMENDS THE NEW AUTOMOBILE FRANCHISE ACT. THE ACT PROHIBITS A FRANCHISOR FROM DISCRIMINATING AGAINST A FRANCHISEE BY DIRECT AND INDIRECT PRICING DIFFERENCES, CONDITIONING FRANCHISEE BENEFITS ON LOAN ACCEPTANCE FROM THE FRANCHISOR, OR PROVIDING LEAD INFORMATION TO ONE FRANCHISEE OF A PROSPECTIVE CUSTOMER LOCATED IN THE MARKET AREA OF ANOTHER FRANCHISEE. THE ACT AMENDS CERTAIN DEFINITIONS. THE ACT CLARIFIES THE COMPENSATION STRUCTURE FOR ADVISORY BOARD MEMBERS. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**UNIFORM TRUST ACT****S.B. 43***Lyle W. Hillyard*

THIS ACT REPEALS TITLE 75, CHAPTER 7, TRUST ADMINISTRATION, AND ENACTS THE UTAH UNIFORM TRUST CODE IN ITS PLACE, was read for the first time and referred to the Rules Committee.

**FUNDING A COMMUNITY LEGAL CENTER****S.B. 44***Lyle W. Hillyard*

THIS ACT PROVIDES A ONE-TIME APPROPRIATION OF \$800,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO PROVIDE A GRANT TO HELP FUND A COMMUNITY LEGAL CENTER FOR THE CITIZENS OF UTAH. THIS ACT IS EFFECTIVE JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**BIRTH CERTIFICATE FOR STILLBORN CHILD****S.B. 45***Ron Allen*

THIS ACT MODIFIES THE HEALTH CODE TO REQUIRE THE STATE REGISTRAR OF VITAL STATISTICS TO OFFER A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH TO PARENTS OF A STILLBORN CHILD. THE ACT DEFINES TERMS AND PERMITS THE DELAYED REGISTRATION OF A STILLBIRTH IN ACCORDANCE WITH DEPARTMENT RULES, was read for the first time and referred to the Rules Committee.

**INDIAN AFFAIRS RELATED AMENDMENTS****S.B. 46***Beverly Ann Evans*

THIS ACT MODIFIES THE COMMUNITY AND ECONOMIC DEVELOPMENT TITLE AND THE WILDLIFE RESOURCES CODE TO ADDRESS ISSUES AFFECTING INDIANS. THIS ACT CLARIFIES PURPOSES FOR WHICH MONIES MAY BE DISTRIBUTED FROM THE UINTAH BASIN REVITALIZATION FUND. THIS ACT MODIFIES THE PROCESS FOR REVIEW OF CERTAIN AGREEMENTS WITH INDIAN TRIBES. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**PROCUREMENT CODE AMENDMENTS****S.B. 47***David L. Gladwell*

THIS ACT MODIFIES THE UTAH PROCUREMENT CODE BY REDEFINING TERMS AND ESTABLISHING MORE PRECISELY THE

RELIEF A PROTESTING OFFEROR OR BIDDER MAY OBTAIN FROM THE STATE. THIS ACT MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

### **PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS**

**S.B. 48**

*John W. Hickman*

THIS ACT MODIFIES THE INSURANCE CODE TO GENERALLY EXEMPT FROM THE SCOPE OF THE INSURANCE CODE PUBLIC AGENCY INSURANCE MUTUALS AND TO MAKE TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **UTAH EXEMPTION ACT AMENDMENTS**

**S.B. 49**

*David L. Gladwell*

THIS ACT MODIFIES THE UTAH EXEMPTIONS ACT TO PROVIDE THAT THE ALLOWANCE FOR AN EXEMPT VEHICLE IS NOT LIMITED TO A VEHICLE USED FOR BUSINESS OR PROFESSIONAL PURPOSES, was read for the first time and referred to the Rules Committee.

### **UTAH MEDICAL PRACTICE ACT AMENDMENTS**

**S.B. 50**

*D. Edgar Allen*

THIS ACT AMENDS THE UTAH MEDICAL PRACTICE ACT. THIS ACT CONSIDERS AN INDIVIDUAL ENROLLED IN A FOREIGN MEDICAL SCHOOL ELIGIBLE FOR LICENSURE IN THIS STATE AS A PHYSICIAN OR SURGEON IF CERTAIN REQUIREMENTS ARE MET. THE ACT ESTABLISHES THE REQUIREMENTS FOR LICENSURE OF FOREIGN EDUCATED INDIVIDUALS. THE ACT DESIGNATES THE REQUIREMENTS FOR FOREIGN EDUCATED LICENSES AS THE "FIFTH PATHWAY., was read for the first time and referred to the Rules Committee.

### **NURSE PRACTICE ACT AMENDMENTS**

**S.B. 51**

*Paula F. Julander*

THIS ACT AMENDS PROVISIONS RELATED TO OCCUPATIONS AND PROFESSIONS. THE ACT REPEALS THE HEALTH CARE ASSISTANT REGISTRATION ACT. THE ACT INCORPORATES THE HEALTH CARE ASSISTANT REGISTRATION ACT INTO THE NURSE PRACTICE ACT. THE ACT ADDS DEFINITIONS TO THE NURSE PRACTICE ACT. THE ACT

AMENDS THE MEMBERSHIP OF THE BOARD OF NURSING. THE ACT AMENDS LICENSE CLASSIFICATIONS. THE ACT AMENDS LICENSE QUALIFICATIONS AND REQUIRES ALL LICENSEES OR REGISTERED INDIVIDUALS UNDER THE NURSE PRACTICE ACT TO SUBMIT TO CRIMINAL BACKGROUND CHECKS. THE ACT PROVIDES FOR LIMITED EXEMPTIONS FROM REGISTRATION FOR HEALTH CARE ASSISTANTS. THE ACT AMENDS PROVISIONS RELATED TO GROUNDS FOR DENIAL OF A LICENSE OR REGISTRATION, UNLAWFUL CONDUCT, AND DISCIPLINARY ACTIONS TO INCORPORATE HEALTH CARE ASSISTANTS. THE ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

### **LEFT LANE RESTRICTION AMENDMENTS**

**S.B. 52**

*Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY AMENDING VEHICLE LEFT LANE RESTRICTIONS. THIS ACT REQUIRES AN OPERATOR IN A HIGH OCCUPANCY VEHICLE LANE TO YIELD TO AN OVERTAKING VEHICLE IN THE SAME LANE, was read for the first time and referred to the Rules Committee.

### **DIRECT-ENTRY MIDWIFE LICENSING ACT**

**S.B. 53**

*Parley G. Hellewell*

THIS ACT MODIFIES THE OCCUPATIONS AND PROFESSIONS CODE BY ENACTING THE DIRECT-ENTRY MIDWIFE LICENSING ACT AND AMENDING RELATED PROVISIONS OF THE OCCUPATIONS AND PROFESSIONS CODE AND THE JUDICIAL CODE. THE ACT PROVIDES FOR LICENSURE OF DIRECT-ENTRY MIDWIVES BY THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING. THE ACT PROVIDES FOR DEFINITIONS RELATING TO THE PRACTICE OF DIRECT-ENTRY MIDWIVES. THE ACT CREATES THE DIRECT-ENTRY MIDWIVES EDUCATION AND ENFORCEMENT FUND AND SETS STANDARDS FOR ITS USE. THE ACT CREATES THE DIRECT-ENTRY MIDWIFE LICENSING BOARD AND SETS FORTH ITS MEMBERSHIP AND DUTIES. THE ACT REQUIRES THE DIVISION TO ESTABLISH A DIRECT-ENTRY MIDWIFE FORMULARY COMMITTEE AND A DIRECT-ENTRY MIDWIFE FORMULARY TO DEFINE WHICH PRESCRIPTION DRUGS AND DEVICES CAN BE PRESCRIBED AND ADMINISTERED BY DIRECT-ENTRY MIDWIVES AND TO PROVIDE GUIDELINES FOR THEIR USE. THE ACT SETS FORTH THE

QUALIFICATIONS FOR LICENSURE. THE ACT PROVIDES FOR EXEMPTIONS FROM LICENSURE. THE ACT GUARANTEES THE RIGHT OF PARENTS TO DELIVER THEIR BABY WHERE, WHEN, HOW, AND WITH WHOM THEY CHOOSE. THE ACT PROVIDES FOR DISCIPLINARY ACTION, INCLUDING ADMINISTRATIVE PENALTIES, AGAINST LICENSEES. THE ACT DEFINES AND PROVIDES PENALTIES FOR UNLAWFUL AND UNPROFESSIONAL CONDUCT. THE ACT SETS STANDARDS FOR CONSULTATION, COLLABORATION, REFERRAL, AND TRANSFER TO OR WITH OTHER HEALTH CARE PROVIDERS AND SETS STANDARDS FOR LIABILITY UNDER THOSE CIRCUMSTANCES. THE ACT BRINGS DIRECT-ENTRY MIDWIVES WITHIN THE SCOPE OF THE HEALTH CARE PROVIDERS IMMUNITY FROM LIABILITY ACT, was read for the first time and referred to the Rules Committee.

### **WOMEN'S HEALTH CARE PARITY**

#### **S.B. 54**

*Paula F. Julander*

THIS ACT AMENDS PROVISIONS RELATED TO HEALTH INSURANCE. THE ACT REQUIRES HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE CONTRACTS TO PROVIDE COVERAGE FOR THE COST OF PRESCRIPTIVE CONTRACEPTIVES. THIS ACT PROVIDES A RELIGIOUS EXEMPTION FOR COVERAGE OF PRESCRIPTIVE CONTRACEPTIVES, was read for the first time and referred to the Rules Committee.

### **AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT**

#### **S.B. 55**

*Parley G. Hellewell*

THIS ACT MODIFIES THE UTAH UNIFORM BUILDING STANDARDS ACT. THE ACT CLARIFIES AND MODIFIES THE CIRCUMSTANCES IN WHICH POLITICAL SUBDIVISIONS ARE REQUIRED TO FOLLOW CODES ADOPTED BY THE DIVISION OF OCCUPATIONAL HEALTH AND PROFESSIONAL LICENSING, IN COLLABORATION WITH THE UNIFORM BUILDING CODE COMMISSION. THE ACT EXPANDS AND CLARIFIES THE LIST OF POTENTIAL NATIONALLY RECOGNIZED CODES THAT MAY BE ADOPTED BY THE DIVISION. THE ACT GIVES COMPLIANCE AGENCIES AUTHORITY TO AMEND ADMINISTRATIVE PROVISIONS OF CODES ADOPTED BY THE DIVISION AND THE COMMISSION. THE ACT GIVES THE DIVISION AUTHORITY, IN COLLABORATION WITH THE COMMISSION, TO APPROVE CERTAIN OTHER CODES, WITHOUT ADOPTING THEM. THE ACT GIVES

POLITICAL SUBDIVISIONS DISCRETION TO REQUIRE BUILDINGS TO BE REHABILITATED OR DEMOLISHED IN CERTAIN CIRCUMSTANCES OR TO ADOPT A DANGEROUS BUILDING CODE OR REHABILITATION CODE IF THE APPLICABLE CODE IS ONE APPROVED BY THE DIVISION. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **AGE DISCRIMINATION IN EMPLOYMENT**

**S.B. 56**

*Ed P. Mayne*

THIS ACT MODIFIES THE UTAH ANTIDISCRIMINATION ACT TO CLARIFY THAT A PERSON EMPLOYING EIGHT OR MORE EMPLOYEES MAY NOT DISCRIMINATE UNDER THE UTAH ANTIDISCRIMINATION ACT, was read for the first time and referred to the Rules Committee.

### **CORPORATE FRANCHISE AND INCOME TAXES – TREATMENT OF CERTAIN COOPERATIVES**

**S.B. 57**

*John L. Valentine*

THIS ACT MODIFIES THE CORPORATE FRANCHISE AND INCOME TAXES ACT TO DEFINE TERMS, TO AMEND THE EXEMPTION FROM STATE CORPORATE FRANCHISE AND INCOME TAXES FOR CERTAIN COOPERATIVES, AND TO MAKE TECHNICAL CHANGES. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2002, was read for the first time and referred to the Rules Committee.

### **HEALTH CARE ACCESS REFORM**

**S.B. 58**

*D. Chris Buttars*

THIS ACT CREATES THE WORKING PARENT'S HEALTH CARE ASSISTANCE PLAN. THE ACT DIRECTS THE DEPARTMENT OF HEALTH TO ESTABLISH THE WORKING PARENT'S HEALTH CARE ASSISTANCE PLAN WHICH PROVIDES BENEFITS TO PEOPLE AGE 19 AND OLDER WHO ARE BELOW 100% OF THE FEDERAL POVERTY LEVEL AND WHO MEET OTHER CRITERIA FOR ENROLLMENT IN THE PLAN. THE ACT ESTABLISHES THE LEVEL OF BENEFITS IN THE PLAN AND DIRECTS THE DEPARTMENT OF HEALTH TO ESTABLISH COST CONTAINMENT MEASURES. THE ACT FUNDS THE HEALTH CARE ASSISTANCE PLAN BY INCREASING THE CIGARETTE TAX. THE ACT ESTABLISHES A

RESTRICTED ACCOUNT IN THE GENERAL FUND KNOWN AS THE WORKING PARENT'S HEALTH CARE ASSISTANCE ACCOUNT. THE ACT REQUIRES ALL REVENUES FROM THE INCREASED CIGARETTE TAX TO BE DEPOSITED INTO THE RESTRICTED ACCOUNT AND RESTRICTS THE USE OF THE FUNDS TO HEALTH COVERAGE EXPANSION FOR LOW-INCOME PARENTS, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX – TAXATION OF AMOUNTS  
PAID TO A TELEPHONE SERVICE PROVIDER  
OR TELEGRAPH CORPORATION**

**S.B. 59**

*Curtis S. Bramble*

THIS ACT MODIFIES THE REVENUE AND TAXATION CODE TO AMEND DEFINITIONS, TO ADDRESS THE APPLICABILITY OF THE SALES AND USE TAX TO AMOUNTS PAID TO TELEPHONE SERVICE PROVIDERS OR TELEGRAPH CORPORATIONS, AND TO MAKE TECHNICAL CHANGES. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**UTAH CONSUMER CREDIT REPORTING ACT**

**S.B. 60**

*Gene Davis*

THIS ACT MODIFIES THE COMMERCE AND TRADE TITLE TO ENACT THE UTAH CONSUMER CREDIT REPORTING ACT INCLUDING TITLING THE ACT AND DEFINING TERMS. THE ACT ADDRESSES OBTAINING A COPY OF CONSUMER REPORT INFORMATION. THE ACT PROVIDES PENALTY PROVISIONS AND STATES THAT THE ACT DOES NOT PREVENT OTHER ACTIONS, was read for the first time and referred to the Rules Committee.

**GOVERNMENT RECORDS ACCESS AND  
MANAGEMENT – RECORDS RELATED TO EXPLOSIVES**

**S.B. 61**

*Bill Wright*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT TO PROVIDE THAT CERTAIN RECORDS RELATED TO EXPLOSIVES MAY BE CLASSIFIED AS PROTECTED. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**ADJUSTMENTS OF COUNTY BOUNDARIES****S.B. 80***Carlene M. Walker*

THIS ACT MODIFIES THE COUNTY CODE BY PROVIDING A PROCEDURE FOR ADJACENT COUNTIES TO MAKE MINOR ADJUSTMENTS TO THEIR SHARED BOUNDARY BY JOINT RESOLUTION OF THE COUNTY LEGISLATIVE BODIES. THE ACT REPEALS THE DESCRIPTION OF COUNTY BOUNDARIES AND MAKES THE LIEUTENANT GOVERNOR'S OFFICE RESPONSIBLE FOR MAINTAINING THE OFFICIAL COUNTY BOUNDARIES. THE ACT MAKES TECHNICAL CHANGES AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**EDUCATION OF PERSONS WITH A DISABILITY****S.B. 81***Ed P. Mayne*

THIS ACT MODIFIES PROVISIONS REGARDING PUBLIC EDUCATION FOR STUDENTS WITH DISABILITIES BY CLARIFYING THAT THE EDUCATION SERVICES ARE AVAILABLE TO THE END OF THE SCHOOL YEAR DURING WHICH THE STUDENTS TURNS 22, IF THE STUDENT HAS NOT GRADUATED FROM HIGH SCHOOL WITH A REGULAR DIPLOMA. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS****S.B. 82***Beverly Ann Evans*

THIS ACT MODIFIES THE COUNTY PERSONNEL MANAGEMENT ACT BY RAISING THE THRESHOLD FOR AN OPTIONAL EXEMPTION FROM THE ACT FROM 130 TO 200 EMPLOYEES. THIS ACT ALSO MODIFIES THE EMPLOYEE CLASSIFICATION FOR THE OPTIONAL EXEMPTION TO INCLUDE ONLY FULL-TIME EMPLOYEES, NOT PART-TIME AND SEASONAL EMPLOYEES, was read for the first time and referred to the Rules Committee.

**REGULATION OF TERMITE INSPECTORS****S.B. 83***Carlene M. Walker*

THIS ACT AMENDS THE UTAH PESTICIDE CONTROL ACT. THE ACT PROVIDES THAT NO PERSON MAY, FOR HIRE, PERFORM INSPECTIONS

FOR TERMITES WITHOUT A LICENSE, ACCORDING TO TESTING REQUIREMENTS AND FAIR AND REASONABLE FEES DETERMINED BY THE DEPARTMENT. THE ACT GIVES THE DEPARTMENT AUTHORITY TO REFUSE, REVOKE, OR SUSPEND A LICENSE FOR FRAUDULENT OR DECEPTIVE PRACTICES. THE ACT MODIFIES THE REQUIREMENT OF ANNUAL RENEWALS FOR PESTICIDE DISTRIBUTION AND APPLICATION LICENSES AND REQUIRES THAT LICENSE FEES AND RENEWAL FEES BE FAIR AND REASONABLE, was read for the first time and referred to the Rules Committee.

### **REAL ESTATE APPRAISER AMENDMENTS**

**S.B. 84**

*Curtis S. Bramble*

THIS ACT AMENDS THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT. THIS ACT EXEMPTS A REAL ESTATE BROKER AND REAL ESTATE SALES AGENT FROM REAL ESTATE APPRAISER LICENSING AND CERTIFICATION REQUIREMENTS WHEN GIVING AN OPINION REGARDING THE VALUE OF REAL ESTATE. THE ACT ALSO EXEMPTS FROM THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION REQUIREMENTS A PERSON REPRESENTING OR ASSISTING A TAXPAYER IN A PROPERTY TAX APPEAL. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **PARENTAL INVOLVEMENT IN PUBLIC EDUCATION**

**S.B. 85**

*Carlene M. Walker*

THIS ACT MODIFIES PROVISIONS RELATING TO THE STATE SYSTEM OF PUBLIC EDUCATION BY SPECIFYING CHARACTERISTICS OF PARENTAL INVOLVEMENT PROGRAMS, was read for the first time and referred to the Rules Committee.

### **FUNDING OF THE CONTROLLED SUBSTANCES DATABASE**

**S.B. 86**

*John L. Valentine*

THIS ACT MODIFIES THE UTAH CONTROLLED SUBSTANCES ACT. THE ACT ALLOWS FOR FUNDING OF THE CONTROLLED SUBSTANCES DATABASE THROUGH THE COMMERCE SERVICE FUND AND PROVIDES FOR CIVIL PENALTIES TO BE DEPOSITED INTO THE COMMERCE SERVICE FUND, was read for the first time and referred to the Rules Committee.

**VISITATION RIGHTS OF GRANDPARENTS****S.B. 87***Terry R. Spencer*

THIS ACT AMENDS THE GRANDPARENTS VISITATION RIGHTS STATUTE. THE ACT CLARIFIES THAT GRANDPARENTS MAY INTERVENE IN PENDING PROCEEDINGS INVOLVING CUSTODY AND VISITATION ISSUES. THE ACT APPLIES TO ALL GRANDPARENT VISITATION ACTIONS A PRESUMPTION IN FAVOR OF THE PARENT'S DECISION AND DESCRIBES HOW THAT PRESUMPTION CAN BE OVERCOME. THE ACT PERMITS COURTS TO TAKE INTO ACCOUNT THE GRANDCHILD'S DESIRES REGARDING VISITATION. THE ACT ESTABLISHES A STANDARD FOR MODIFICATION OF AN EXISTING VISITATION ORDER, was read for the first time and referred to the Rules Committee.

**ENVIRONMENTAL SELF-EVALUATION ACT AMENDMENTS****S.B. 88***Bill Wright*

THIS ACT MODIFIES THE ENVIRONMENTAL SELF-EVALUATION ACT. THE ACT EXTENDS THE TIME PERIOD FOR DISCLOSURE OF AN INSTANCE OF NONCOMPLIANCE WITH AN ENVIRONMENTAL LAW OR REQUIREMENT FROM TEN TO 21 DAYS. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**SAFE DRINKING WATER ACT –  
ADMINISTRATIVE PROCEDURE AMENDMENTS****S.B. 89***Bill Wright*

THIS ACT MODIFIES THE SAFE DRINKING WATER ACT. THE ACT CLARIFIES THE AUTHORITY OF THE DRINKING WATER BOARD TO INCLUDE THE ISSUANCE AND ENFORCEMENT OF ORDERS, AND HOLDING ADMINISTRATIVE HEARINGS. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**DRINKING WATER BOARD LOAN AND GRANT AMENDMENTS****S.B. 90***Bill Wright*

THIS ACT MODIFIES THE WATER AND IRRIGATION CODE TO ALLOW THE DRINKING WATER BOARD TO MAKE LOANS OR GRANTS

TO POLITICAL SUBDIVISIONS FOR PLANNING FOR DRINKING WATER PROJECTS, was read for the first time and referred to the Rules Committee.

### **SOCIAL WORKER LICENSING ACT AMENDMENTS**

**S.B. 91**

*Paula F. Julander*

THIS ACT MODIFIES OCCUPATIONAL AND PROFESSIONAL LICENSING. THE ACT AMENDS THE SOCIAL WORKER LICENSING ACT. THE ACT CLARIFIES WHICH DEGREES ARE REQUIRED FOR LICENSURE AS A SOCIAL WORKER, was read for the first time and referred to the Rules Committee.

### **BEAR RIVER DEVELOPMENT PROJECTS**

**S.B. 92**

*Michael G. Waddoups*

THIS ACT MODIFIES THE WATER AND IRRIGATION CODE TO DELETE REFERENCE TO THE HONEYVILLE AND BARRENS PROJECTS FROM THE LIST OF POTENTIAL PROJECTS ON THE BEAR RIVER, was read for the first time and referred to the Rules Committee.

### **CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS**

**S.B. 93**

*Peter C. Knudson*

THIS ACT AMENDS THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT TO ENLARGE THE PROTECTIONS AFFORDED A REQUEST FOR A LEGISLATIVE AUDIT. THE ACT MAKES TECHNICAL CHANGES. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### **AGRICULTURAL PROTECTION ACT AMENDMENTS**

**S.B. 94**

*Leonard M. Blackham*

THIS ACT MODIFIES THE COUNTY CODE RELATING TO AGRICULTURAL PROTECTION AREAS AND THE UTAH CRIMINAL CODE RELATING TO NUISANCES. THE ACT EXTENDS THE SOUND AGRICULTURAL PRACTICES DEFENSE TO CRIMINAL ACTIONS FOR PUBLIC NUISANCE, was read for the first time and referred to the Rules Committee.

### **UNINCORPORATED COUNTY AMENDMENTS**

**S.B. 95**

*Ron Allen*

THIS ACT MODIFIES THE ALCOHOLIC BEVERAGE CONTROL ACT BY AMENDING THE LIMITATIONS ON THE ALCOHOLIC BEVERAGE

CONTROL COMMISSION'S POWER TO GRANT LICENSES IN UNINCORPORATED COUNTY AREAS, was read for the first time and referred to the Rules Committee.

### **URANIUM MILL TAILINGS OVERSIGHT**

**S.B. 96**

*Bill Wright*

THIS ACT MODIFIES THE RADIATION CONTROL ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO REGULATE URANIUM RECOVERY AND SPECIFIED RELATED OPERATIONS. THIS ACT ALSO INCREASES THE SIZE OF THE RADIATION CONTROL BOARD BY TWO MEMBERS, was read for the first time and referred to the Rules Committee.

### **FORENSIC MENTAL HEALTH COORDINATING COUNCIL**

**S.B. 97**

*Karen Hale*

THIS ACT AMENDS THE HUMAN SERVICES CODE. THE ACT CHANGES THE NAME OF THE MENTAL HEALTH AND CORRECTIONS ADVISORY COORDINATING COUNCIL. THE ACT MODIFIES THE COMPOSITION OF THE COUNCIL AND EXPANDS THE PURPOSES OF THE COUNCIL. THE ACT MOVES CERTAIN EXISTING PROVISIONS INTO A NEW SECTION. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **OUTDOOR ADVERTISING AMENDMENTS**

**S.B. 98**

*Michael G. Waddoups*

THIS ACT MODIFIES THE TRANSPORTATION CODE TO AMEND PROVISIONS RELATING TO THE LOCATION OF OUTDOOR ADVERTISING SIGNS ON CERTAIN STATE HIGHWAYS, was read for the first time and referred to the Rules Committee.

### **CORE CURRICULUM AMENDMENTS**

**S.B. 99**

*David L. Gladwell*

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY REQUIRING THE STATE BOARD OF EDUCATION TO CONSULT WITH TEACHERS AND PARENTS IN ESTABLISHING THE CORE CURRICULUM AND TO ALIGN THE CORE

CURRICULUM AND TESTS ADMINISTERED UNDER THE UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS (U-PASS) WITH EACH OTHER, was read for the first time and referred to the Rules Committee.

### **PHARMACIST LICENSING AMENDMENTS**

#### **S.B. 100**

*Peter C. Knudson*

THIS ACT MODIFIES THE PHARMACY PRACTICES ACT. THE ACT AMENDS THE DEFINITION OF PRACTICE OF PHARMACY TO INCLUDE NUTRITIONAL ASSESSMENT, THERAPY, AND COUNSELING. THE ACT INCLUDES VIOLATING A PATIENT'S RIGHT TO PRIVACY AS UNPROFESSIONAL CONDUCT. THE ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

### **CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES**

#### **S.B. 101**

*Leonard M. Blackham*

THIS ACT AMENDS THE HUMAN SERVICES CODE. THE ACT ADDS NEW DEFINED TERMS AND MODIFIES OTHERS. THE ACT EXCLUDES INDIVIDUALS SERVING ON CERTAIN GOVERNING BODIES AND BOARDS FROM THE REQUIREMENT OF CRIMINAL BACKGROUND CHECKS. THE ACT MODIFIES LICENSING REQUIREMENTS OF HUMAN SERVICES LICENSEES AND PERSONS ASSOCIATED WITH A LICENSEE. THE ACT AMENDS CRIMINAL BACKGROUND CHECK PROVISIONS. THE ACT ELIMINATES THE REQUIREMENT FOR CRIMINAL BACKGROUND CHECKS AND SUBSTANTIATED CHILD ABUSE MANAGEMENT INFORMATION SYSTEM SCREENINGS IN CONNECTION WITH LICENSE RENEWAL. THE ACT REQUIRES THAT THE DEPARTMENT OF HUMAN SERVICES AND THE HUMAN SERVICES LICENSING BOARD CONDUCT A COMPREHENSIVE REVIEW OF CRIMINAL AND COURT RECORDS AND RELATED CIRCUMSTANCES IN CONNECTION WITH CERTAIN CONVICTIONS FOUND IN A SEARCH. THE ACT CLARIFIES AND MODIFIES THE PROCESS FOR CHALLENGING A DECISION BY THE DEPARTMENT NOT TO APPROVE A PERSON TO PROVIDE DIRECT SERVICES IN A LICENSEE PROGRAM SERVING CHILDREN OR VULNERABLE ADULTS. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**BID REQUIREMENTS ON COUNTY OR  
MUNICIPAL CONSTRUCTION PROJECTS****S.B. 102***Howard A. Stephenson*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE, THE COUNTY CODE, THE STATE SYSTEM OF PUBLIC EDUCATION CODE, AND THE SPECIAL DISTRICTS CODE TO REQUIRE THAT POLITICAL SUBDIVISIONS BID OUT CERTAIN CONSTRUCTION PROJECTS. THE ACT DEFINES WHICH TYPES OF IMPROVEMENTS AND CONSTRUCTION PROJECTS MUST BE BID AND PROVIDES FOR ATTORNEY'S FEES IN A CIVIL SUIT FOR VIOLATION OF THE BIDDING REQUIREMENTS, was read for the first time and referred to the Rules Committee.

**TERMINATION OF JOINT TENANCY IN REAL PROPERTY****S.B. 103***Lyle W. Hillyard*

THIS ACT MODIFIES THE REAL ESTATE CODE TO CLARIFY THAT A JOINT TENANCY IN REAL ESTATE IS CONVERTED TO A TENANCY IN COMMON BY A JOINT TENANT MAKING A BONA FIDE CONVEYANCE OF THE JOINT TENANT'S INTEREST IN THE PROPERTY TO HIMSELF OR ANOTHER. THE ACT PROVIDES INTENT LANGUAGE AND RETROSPECTIVE OPERATION, was read for the first time and referred to the Rules Committee.

**SALE OF MUNICIPAL POWER SYSTEMS****S.B. 104***John W. Hickman*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE TO CLARIFY PROVISIONS RELATING TO A MUNICIPALITY'S SALE OR LEASE OF ITS ELECTRIC POWER SYSTEM. THIS ACT AUTHORIZES THE MUNICIPAL LEGISLATIVE BODY TO ACCEPT OR REJECT A BID AND TO ADD OR SUBTRACT FROM THE APPRAISED VALUE OF THE POWER SYSTEM. THE ACT CLARIFIES THE AUTHORITY OF A MUNICIPAL LEGISLATIVE BODY IN THE PROCESS OF SELLING OR LEASING A MUNICIPAL POWER SYSTEM. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**REPEAL OF EDUCATION MANDATES AND PROGRAMS****S.B. 105***Howard A. Stephenson*

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY ELIMINATING CERTAIN

CATEGORICAL SPENDING PROGRAMS AND MANDATES ON SCHOOL DISTRICTS. THIS ACT REPEALS PROVISIONS REGARDING THE DISTRIBUTION AND EXPENDITURE OF EDUCATIONAL TECHNOLOGY MONIES FOR USE BY SCHOOL DISTRICTS AND COLLEGES OF EDUCATION, INCLUDING MATCHING FUNDS REQUIREMENTS. THIS ACT ELIMINATES THE TECHNOLOGY INITIATIVE PROJECT OFFICE AND THE REQUIREMENT IMPOSED UPON SCHOOL DISTRICTS AND COLLEGES OF EDUCATION TO PREPARE AN EDUCATIONAL TECHNOLOGY PLAN. THIS ACT ELIMINATES THE UTAH EDUCATIONAL NETWORK (UEN'S) RESPONSIBILITY TO COORDINATE CERTAIN EDUCATIONAL TECHNOLOGY PROGRAMS. THIS ACT REPEALS THE DUTY OF THE STATE BOARD OF EDUCATION TO APPROVE CAREER LADDER PLANS BUT DIRECTS THE BOARD TO REQUIRE SCHOOL DISTRICTS TO REPORT HOW CAREER LADDER MONIES ARE SPENT. THIS ACT ELIMINATES CERTAIN DUTIES OF THE STATE BOARD OF EDUCATION AND SUPERINTENDENT OF PUBLIC INSTRUCTION REGARDING THE PLANNING, DESIGN, AND CONSTRUCTION OF SCHOOL BUILDINGS. THIS ACT ELIMINATES A PROGRAM THAT PROVIDES STATE FUNDS TO MATCH PRIVATE FUNDS RAISED BY SCHOOL DISTRICTS TO ENHANCE EDUCATIONAL EXCELLENCE, A DEVELOPMENTAL PROGRAM FOR THE IMPLEMENTATION OF AN EXTENDED SCHOOL YEAR, THE SCHOOLS FOR THE 21ST CENTURY PROGRAM, AND THE SCHOOL NURSING SERVICES INCENTIVE PROGRAM. THIS ACT ELIMINATES REQUIREMENTS APPLICABLE TO THE FUNDING AND ESTABLISHMENT OF ALTERNATIVE MIDDLE SCHOOLS. THIS ACT ELIMINATES THE REQUIREMENT THAT EACH LOCAL SCHOOL BOARD IMPLEMENT A PROGRAM THAT PROVIDES DISTRICT EMPLOYEES AN OPPORTUNITY TO MAKE ANONYMOUS SUGGESTIONS TO THE BOARD. THIS ACT MAKES TECHNICAL CORRECTIONS. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

### **DIVORCE – CHILDREN'S TESTIMONY LIMITED**

**S.B. 106**

*Terry R. Spencer*

THIS ACT MODIFIES THE CIRCUMSTANCES UNDER WHICH CHILDREN MAY TESTIFY IN A DIVORCE, was read for the first time and referred to the Rules Committee.

**UTAH LABOR COMMISSION AMENDMENTS****S.B. 107***Ed P. Mayne*

THIS ACT AMENDS THE UTAH LABOR CODE TO MAKE THE APPOINTMENT OF A MEDICAL PANEL IN OCCUPATIONAL DISEASE CASES PERMISSIVE AND TO MAKE TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**PETE SUAZO PROFESSIONAL  
ATHLETIC COMMISSION AMENDMENTS****S.B. 108***Ed P. Mayne*

THIS ACT MODIFIES THE PETE SUAZO ATHLETIC COMMISSION ACT. THE ACT REINSTATES A PERCENTAGE LICENSE FEE ON BROADCAST REVENUES AND MODIFIES THE PERCENTAGE LICENSE FEE ON ADMISSION REVENUES. THE ACT PROVIDES FOR A PORTION OF LICENSE FEES RECEIVED FROM PROFESSIONAL BOXING CONTESTS OR EXHIBITIONS TO BE DEPOSITED IN THE COMMERCE SERVICE FUND AS A DEDICATED CREDIT TO BE USED BY THE COMMISSION TO AWARD GRANTS TO ORGANIZATIONS WHICH PROMOTE AMATEUR BOXING IN THE STATE. THE ACT EXPANDS THE COMMISSION'S RULEMAKING AUTHORITY TO PROVIDE A PROCESS FOR THE APPLICATION AND AWARDING OF GRANTS. THE ACT AUTHORIZES THE COMMISSION TO EXEMPT FROM THE PAYMENT OF LICENSE FEES ONE CONTEST OR EXHIBITION PER YEAR, was read for the first time and referred to the Rules Committee.

**LICENSING OF GENETIC COUNSELORS  
TECHNICAL AMENDMENTS****S.B. 109***Paula F. Julander*

THIS ACT MODIFIES THE GENETIC COUNSELORS LICENSING ACT. THE ACT AMENDS THE QUALIFICATIONS FOR LICENSURE BY PERMITTING A DEGREE EQUIVALENT TO A MASTERS OR DOCTORATE DEGREE AS DETERMINED BY THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL, was read for the first time and referred to the Rules Committee.

**CHILD PLACEMENT DETERMINATIONS****S.B. 110***Dan R. Eastman*

THIS ACT AMENDS THE HUMAN SERVICES CODE AND THE JUDICIAL CODE. THE ACT CHANGES THE PERMANENCY PLAN

REGARDING LONG-TERM FOSTER CARE FOR A CHILD WHO IS THREE YEARS OF AGE OR YOUNGER. THE ACT EXPANDS THE GROUNDS FOR REMOVAL OF A FOSTER CHILD FROM THE HOME OF THE FOSTER PARENTS WITHOUT FIRST PROVIDING A HEARING TO THE FOSTER PARENTS. THE ACT MODIFIES FINGERPRINTING REQUIREMENTS FOR HOUSEHOLD MEMBERS IN A FOSTER HOME. THE ACT CLARIFIES WHEN A JUVENILE COURT MAY ORDER A PLANNED PERMANENT LIVING ARRANGEMENT OTHER THAN ADOPTION, REUNIFICATION, GUARDIANSHIP, AND KINSHIP PLACEMENT FOR A CHILD IN THE CUSTODY OF THE DIVISION OF CHILD AND FAMILY SERVICES, IN ACCORDANCE WITH THE REQUIREMENTS OF FEDERAL LAW. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **DIVISION OF HOME IN A DIVORCE**

**S.B. 111**

*Terry R. Spencer*

THIS ACT MODIFIES PROVISIONS RELATING TO DIVORCE, PROVIDING THAT IF A FAMILY HOME IS AWARDED IN A DIVORCE TO ONE PARTY, THE OTHER PARTY SHOULD RECEIVE AN EQUITABLE LIEN ON THE HOME TO PROTECT ANY INTEREST THEY MAY HAVE, was read for the first time and referred to the Rules Committee.

### **INSURANCE COVERAGE OF CONTRACEPTIVES**

**S.B. 112**

*L. Steven Poulton*

THIS ACT MODIFIES THE INSURANCE CODE TO REQUIRE HEALTH INSURANCE POLICIES THAT COVER PRESCRIPTION DRUGS TO ALSO OFFER TO COVER, SUBJECT TO THE SAME CONDITIONS OR CONTRACT TERMS AND ANY ADDITIONAL PREMIUMS, FDA-APPROVED PRESCRIPTION CONTRACEPTIVE ARTICLES AND RELATED OUTPATIENT SERVICES. THIS ACT CREATES AN EXEMPTION FOR RELIGIOUS ORGANIZATIONS. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

### **RURAL DENTIST STUDENT LOAN REPAYMENT ASSISTANCE**

**S.B. 113**

*Peter C. Knudson*

THIS ACT AMENDS THE PHYSICIAN AND PHYSICIAN ASSISTANTS GRANT AND SCHOLARSHIP PROGRAM TO INCLUDE DENTISTS AS ELIGIBLE RECIPIENTS OF LOAN REPAYMENT AND SCHOLARSHIP

GRANTS IN EXCHANGE FOR PRACTICING IN MEDICALLY UNDERSERVED RURAL AREAS OF THE STATE. THE ACT AMENDS MEMBERSHIP OF THE RURAL MEDICAL FINANCIAL ASSISTANCE COMMITTEE TO INCLUDE A DENTIST, was read for the first time and referred to the Rules Committee.

### REVISOR'S STATUTE

**S.B. 114***Michael G. Waddoups*

THIS ACT MODIFIES PARTS OF THE UTAH CODE TO MAKE TECHNICAL CORRECTIONS INCLUDING WORDING, CROSS REFERENCES, AND NUMBERING CHANGES., was read for the first time and referred to the Rules Committee.

### MOBILE HOME PARK RESIDENCY TECHNICAL REVISIONS

**S.B. 115***Dan R. Eastman*

THIS ACT MODIFIES THE MOBILE HOME PARK RESIDENCY ACT TO MAKE TECHNICAL REVISIONS, was read for the first time and referred to the Rules Committee.

### LOCAL GOVERNMENT VARIABLE RATE BONDING AUTHORITY

**S.B. 116***D. Chris Buttars*

THIS ACT MODIFIES PROVISIONS RELATING TO COUNTY IMPROVEMENT DISTRICTS AND MUNICIPAL IMPROVEMENT DISTRICTS. THE ACT PROVIDES AUTHORITY TO USE VARIABLE RATE BONDS TO ENCOURAGE COMMUNITY IMPROVEMENTS, AFFORDABLE HOUSING, AND COMMERCIAL/INDUSTRIAL DEVELOPMENTS. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### TRUST AMENDMENTS

**S.B. 117***John L. Valentine*

THIS ACT MODIFIES THE UTAH UNIFORM PROBATE CODE TO ADDRESS ISSUES RELATED TO TRUSTS AND TO MAKE TECHNICAL CHANGES. THIS ACT ADDRESSES CERTAIN CIRCUMSTANCES WHEN A TRUSTEE MAY TAKE ACTION BASED ON INVESTMENT DIRECTION, AND THE DUTIES AND LIABILITY OF A PERSON THAT GIVES

INVESTMENT DIRECTIONS OR WHOSE CONSENT OR APPROVAL IS REQUIRED FOR INVESTMENT ACTIONS. THIS ACT PROVIDES A COORDINATION CLAUSE, was read for the first time and referred to the Rules Committee.

#### **DISTRIBUTION OF OLYMPIC SPECIAL REVENUE FUND MONIES**

**S.B. 118**

*Michael G. Waddoups*

THIS ACT MODIFIES THE UTAH SPORTS AUTHORITY ACT. THE ACT MODIFIES DISBURSEMENT FROM THE OLYMPIC SPECIAL REVENUE FUND BY MODIFYING THE DETERMINATION OF A MUNICIPALITY'S OR COUNTY'S PERCENTAGE OF TOTAL SALES AND USE TAXES GENERATED AND DEPOSITED INTO THE OLYMPIC SPECIAL REVENUE FUND. THE ACT PROVIDES AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

#### **WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS**

**S.B. 119**

*L. Steven Poulton*

THIS ACT MODIFIES THE INSURANCE CODE AND MAKES TECHNICAL CHANGES. THIS ACT AMENDS THE PROVISIONS RELATED TO REPORTING LIABILITIES FOR ASSESSMENTS FOR WORKERS' COMPENSATION INSURANCE. THIS ACT AMENDS PROVISIONS RELATED TO THE BOARD OF DIRECTORS OF THE WORKERS' COMPENSATION FUND, was read for the first time and referred to the Rules Committee.

#### **MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION REQUIREMENTS**

**S.B. 120**

*Michael G. Waddoups*

THIS ACT MODIFIES THE INSURANCE CODE TO ALLOW BINDING ARBITRATION OF MOTOR VEHICLE LIABILITY CLAIMS. THE ACT ESTABLISHES ARBITRATION PROCEDURES AND AWARD LIMITATIONS FOR DISPUTED LIABILITY CLAIMS, was read for the first time and referred to the Rules Committee.

#### **CONCEALED FIREARM PERMIT AMENDMENTS**

**S.B. 121**

*Scott K. Jenkins*

THIS ACT MODIFIES PROVISIONS RELATED TO THE ISSUANCE OF CONCEALED FIREARM PERMITS BY REMOVING THE MANDATORY

TRAINING REQUIREMENT TO QUALIFY FOR A PERMIT AND MAKING CERTAIN TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

## INSURANCE LAW AMENDMENTS

**S.B. 122**

*L. Steven Poulton*

THIS ACT MODIFIES THE INSURANCE CODE BY AMENDING DEFINITIONS, MAKING TECHNICAL CHANGES, AND MAKING THE FOLLOWING CHANGES. THE ACT ADDRESSES DISCLOSURE OF EXAMINATION REPORTS. THE ACT ADDRESSES FEES. THE ACT ADDRESSES WAIVER OF RETALIATORY REQUIREMENTS. THE ACT ADDRESSES WITHDRAWAL FROM A LINE OF INSURANCE. THE ACT ADDRESSES SELECTION AND REMOVAL OF DIRECTORS AND OFFICERS OF MUTUAL INSURERS. THIS ACT ADDRESSES REQUIRED MINIMUM CAPITAL OF CERTAIN INSURERS, DEPOSITS, AND PERMANENT SURPLUS. THIS ACT ADDRESSES CANCELLATION, TERMINATION, NONRENEWAL, OR CHANGES IN CERTAIN INSURANCE COVERAGE. THIS ACT ADDRESSES REPORTING REQUIREMENTS FOR POINT OF SERVICE OR POINT OF SALES PRODUCTS. THE ACT ADDRESSES COMPUTATION FOR MINIMUM STANDARDS FOR ANNUITIES. THIS ACT ADDRESSES THE SCOPE OF THE UTAH RATE REGULATION ACT. THIS ACT ADDRESSES WHAT CONSTITUTES AN INSURABLE INTEREST. THIS ACT ADDRESSES WHEN INFORMATION CAN BE INCORPORATED BY REFERENCE. THE ACT ADDRESSES REQUIREMENTS FOR CERTIFICATES OF GROUP INSURANCE POLICIES. THE ACT ADDRESSES PROVISIONS RELATED TO THE REGULATION OF LIFE, CREDIT LIFE, AND ACCIDENT AND HEALTH INSURANCE. THIS ACT ADDRESSES INSURANCE MARKETING AND LICENSING, INCLUDING REQUIREMENTS FOR TITLE INSURANCE. THIS ACT ADDRESSES THE REGULATION OF THIRD PARTY ADMINISTRATORS AND INSURANCE ADJUSTORS. THIS ACT ADDRESSES REHABILITATION AND LIQUIDATION OF INSURERS. THIS ACT MODIFIES REQUIREMENTS FOR THE ACCOUNT MAINTAINED BY THE UTAH PROPERTY AND CASUALTY HEALTH INSURANCE GUARANTY ASSOCIATION. THIS ACT ADDRESSES THE INDIVIDUAL AND SMALL EMPLOYER HEALTH INSURANCE ACT. THIS ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**VENUE FOR CONSUMER TRANSACTIONS****S.B. 123***John L. Valentine*

THIS ACT ENACTS A PROVISION WITHIN THE JUDICIAL CODE PERTAINING TO WRITTEN CONTRACTS WITHIN CONSUMER TRANSACTIONS. IT PROVIDES GUIDELINES FOR WHERE AN ACTION TO ENFORCE CONTRACT ACTIONS MAY BE BROUGHT DEPENDING ON WHETHER OR NOT IT PERTAINS TO REAL PROPERTY. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

**TIMELY PAYMENTS OF INSURANCE CLAIMS****S.B. 124***John L. Valentine*

THIS ACT MODIFIES THE INSURANCE CODE TO ADDRESS THE SCOPE OF CLAIMS THAT ARE SUBJECT TO REQUIREMENTS FOR TIMELY PAYMENTS AND TO MAKE TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**ORGAN DONOR LEAVE FOR STATE EMPLOYEES****S.B. 125***Karen Hale*

THIS ACT MODIFIES THE STATE OFFICERS AND EMPLOYEES CODE BY AUTHORIZING A PAID LEAVE OF ABSENCE FOR STATE EMPLOYEES WHO SERVE AS A BONE MARROW OR DONOR OF A HUMAN ORGAN. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**OPTIONAL COUNTY AFFORDABLE HOUSING FUNDS ACT****S.B. 126***Karen Hale*

THIS ACT MODIFIES PROVISIONS RELATED TO COUNTIES TO AUTHORIZE COUNTIES TO INCREASE RECORDER FEES TO FUND AFFORDABLE HOUSING PROGRAMS AND PROJECTS. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**ADULT LIFELONG LEARNING AND LITERACY RESOLUTION****S.C.R. 1***David H. Steele*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR DESIGNATES THE WEEK OF JANUARY 14, 2002, AS ADULT

LIFELONG LEARNING AND LITERACY WEEK IN THE STATE OF UTAH. THE RESOLUTION RECOGNIZES AND ENCOURAGES UTAH ADULTS IN THEIR EFFORTS TO PURSUE LIFELONG LEARNING AND TO PROMOTE LITERACY AND EXPRESSES SUPPORT FOR FINANCIAL EFFORTS AIMED AT AIDING ADULTS IN THEIR QUEST FOR LITERACY, was read for the first time and referred to the Rules Committee.

**RESOLUTION ENCOURAGING RESEARCH AND  
DEVELOPMENT GRANTS FOR CLEAN COAL ALTERNATIVES**

**S.J.R. 1**

*Mike Dmitrich*

THIS JOINT RESOLUTION URGES THE UNITED STATES DEPARTMENT OF ENERGY TO ENCOURAGE CONGRESS TO PROVIDE GRANTS FOR THE RESEARCH AND DEVELOPMENT OF CLEAN COAL TECHNOLOGY, was read for the first time and referred to the Rules Committee.

**RESOLUTION ON INVESTMENT OF STATE  
SCHOOL FUND AND UNIFORM SCHOOL FUND**

**S.J.R. 2**

*Lyle W. Hillyard*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE EDUCATION ARTICLE OF THE UTAH CONSTITUTION. THE JOINT RESOLUTION ELIMINATES A REQUIREMENT THAT A PORTION OF INTEREST EARNINGS FROM THE STATE SCHOOL FUND, EQUAL TO THE RATE OF INFLATION, BE RETAINED IN THE FUND AND ALSO ELIMINATES RELATED LANGUAGE. THE JOINT RESOLUTION REQUIRES AT LEAST HALF OF THE STATE SCHOOL FUND PRINCIPAL TO BE INVESTED IN EQUITIES AND EXPANDS WHAT MAY BE EXPENDED TO SUPPORT THE PUBLIC EDUCATION SYSTEM TO INCLUDE DIVIDENDS. THE JOINT RESOLUTION ALSO DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS, MAKES TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**RESOLUTION PROVIDING FOR CHANGING COUNTY LINES**

**S.J.R. 3**

*Millie M. Peterson*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE UTAH CONSTITUTION TO AUTHORIZE THE LEGISLATURE TO MAKE MINOR ADJUSTMENTS TO A COUNTY BOUNDARY WHEN A LOT IN A SUBDIVISION IS DIVIDED BY A COUNTY BOUNDARY. THIS JOINT

RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**JOINT RESOLUTION ALLOWING  
CHANGES TO COUNTY BOUNDARIES**

**S.J.R. 4**

*Carlene M. Walker*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE UTAH CONSTITUTION TO ALLOW COUNTIES SHARING A COMMON BOUNDARY TO ADJUST THE BOUNDARY. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSAL TO VOTERS, MAKES TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**RESOLUTION AUTHORIZING THE CALLING  
OF SPECIAL SESSIONS BY THE LEGISLATURE**

**S.J.R. 5**

*John W. Hickman*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE UTAH CONSTITUTION TO ALLOW THE LEGISLATURE TO BE CALLED INTO SPECIAL SESSION BY EITHER THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE JOINTLY OR A MAJORITY OF BOTH HOUSES. THE JOINT RESOLUTION AUTHORIZES THE LEGISLATURE TO CONDUCT OTHER LEGISLATIVE BUSINESS IN A SPECIAL SESSION CALLED BY THE PRESIDENT AND SPEAKER UPON THE CONCURRENCE OF A MAJORITY OF ALL MEMBERS OF EACH HOUSE. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSAL TO VOTERS, MAKES CLARIFYING AND TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**JOINT RESOLUTION AMENDING REVENUE  
AND TAXATION ARTICLE – EXEMPTIONS**

**S.J.R. 6**

*Michael G. Waddoups*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE UTAH CONSTITUTION TO MODIFY AN EXCEPTION TO A PROPERTY TAX EXEMPTION FOR PROPERTY OF POLITICAL SUBDIVISIONS. THE JOINT RESOLUTION ELIMINATES AN EXCEPTION FOR PROPERTY OUTSIDE

THE BOUNDARIES OF THE POLITICAL SUBDIVISION AND REPLACES IT WITH AN EXCEPTION FOR PROPERTY USED IN AN UNDERTAKING THAT IS IN COMPETITION WITH THE PRIVATE SECTOR. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

#### **RESOLUTION ON COMPENSATION OF IN-SESSION EMPLOYEES**

**S.J.R. 7**

*Beverly Ann Evans*

THIS JOINT RESOLUTION OF THE LEGISLATURE FIXES THE COMPENSATION FOR LEGISLATIVE IN-SESSION EMPLOYEES FOR 2002. THIS RESOLUTION PROVIDES RETROSPECTIVE OPERATION, was read for the first time and referred to the Rules Committee.

#### **RESOLUTION SUPPORTING UTAH QUALITY GROWTH COMMISSION**

**S.J.R. 8**

*Ron Allen*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES STATE AGENCIES AND LOCAL GOVERNMENTS TO IMPLEMENT QUALITY GROWTH COMMISSION PRINCIPLES, INITIATIVES, AND RECOMMENDATIONS, was read for the first time and referred to the Rules Committee.

#### **JOINT AND INTERIM RULES REVISIONS RESOLUTION**

**S.J.R. 9**

*Michael G. Waddoups*

THIS ACT MODIFIES CERTAIN JOINT AND INTERIM RULES. THIS ACT MODIFIES INTERIM COMMITTEE RESPONSIBILITIES RELATING TO LEGISLATIVE AUDITS, CLARIFIES THE GERMANENESS RULE, MODIFIES RULES RELATING TO RESERVATION OF BILL NUMBERS, AND MODIFIES RULES GOVERNING LEGISLATIVE EXPENSES FOR THE OLYMPICS RECESS. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

#### **RESOLUTION CHANGING SENATE COMMITTEE NAMES**

**S.R. 1**

*Peter C. Knudson*

THIS RESOLUTION MODIFIES THE SENATE RULES CHANGING STANDING COMMITTEE NAMES TO BRING THEM INTO GREATER

COORDINATION WITH THE INTERIM STRUCTURE. THIS SENATE RESOLUTION PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### **SENATE RULES AMENDMENTS RESOLUTION**

**S.R. 2**

*Michael G. Waddoups*

THIS ACT MODIFIES SENATE RULES BY MODIFYING REQUIREMENTS GOVERNING STANDING COMMITTEE REVIEW OF BILLS. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

### **REMARKS BY PRESIDENT MANSELL**

On motion of Senator Poulton, President Mansell's words are to be spread upon the pages of the Senate Journal.

I would like to take just a moment before we resolve into a Committee of the Whole, to address the Senate, just briefly, relative to the session that we are about to go into. We have had an interesting couple of weeks as we have prepared, through our interim committees, to fulfill our responsibilities to go through and reconstruct the 2002 budget, and also prepare a 2003 budget. Certainly some of the discussions have been difficult and, at times, unpleasant.

I would like to point out that, as we go through these budget struggles, these are not all bad. It is not unlike any other group that takes scrutiny and has an opportunity to look at itself, it's budgets and everything that it is working with, and takes time to retrospectively decide [if we] are doing all the things that we ought to be doing or are there things we are doing we don't need to do and that we can cease doing in order to make our budgets balance or to change our policy. I think all of that is good for this body and for this Legislature. I think it is very healthy for us to have had and gone through most of these exercises.

I do, on the other hand, believe that we need to be very careful, and make sure that as we deal with the public and as we deal with other government employees who present to us, that we are courteous, that we are willing to listen, that we ask the hard questions and that we expect the difficult answers. This is not to say that they should not need to give us the information and perform at a level that the taxpayers of the State of Utah deserve. But as we go through that process, part of which we have been through already and part of which we'll go through as we continue with these budget debates and prepare the 2003 budget, I appeal to you to make sure as you deal with other government employees and, particularly with the

public, that you do so with civility, that you make a real effort to ask the right questions, but in a way that is not hostile.

I know some of these discussions create some hostility, not only from our side of the Legislature, who is the funding source, but also from those who are receiving those funds because of the pressures they feel. But I think we have to be careful to make sure that we don't lose our tempers, that we don't have incidences where particularly the Legislature could be accused of being unkind and unwilling to hear those who have come to testify before us.

I remember the first time I came to the Legislature – I think it was either '89 or '90 – to testify on behalf of private property rights. I was to appear before a Senate committee. It was a scary proposition. I had never been to the Legislature before to witness exactly how all of that took place. I was nervous and the Legislative committee I appeared before treated me with kindness. They didn't beat me up too badly and it was a good experience, and I continued to have that experience for a few years working on those issues. I think it is important that those who come to testify before our committees have that opportunity.

We are up here day in and day out; we know the committee system. We recognize what's going on in the committee and the public does not necessarily have that same vision. They are here trying to make a point to us. They are here trying to persuade us that their position is right. Whether it is or not is not the issue. The issue is [that] they have a right to be heard and they have a right to be able to feel that the Legislative committee at which they appeared was there to hear them.

So I would ask that, as we go through this session, we make sure that we are that kind of committee as they appear before us and that we give them the courtesy that they deserve as they appear before us, because I think we receive that same courtesy if we do, and we don't if we don't. This is a two-way street that we are walking, and so, always remember what we are doing and the example you are setting for those who come here.

Also, as we have the opportunity this year, in just a couple of weeks now, to host the world, that is going to be a wonderful experience for this valley and this state. I am very excited about what's going to take place; I hope all of you are. I hope you will take advantage of the opportunities to act as hosts to the world, because there are going to be many people here for you to meet and mingle with and be involved with. Who else better for them to meet? Who else better for them to go away saying, "I met leaders of the State of Utah; senators from the State of Utah? They were great. They were great hosts to us. We enjoyed being with them and meeting them."

I think that is our responsibility. We need to be representatives of the people of Utah as these folks come and [we need to] welcome the world here and make sure all that we do is proper. You can't do that if you are not around, so I would encourage all who can to be involved, to take the opportunities to be involved in gatherings, to host, to do whatever you are asked to do to be involved in the games so you can be part of what is going on. I don't think there is anybody sitting in the Senate chairs today that will be here, probably in this body or literally, when the Olympics return to Utah and so truly it is a once-in-a-lifetime opportunity. Is that a dismal thought? I don't expect them for a long time, so it's not so dismal. The truth is, it is just a great opportunity. Let's take advantage of it and let's make the most of it, not for ourselves, not because we can go to an event, but do it because we have an opportunity to assist in hosting the people as they come into this state. I believe that is our responsibility and it is a great responsibility, but just as much – an opportunity.

One of the great quotes from Abraham Lincoln when he was President is as follows, "Nearly all men can stand adversity, but if you want to test a man's character, give him power." I think of all the things that I can bring to your attention this session, that's what I would like to remind you. We will be fine with the adversity. It's the test of power that's difficult, and with the power that you hold, the power that I hold, the power that all of us hold as a body, it is critically important that we make the right decisions and that we do the right things for this State.

So as you consider all of these bills that have been read in today and other bills that will come, other policies and other budget items, let's make sure that we prove our character by doing the right thing. Sometimes it doesn't feel good. Sometimes you wonder what is the right thing. I would just say to each of you to search your conscience, vote, and perform in the manner that you believe is the right way so that you can stand up at the end of this session and say I did the things that I believe were the things that were right and I exercised my power by doing the things that are right, not by retaliation or any other reason did I exercise that power. I hope that will be the outcome of this session as we go through it.

\* \* \*

On motion of Senator Poulton, the Senate resolved into a Committee of the Whole for a presentation recognizing Martin Luther King, Jr. Day. Reverend France Davis and William Alexander Haley spoke to the Committee of the Whole.

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

\* \* \*

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

## **AFTERNOON SESSION**

The Senate reassembled at 2:20 p.m., with President Mansell presiding.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 21, 2002

The Rules Committee recommends the assignment of the following Senate Bills and Resolutions to the Second Reading Calendar:

- |                |   |
|----------------|---|
| <b>S.B. 4</b>  | Reports to Health and Human Services (T. Spencer)                         |
| <b>S.B. 5</b>  | Appropriation for Sexual Violence Victim Assistance Programs (T. Spencer) |
| <b>S.B. 6</b>  | Application for Vehicle Title Amendments (D. Eastman)                     |
| <b>S.B. 7</b>  | Cigarette Tax Stamp and Contraband Amendments (D. E. Allen)               |
| <b>S.B. 8</b>  | Repeal of National Guard Advisory Board (M. Peterson)                     |
| <b>S.B. 9</b>  | Amendments to Driving Under the Influence (C. Walker)                     |
| <b>S.B. 10</b> | Revisions to Senate Advise and Consent Powers (R. Allen)                  |
| <b>S.B. 11</b> | Prohibiting Intimacy with Youth Receiving State Services (P. Julander)    |
| <b>S.B. 12</b> | Transfer of Youth Services Oversight (D. C. Buttars)                      |
| <b>S.B. 13</b> | Alcoholic Beverage Service – Warning Required (C. Walker)                 |
| <b>S.B. 14</b> | Driver License Reporting (M. Peterson)                                    |
| <b>S.B. 15</b> | Organ Donation Checkoff (K. Hale)   |
| <b>S.B. 16</b> | Traffic Offense Adjudication (P. Knudson)                                 |
| <b>S.B. 18</b> | Uniform Withdrawal Procedures for Special Districts (D. Gladwell)         |
| <b>S.B. 20</b> | Bonding Authority for Irrigation Districts (D. Gladwell)                  |
| <b>S.B. 21</b> | Motor Vehicle Registration Amendments (D. Steele)                         |
| <b>S.B. 22</b> | Attempted Murder Amendments (D. Gladwell)                                 |
| <b>S.B. 23</b> | Workforce Services Amendments (B. Evans)                                  |
| <b>S.B. 24</b> | Release of Custodial or Noncustodial Parent’s Address (D. E. Allen)       |
| <b>S.B. 25</b> | Office of Recovery Services Amendments (D. E. Allen)                      |
| <b>S.B. 26</b> | Serious Youth Offender Amendments (L. Hillyard)                           |

- S.B. 27** Amendments to Guilty and Mentally Ill (D. Gladwell)  
**S.B. 29** Interlocal Cooperation Act Amendments (L. Blackham)  
**S.B. 31** Individual Income Tax – Bracket Adjustments  
(C. Bramble)  
**S.B. 32** Electric Power Facilities Amendments (L. Blackham)  
**S.B. 33** Access to Health Care and Coverage Task Force  
(P. Knudson)  
**S.B. 34** Private Records Amendments (D. Steele)  
**S.B. 35** Voter Residence Where Lot Is Divided by County  
Boundary Line (C. Walker)  
**S.B. 36** Provisional Ballot (J. Hickman)  
**S.J.R. 1** Resolution Encouraging Research and Development  
Grants for Clean Coal Alternatives (M. Dmitrich)  
**S.B. 37** Mutual Water Company Change Applications  
(L. Blackham)  
**S.B. 40** Tuition Assistance Appropriation for National Guard  
(P. Knudson)  
**S.B. 45** Birth Certificate for Stillborn Child (R. Allen)  
**S.B. 47** Procurement Code Amendments (D. Gladwell)  
**S.B. 51** Nurse Practice Act Amendments (P. Julander)  
**S.B. 55** Amendments to Utah Uniform Building Standards Act  
(P. Hellewell)  
**S.B. 84** Real Estate Appraiser Amendments (C. Bramble)  
**S.B. 86** Funding of the Controlled Substances Database  
(J. Valentine)  
**S.B. 87** Visitation Rights of Grandparents (T. Spencer)  
**S.B. 88** Environmental Self–evaluation Act Amendments  
(B. Wright)  
**S.B. 89** Safe Drinking Water Act – Administrative Procedure  
Amendments (B. Wright)  
**S.B. 90** Drinking Water Board Loan and Grant Amendments  
(B. Wright)  
**S.B. 93** Classification of Certain Legislative Records  
(P. Knudson)  
**S.B. 94** Agricultural Protection Act Amendments (L. Blackham)  
**S.B. 95** Unincorporated County Amendments (R. Allen)  
**S.B. 97** Forensic Mental Health Coordinating Council (K. Hale)  
**S.B. 98** Outdoor Advertising Amendments (M. Waddoups)  
**S.B. 99** Core Curriculum Amendments (D. Gladwell)  
**S.B. 105** Repeal of Education Mandates and Programs  
(H. Stephenson)

<b>S.B. 107</b>	Utah Labor Commission Amendments (E. Mayne)
<b>S.B. 109</b>	Licensing of Genetic Counselors Technical Amendments (P. Julander)
<b>S.B. 110</b>	Child Placement Determinations (D. Eastman)
<b>S.B. 116</b>	Local Government Variable Rate Bonding Authority (D. C. Buttars)
<b>S.J.R. 5</b>	Resolution Authorizing the Calling of Special Sessions by the Legislature (J. Hickman)
	Michael Waddoups Rules Committee Chair

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

\* \* \*

To Members of the Senate

January 21, 2002

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

**Business, Labor & Economic Development**

<b>S.B. 43</b>	Uniform Trust Act (L. Hillyard)
<b>S.B. 48</b>	Public Agency Insurance Mutual Amendments (J. Hickman)

**Education**

<b>S.B. 81</b>	Education of Persons with a Disability (E. Mayne)
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**Energy, Natural Resources & Agriculture**

<b>S.B. 46</b>	Indian Affairs Related Amendments (B. Evans)
<b>S.B. 104</b>	Sale of Municipal Power Systems (J. Hickman)

**Health & Environment**

<b>S.B. 50</b>	Utah Medical Practice Act Amendments (D. E. Allen)
<b>S.B. 58</b>	Health Care Access Reform (D. C. Buttars)
<b>S.B. 100</b>	Pharmacist Licensing Amendments (P. Knudson)

**Human Services**

<b>S.B. 101</b>	Criminal Background Checks for Licensed Providers of Human Services (L. Blackham)
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**Judiciary**

<b>S.B. 44</b>	Funding a Community Legal Center (L. Hillyard)
<b>S.B. 106</b>	Divorce – Children’s Testimony Limited (T. Spencer)
<b>S.B. 111</b>	Division of Home in a Divorce (T. Spencer)

**Revenue & Taxation**

**S.B. 57** Corporate Franchise and Income Taxes – Treatment of Certain Cooperatives (J. Valentine)

**S.J.R. 6** Joint Resolution Amending Revenue and Taxation Article – Exemptions (M. Waddoups)

**State & Local Affairs**

**S.B. 38** Legislative Committee Names Revisions (P. Knudson)

**S.B. 80** Adjustments of County Boundaries (C. Walker)

**Transportation & Public Safety**

**S.B. 49** Utah Exemption Act Amendments (D. Gladwell)

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

On motion of Senator Poulton, the Senate moved to suspend the 24-hour rule.

**SECOND READING CALENDAR**

**S.B. 4, REPORTS TO HEALTH AND HUMAN SERVICES**, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 5, APPROPRIATION FOR SEXUAL VIOLENCE VICTIM ASSISTANCE PROGRAMS**, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 6, APPLICATION FOR VEHICLE TITLE AMENDMENTS**, was read the second time. Senator Eastman explained the bill. Senator Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
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

Spencer	Suazo
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On motion of Senator Valentine, **S.B. 15**, ORGAN DONATION CHECKOFF, was moved to the top of the Second Reading Calendar.

**S.B. 15**, ORGAN DONATION CHECKOFF, was read the second time.

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

**ORGAN DONATION CHECKOFF****1st Sub. S.B. 15***Karen Hale*

THIS ACT ENACTS PROVISIONS AUTHORIZING A VOLUNTARY CHECKOFF FOR MOTOR VEHICLE REGISTRATIONS AND DRIVER LICENSE APPLICATIONS AND RENEWALS FOR THE PURPOSE OF PROMOTING AND SUPPORTING ORGAN DONATION. THE ACT CREATES THE ORGAN DONATION CONTRIBUTION FUND. THE ACT MODIFIES THE DUTIES OF THE DEPARTMENT OF HEALTH TO INCLUDE ADMINISTRATION OF THE FUND. THE ACT PROVIDES AN EFFECTIVE DATE.

Senator Hale explained the bill. Senators Valentine, Hillyard, and Davis commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell

Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**S.B. 7, CIGARETTE TAX STAMP AND CONTRABAND AMENDMENTS**, was read the second time. Senator Ed Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators  
Spencer                      Waddoups

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On motion of Senator Valentine, **S.B. 9, AMENDMENTS TO DRIVING UNDER THE INFLUENCE**, was moved to the top of the Second Reading Calendar

**S.B. 9, AMENDMENTS TO DRIVING UNDER THE INFLUENCE**, was read the second time. Senator Walker explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell

Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

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

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**S.B. 8, REPEAL OF NATIONAL GUARD ADVISORY BOARD**, was read the second time. Senator Peterson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Poulton, **S.B. 11 PROHIBITING INTIMACY WITH YOUTH RECEIVING STATE SERVICES**, was moved to the top of the Second Reading Calendar.

**S.B. 11, PROHIBITING INTIMACY WITH YOUTH RECEIVING STATE SERVICES**, was read the second time. Senator Julander explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell

Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

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

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On motion of Senator Valentine **S.B. 12, TRANSFER OF YOUTH SERVICES**, was moved to the top of the Second Reading Calendar.

**S.B. 12, TRANSFER OF YOUTH SERVICES**, was read the second time. Senator Buttars explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

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**S.B. 10, REVISIONS TO SENATE ADVISE AND CONSENT POWERS**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.B. 13, ALCOHOLIC BEVERAGE SERVICE – WARNING REQUIRED**, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

**S.B. 14, DRIVER LICENSE REPORTING**, was read the second time. Senator Peterson explained the bill. Senators Buttars, Wright, and Mansell commented. 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
Suazo	Valentine	Walker	Wright
Mansell			

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

**Absent or not voting were:** Senators

Spencer	Stephenson	Waddoups
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**S.B. 16, TRAFFIC OFFENSE ADJUDICATION**, was read the second time. Senator Knudson explained the bill. Senators Hillyard and Mansell commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Stephenson
Suazo	Valentine	Walker	Wright

**Voting in the negative were:** Senators

Hillyard	Mansell
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**Absent or not voting were:** Senators

Spencer	Steele	Waddoups
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**S.B. 18, UNIFORM WITHDRAWAL PROCEDURES FOR SPECIAL DISTRICTS**, was read the second time. Senator Gladwell explained the bill. Senators Blackham and Hickman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Poulton	Spencer
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On motion of Senator Ron Allen, the circle was removed from **S.B. 10, REVISIONS TO SENATE ADVISE AND CONSENT POWERS**, and it was before the Senate. Senator Ron Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Poulton	Spencer
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**S.B. 20, BONDING AUTHORITY FOR IRRIGATION DISTRICTS,** was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Poulton	Spencer
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**S.B. 21, MOTOR VEHICLE REGISTRATION AMENDMENTS,** was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
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

Poulton	Spencer	Suazo
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**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 21, 2002

The House passed **H.J.R. 2**, RULES RESOLUTION – COMMITTEE NOTES ON BILLS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 9**, JOINT RESOLUTION – REJECTING RECOMMENDED SALARY INCREASE FOR LEGISLATORS, by Representative G. Way, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 2** and **H.J.R. 9** were read the first time and referred to the Rules Committee.

**SECOND READING CALENDAR**

**S.B. 22**, ATTEMPTED MURDER AMENDMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
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

Poulton	Spencer	Suazo
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**S.B. 23, WORKFORCE SERVICES AMENDMENTS**, was read the second time. Senator Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
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

Poulton	Spencer	Suazo
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**S.B. 24, RELEASE OF CUSTODIAL OR NONCUSTODIAL PARENT'S ADDRESS**, was read the second time. Senator Ed Allen explained the bill. Senator Hillyard 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	Bramble	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

Blackham	Poulton	Spencer	Suazo
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On motion of Senator Valentine and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 22, 2002.

**SECOND DAY**  
**MORNING SESSION**

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

**Prayer**— Sam Clark, President of the Monument Park Stake

**Pledge of Allegiance**— Senator Carlene Walker

**Roll Call** – All Senators present

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 134)**

**COMMUNICATIONS FROM THE GOVERNOR**

Sandy D. Tenney read the following communication:

Mr. President: December 10, 2001

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

**DISTRICT COURT**

Stephen L. Roth appointed as Judge of the District Court of the Third Judicial District. Utah Constitution Article VIII, Section 8 and Section 78-3-3, Utah Code Annotated 1953, as amended; and

Mr. President: January 4, 2002

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

**DEPARTMENT OF NATURAL RESOURCES**

Robert L. Morgan appointed as the executive director of the Department of Natural Resources. Section 63-34-5, Utah Code Annotated 1953, as amended.

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

**Michael O. Leavitt**  
Governor

Communication filed. Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Buttars, Judge Stephen L. Roth and Robert L. Morgan spoke in Committee of the Whole.

On motion of Senator Buttars, the Senate voted to dissolve the Committee of the Whole.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 2002

The House passed, as amended, **H.B. 5**, SCHOOL UNIFORM AMENDMENTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 6**, PUBLIC SAFETY BUREAU NAME CHANGE, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 7**, NET METERING OF ELECTRICITY, by Representative G. Snow, and it is transmitted for consideration; and

The House passed **H.B. 8**, REPEAL OF LOCAL GOVERNMENT INFORMATION TECHNOLOGY REVIEW COMMITTEE, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 9**, REPEAL OF MEDICAL EXAMINER COMMITTEE, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 10**, REPEAL OF INVESTMENT ADVISORY COMMITTEE, by Representative B. Winn, and it is transmitted for consideration; and

The House passed **H.B. 11**, REPEAL OF UTAH OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.B. 14**, REPEAL OF STATE ADVISORY PLANNING COMMITTEE, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed **H.B. 15**, REPEAL OF ENVIRONMENTAL QUALITY COORDINATING COMMITTEE, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 19**, ELECTION CAMPAIGN FUND CHECKOFF AMENDMENTS, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed **H.B. 20**, PROHIBITING RESIDENTIAL LOTS FROM CROSSING COUNTY LINES, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 21**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – AGRICULTURE, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed **H.B. 22**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – TRANSPORTATION, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed **H.B. 38**, REPEAL OF HEALTH BENEFIT PLAN COMMITTEE, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.B. 234**, MECHANICS' LIEN AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 5, H.B. 6, H.B. 7, H.B. 8, H.B. 9, H.B. 10, H.B. 11, H.B. 14, H.B. 15, H.B. 19, H.B. 20, H.B. 21, H.B. 22, H.B. 38, and H.B. 234** were read the first time and referred to the Rules Committee.

## INTRODUCTION OF BILLS

### TAX COMMISSION CRIMINAL INVESTIGATORS DESIGNATION AS SPECIAL FUNCTION OFFICERS

**S.B. 62**

*Curtis S. Bramble*

THIS ACT RELATES TO THE STATE TAX COMMISSION AND PUBLIC SAFETY CODE, AUTHORIZING EMPLOYMENT BY THE TAX

COMMISSION OF CRIMINAL TAX INVESTIGATORS, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO CONSTRUCTION CONTRACTS REGARDING  
UNREASONABLE DELAYS**

**S.B. 78**

*Scott K. Jenkins*

THIS ACT MODIFIES THE COMMERCE AND TRADE CODE TO PROHIBIT THE INCLUSION OF A PROVISION IN A CONSTRUCTION CONTRACT WHICH WOULD WAIVE, RELEASE, LIMIT, OR EXTINGUISH THE RIGHT TO RECOVER DAMAGES OR AN EQUITABLE ADJUSTMENT FOR UNREASONABLE DELAY BY ANOTHER PARTY TO THE CONTRACT. THE ACT APPLIES TO CONSTRUCTION CONTRACTS ENTERED INTO ON OR AFTER A FUTURE DATE, was read for the first time and referred to the Rules Committee.

**LAND SURVEYOR AMENDMENTS**

**S.B. 79**

*Gene Davis*

THIS ACT MODIFIES THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT BY SUNSETTING THE OPTION OF PERSONS SEEKING LICENSURE AS PROFESSIONAL LAND SURVEYORS TO SUBSTITUTE A PROGRAM OF QUALIFYING EXPERIENCE FOR THE EDUCATIONAL REQUIREMENT. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**APPOINTMENTS TO CITY AND COUNTY HEALTH BOARDS**

**S.B. 127**

*Gene Davis*

THIS ACT MODIFIES THE LOCAL HEALTH DEPARTMENT ACT. THE ACT AMENDS THE APPOINTMENT PROCEDURE FOR LOCAL HEALTH DIRECTORS, was read for the first time and referred to the Rules Committee.

**OPEN AND PUBLIC MEETINGS REVISIONS**

**S.B. 128**

*Gene Davis*

THIS ACT MODIFIES THE PUBLIC OFFICERS CODE BY AMENDING PROVISIONS REGARDING OPEN AND PUBLIC MEETINGS TO INCLUDE DIGITAL AND TAPE RECORDINGS AS ACCEPTABLE METHODS OF

RECORDING A MEETING, was read for the first time and referred to the Rules Committee.

**PLANETARIUM BOARD OF DIRECTORS AMENDMENTS**

**S.B. 129**

*Gene Davis*

THIS ACT MODIFIES THE COUNTY CODE BY AMENDING PROVISIONS RELATING TO PLANETARIUMS. THE ACT MOVES THE POWER TO CONTRACT FOR PLANETARIUM FACILITIES AND EQUIPMENT AND THE POWER TO APPOINT THE PLANETARIUM BOARD FROM THE COUNTY LEGISLATIVE BODY TO THE COUNTY EXECUTIVE, was read for the first time and referred to the Rules Committee.

**YOUTH COURT AMENDMENTS**

**S.B. 130**

*David L. Gladwell*

THIS ACT MODIFIES THE UTAH YOUTH COURT DIVERSION ACT. IT EXTENDS THE DEFINITION OF YOUTH TO PERSONS 18 YEARS OF AGE BUT STILL ATTENDING HIGH SCHOOL AND PROVIDES FOR THE EXERCISE OF AUTHORITY OVER JUVENILES UNDER THE JURISDICTION OF THE JUVENILE COURT IF THE OFFENSE IS NOT A VIOLATION OF LAW, was read for the first time and referred to the Rules Committee.

\* \* \*

Senator Valentine assumed the chair as President ProTem.

**THIRD READING CALENDAR**

**S.B. 6, APPLICATION FOR VEHICLE TITLE AMENDMENTS**, was read the third time, explained by Senator Eastman. Senator Jenkins commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**Absent or not voting were:** Senators  
Hale                      Mansell

**S.B. 6** was transmitted to the House.

\* \* \*

**1st Sub. S.B 15, ORGAN DONATION CHECKOFF,** was read the third time.

On motion of Senator Ron Allen, the bill was circled.

\* \* \*

**S.B. 7, CIGARETTE TAX STAMP AND CONTRABAND AMENDMENTS,** was read the third time, explained by Senator Ed Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**Absent or not voting were:** Senators  
Blackham              Hale                      Mansell

**S.B. 7** was transmitted to the House.

\* \* \*

**S.B. 9, AMENDMENTS TO DRIVING UNDER THE INFLUENCE,** was read the third time.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 8, REPEAL OF NATIONAL GUARD ADVISORY BOARD**, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hale	Mansell
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**S.B. 8** was transmitted to the House.

\* \* \*

**S.B. 11, PROHIBITING INTIMACY WITH YOUTH RECEIVING STATE SERVICES**, was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Hale	Hickman	Mansell
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**S.B. 11** was transmitted to the House.

\* \* \*

**S.B. 12, TRANSFER OF YOUTH SERVICES OVERSIGHT**, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Hale	Steele	Mansell
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**S.B. 12** was transmitted to the House.

\* \* \*

**S.B. 13, ALCOHOLIC BEVERAGE SERVICE – WARNING REQUIRED**, was read the third time.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 14, DRIVER LICENSE REPORTING**, was read the third time.

On motion of Senator Peterson, the bill was circled.

\* \* \*

**S.B. 16, TRAFFIC OFFENSE ADJUDICATION**, was read the third time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 18, UNIFORM WITHDRAWAL PROCEDURES FOR SPECIAL DISTRICTS**, was read the third time, explained by Senator Gladwell. Senator Valentine commented and 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Hale	Hillyard	Spencer	Mansell
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**S.B. 18** was transmitted to the House.

\* \* \*

**S.B. 10**, REVISIONS TO SENATE ADVISE AND CONSENT POWERS, was read the third time and explained by Senator Ron Allen. Senator Peterson commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hale	Mansell
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**S.B. 10** was transmitted to the House.

\* \* \*

**S.B. 20**, BONDING AUTHORITY FOR IRRIGATION DISTRICTS, was read the third time, explained by Senator Gladwell.

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

Page 4, Line 100:

After "allotment" insert "which shall be paid for by the district"

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**S.B. 21, MOTOR VEHICLE REGISTRATION AMENDMENTS**, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**S.B. 21** was transmitted to the House.

\* \* \*

**S.B. 22, ATTEMPTED MURDER AMENDMENTS**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators  
Blackham                  Mansell

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

\* \* \*

**S.B. 23**, WORKFORCE SERVICE AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**S.B. 23** was transmitted to the House.

\* \* \*

**S.B. 24**, RELEASE OF CUSTODIAL OR NONCUSTODIAL PARENT’S ADDRESS, was read the third time and explained by Senator Ed Allen. Senator Spencer commented.

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

1. Page 2, line 56:  
After line 56, insert: “(iii) the party whose location is being sought has been afforded notice in accordance with Section 62A-11-304.4 of the opportunity to contest release of the information.”
2. Page 2, line 57:  
Delete “(iii)” and insert “(iv)”
3. Page 2, line 58:  
After “protective order” delete “or” and insert, a” and after “disclosure” insert “, a current court order limiting or prohibiting the requesting person’s contact with the party whose location is being sought, a criminal order, or documentation of a pending proceeding for any of the above”

4. Page 3, line 59:  
Delete “(iv)” and insert “(v)”
5. Page 3, line 63:  
After “employment” delete “may” and insert “and any other location information shall”
6. Page 3, line 66:  
After “protective order” delete “or nondisclosure” and insert “. current court order prohibiting disclosure, current court order prohibiting or limiting the requesting person’s contact with the party whose location is being sought, or criminal” and after “jurisdiction” insert “. or documentation of a pending proceeding for any of the above”
7. Page 3, line 67:  
After “(d)” delete “The” and insert “Neither the state, the department, the”, after “office” delete “and” and insert “nor”, and after “shall” delete “not”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hickman	Mansell
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**S.B. 24**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Hale, the circle was removed from **1st Sub. S.B. 15**, ORGAN DONATION CHECKOFF, and it was before the Senate. Senator Hale explained the bill.

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

1. Page 1, Line 9:  
After line 9 insert “The act provides a coordination clause.”
  
2. Page 6, Line 168:  
After line 168 insert:  
“Section 6. Coordination clause.  
If this bill and H.B. 264, Funds Consolidation, Budget Procedures and Fund Reclassification Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall amend Section 26–18b–101 by inserting, after “created a”, the word “restricted” in Subsection(1)(a).”

Senators Steele and Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

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

**Absent or not voting were:** Senators

Blackham	Mansell
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**1st Sub. S.B. 15**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **S.B. 20**, BONDING AUTHORITY FOR IRRIGATION DISTRICTS, and it was before the Senate. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Mansell
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**S.B. 20** was transmitted to the House.

\* \* \*

On motion of Senator Peterson, the circle was removed from **S.B. 14**, DRIVER LICENSE REPORTING, and it was before the Senate.

On motion of Senator Bramble, the bill was circled.

**SECOND READING CALENDAR**

On motion of Senator Spencer, the circle was removed from **S.B. 4**, REPORTS TO HEALTH AND HUMAN SERVICES, and it was before the Senate. Senator Spencer explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Mansell
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\* \* \*

**S.B. 25**, OFFICE OF RECOVERY SERVICES AMENDMENTS, was read the second time. Senator Ed Allen explained the bill.

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

1. Page 1, Line 19:

After "Section" delete "76-8-504.5" and insert "76-8-504"

Senator Hickman commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

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

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

\* \* \*

On motion of Senator Peterson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Peterson, the circle was removed from **S.B. 14, DRIVER LICENSE REPORTING**, and it was before the Senate.

Senator Bramble made a motion to amend the bill.

Senators Jenkins, Valentine and Hillyard commented.

On motion of Senator Poulton, the bill was circled.

\* \* \*

On motion of Senator Poulton, and at 11:40 a.m., the Senate recessed.

## AFTERNOON SESSION

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 22, 2002

The House passed, as amended, **H.B. 24**, REVISIONS TO REDEVELOPMENT AGENCY LAWS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 26**, TECHNICAL CORRECTIONS TO COUNTY CODE, by Representative D. Cox, and it is transmitted for consideration; and

The House passed **H.B. 27**, TECHNICAL CORRECTIONS TO MUNICIPAL CODE, by Representative D. Cox, and it is transmitted for consideration; and

The House passed **H.B. 28**, IMMUNITY FROM LIABILITY IN CHILD WELFARE INVESTIGATIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 29**, CHILD RESTRAINT VIOLATIONS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 30**, MASTER STATE HIGHWAY AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed **H.B. 32**, OVERSEAS AND MILITARY VOTERS AMENDMENTS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.B. 33**, CERTIFICATION AND TESTING OF VOTING EQUIPMENT, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed **H.B. 40**, PUBLIC SAFETY – DIVISION NAME CHANGE, by Representative D. Bowman, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 24, H.B. 26, H.B. 27, H.B. 28, H.B. 29, H.B. 30, H.B. 32, H.B. 33,** and **H.B. 40** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 22, 2002

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

#### **Business, Labor & Economic Development**

- S.B. 78** Amendments to Construction Contracts Regarding Unreasonable Delays (S. Jenkins)
- S.B. 102** Bid Requirements on County or Municipal Construction Projects (H. Stephenson)
- S.B. 115** Mobile Home Park Residency Technical Revisions (D. Eastman)
- S.B. 122** Insurance Law Amendments (L. S. Poulton)
- S.B. 123** Venue for Consumer Transactions (J. Valentine)
- S.B. 126** Optional County Affordable Housing Funds Act (K. Hale)
- H.B. 10** Repeal of Investment Advisory Committee (B. Winn)
- H.B. 234** Mechanics' Lien Amendments (K. Garn)

#### **Education**

- S.J.R. 2** Resolution on Investment of State School Fund and Uniform School Fund (L. Hillyard)
- H.B. 5** School Uniform Amendments (K. Morgan)
- H.B. 21** Electronic Government Services Amendments – Agriculture (R. Siddoway)
- H.B. 22** Electronic Government Services Amendments – Transportation (R. Siddoway)

#### **Energy, Natural Resources & Agriculture**

- H.B. 7** Net Metering of Electricity (G. Snow)
- H.B. 15** Repeal of Environmental Quality Coordinating Committee (R. Bigelow)

#### **Health & Environment**

- H.B. 9** Repeal of Medical Examiner Committee (N. Hansen)
- H.B. 38** Repeal of Health Benefit Plan Committee (D. Bush)

**Judiciary**

- S.B. 62** Tax Commission Criminal Investigators Designation as Special Function Officers (C. Bramble)
- S.B. 103** Termination of Joint Tenancy in Real Property (L. Hillyard)
- S.B. 117** Trust Amendments (J. Valentine)
- S.B. 130** Youth Court Amendments (D. Gladwell)

**Revenue & Taxation**

- H.B.19** Election Campaign Fund Checkoff Amendments (C. Buttars)

**State & Local Affairs**

- S.B. 61** Government Records Access and Management – Records Related to Explosives (B. Wright)
- S.B. 79** Land Surveyor Amendments (G. Davis)
- S.B. 118** Distribution of Olympic Special Revenue Fund Monies (M. Waddoups)
- S.B. 128** Open and Public Meetings Revisions (G. Davis)
- S.J.R. 3** Resolution Providing for Changing County Lines (M. Peterson)
- S.J.R. 4** Joint Resolution Allowing Changes to County Boundaries (C. Walker)
- H.B. 8** Repeal of Local Government Information Technology Review Committee (N. Hendrickson)
- H.B. 14** Repeal of State Advisory Planning Committee (P. Wallace)
- H.B. 20** Prohibiting Residential Lots from Crossing County Lines (D. Hogue)

**Transportation & Public Safety**

- S.B. 120** Motor Vehicle Insurance Coverage – Arbitration Requirements (M. Waddoups)
- S.B. 121** Concealed Firearm Permit Amendments (S. Jenkins)
- H.B. 6** Public Safety Bureau Name Change (D. Bowman); and

Mr. President:

January 22, 2002

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 17**, be substituted with **1st SUB. S.B. 17**, DCFS MANAGEMENT

INFORMATION SYSTEM AMENDMENTS, by Sen. Buttars, and further recommends that it be sent to the Human Services Standing Committee.

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 19**, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT, by Sen. M. Waddoups, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 13, Line 373:  
Reinstate the word “or”
2. Page 13, Line 374:  
Reinstate the period and delete the semi-colon and the word “or”
3. Page 13:  
Delete line 375; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 39**, Highway Designation, by Sen. P. Knudson, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, Line 15:  
After “Fruitway” insert “on future state highway maps”; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 42**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Sen. D. Eastman, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

Adopt **1st Sub. S.B. 42** and amend as follows:

1. Page 1, Line 7:  
Delete “, conditioning”
2. Page 1, Line 8:  
Delete “franchisee benefits on loan acceptance from the franchisor,”

3. Page 1, Line 9:  
Delete “located in the market area of another franchisee”; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 82**, County Personnel Management Act Amendments, by Sen. B. Evans, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, Line 7:  
Delete “200” and insert “150”
2. Page 1, Line 9:  
Delete “and” and insert “;”  
After “employees” insert “and elected officials”
3. Page 1, Line 27:  
Delete “200” and insert “150”
4. Page 2, Line 28:  
Bracket “and elected officials; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 85**, PARENTAL INVOLVEMENT IN PUBLIC EDUCATION, by Sen. C. Walker, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, Line 14:  
After “recognizes the” delete “importance” and insert “primacy”; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 91**, SOCIAL WORKER LICENSING ACT AMENDMENTS, by Sen P. Julander, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, Line 8:  
After “worker.” insert “The act provides an effective date.”
2. Page 3, Line 64:  
After “degree in” delete “social work”
3. Page 3, Line 80:  
After line 80 insert  
“Section. 2. Effective Date. This act takes effect on July 1, 2003.”; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 92**, Bear River Development Projects, by Sen. M. Waddoups, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, line 9:  
After line 9 insert: “73–26–301, as enacted by Chapter 251, Laws of Utah 1991”
2. Page 1, line 24:  
After “Narrows;” bracket “and”
3. Page 1, line 25:  
After “Creek” insert “; and (f) Washakie”
4. Page 1, line 27:  
After line 27 insert:  
“Section 2. Section 73–26–301 is amended to read:  
73–26–301. Authorized projects — Work subject to legislative appropriations.  
The division is authorized to develop the [~~Honeyville, Barrens, Hyrum Dam, and Avon reservoirs~~] potential projects listed under Subsection 73–26–104(2) and associated works, including an interconnection from [~~Honeyville Reservoir~~] the Corinne area to Willard Reservoir, and shall proceed with design work, environmental assessments, acquisition of land and rights-of-way, and construction, subject to:  
(1) the appropriation of funds for those purposes by the Legislature;  
and(2) fulfillment of the requirements specified in Section 73–26–302.”; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 96**, Uranium Mill Tailings Oversight, by Sen. B. Wright, be substituted with **1st Sub. S.B. 96**, Uranium Mill Tailings Oversight, by Sen. B. Wright, and further recommends that it be placed on the Second Reading Calendar; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 108**, PETE SUAZO PROFESSIONAL ATHLETIC COMMISSION AMENDMENTS, by Sen. E. Mayne, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 2, Line 31:  
After “the” delete “Commerce Service” and insert “General”; and

The Rules Committee recommends, and with written request of the sponsor, that **S.B. 114**, REVISOR'S STATUTE, by Sen. M. Waddoups, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, Line 8:  
After "changes." insert "This act provides and effective date."
2. Page 70, line 2145:  
After line 2145 insert:  
"Section 54. Effective date.  
This act takes effect on May 6, 2002, except that the amendments to Section 31A-23-202 (Effective 07/01/02) take effect on July 1, 2002."; and

The Rules Committee recommends, and with written request of the sponsor, that **S.C.R. 1**, ADULT LIFELONG LEARNING AND LITERACY RESOLUTION, by Sen. D. Steele, be amended as follows, and further recommends that it be placed on the Second Reading Calendar.

1. Page 1, Lines 6-7:  
Delete "week of January 14, 2002," and insert "second week of September 2002"
2. Page 1, Line 13:  
After "workplace," insert "community,"
3. Page 2, Line 29:  
After "interagency" insert ", business, and community"
4. Page 2, Line 31:  
Delete "week of January 14, 2002," and insert "second week of September 2002"
5. Page 2, Line 41:  
After "Manufacturers Association," insert "The Utah Library Association,"; and

The Rules Committee recommends the assignment of the following Senate Bills and Resolutions to the Second Reading Calendar:

**S.B. 28** Tax Credits – Removal of Tax Credit from Tax Form and Prohibition on Claiming or Carrying Forward Tax Credit (C. Bramble)

**S.B. 52** Left Lane Restriction Amendments (D. Eastman)

**S.J.R. 7** Resolution on Compensation of In-session Employees (B. Evans)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Gladwell, the committee reports were adopted.

**S.B. 19**, as amended, **S.B. 39**, as amended, **1st Sub. S.B. 42**, as amended, **S.B. 82**, as amended, **S.B. 85**, as amended, **S.B. 91**, as amended, **S.B. 92**, as amended, **1st Sub. S.B. 96**, as substituted, **S.B. 108**, as amended, **S.B. 114**, as amended, **S.C.R. 1**, as amended, **S.B. 28**, **S.B. 52**, and **S.J.R. 7** were placed on Second Reading Calendar.

Mr. President:

January 21, 2002

The Rules Committee reports a favorable recommendation on **S.B. 41**, **ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS AMENDMENTS**, by Senator M. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Gladwell, the committee report was adopted. **S.B. 41** was considered read for the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**PERSONAL USE OF CAMPAIGN FUNDS**

**S.B. 131**

*Karen Hale*

THIS ACT MODIFIES THE ELECTION CODE TO ADDRESS THE USE AND DISPOSITION OF CAMPAIGN FUNDS AND TO MAKE TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE**

**S.B. 132**

*Bill Wright*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY PROVIDING A DEFINITION OF ASSOCIATION LEAVE AND PROHIBITING PAID ASSOCIATION LEAVE, was read for the first time and referred to the Rules Committee.

## SECOND READING CALENDAR

**S.B. 26, SERIOUS YOUTH OFFENDER AMENDMENTS**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Spencer, the circle was removed from **S.B. 5, APPROPRIATION FOR SEXUAL VIOLENCE VICTIM ASSISTANCE PROGRAMS**, and it was before the Senate.

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

1. Page 1, Line 25:  
After "nonprofit" delete "rape recovery centers" and insert "organizations collaborating in a multi-disciplinary sexual assault response team"

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Davis                      Hillyard

\* \* \*

**S.B. 27, AMENDMENTS TO GUILTY AND MENTALLY ILL**, was read the second time. Senator Gladwell explained the bill. Senator Walker commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hickman                      Hillyard

\* \* \*

**S.B. 29, INTERLOCAL COOPERATION ACT AMENDMENTS**, was read the second time.

On motion of Senator Evans, the bill was circled.

\* \* \*

**S.B. 31, INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS**, was read the second time.

On motion of Senator Bramble, **S.B. 31** was returned to the Revenue and Taxation Committee.

\* \* \*

**S.B. 32, ELECTRIC POWER FACILITIES AMENDMENTS**, was read the second time.

On motion of Senator Evans, the bill was circled.

\* \* \*

**S.B. 33, ACCESS TO HEALTH CARE AND COVERAGE TASK FORCE,** was read the second time. Senator Knudson explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

**S.B. 34, PRIVATE RECORDS AMENDMENTS,** was read the second time.

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

**PRIVATE RECORDS AMENDMENTS**

**1st Sub. S.B. 34**

*David Steele*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT TO EXPAND RECORDS DESIGNATED AS PRIVATE TO INCLUDE CERTAIN RECORDS IN AN ELECTRONIC DATABASE FOR STATE ONLINE APPLICATIONS. THE ACT CLARIFIES THE EFFECT OF A GOVERNMENT ENTITY’S RECEIPT OF A RECORD THAT CONTAINS THE SAME INFORMATION AS AN ALREADY HELD RECORD WITH A DIFFERENT CLASSIFICATION. THE ACT PROVIDES AN EFFECTIVE DATE.

Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Spencer
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\* \* \*

**S.B. 35, VOTER RESIDENCE WHERE LOT IS DIVIDED BY COUNTY BOUNDARY LINE**, was read the second time. Senator Walker explained the bill. Senator Ron Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Eastman
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\* \* \*

**S.B. 36, PROVISIONAL BALLOT**, was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**S.J.R. 1**, RESOLUTION ENCOURAGING RESEARCH AND DEVELOPMENT GRANTS FOR CLEAN COAL ALTERNATIVES was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Waddoups
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\* \* \*

**S.B. 37**, MUTUAL WATER COMPANY CHANGE APPLICATIONS, was read the second time.

On motion of Senator Evans, the bill was circled.

\* \* \*

**S.B. 40**, TUITION ASSISTANCE APPROPRIATION FOR NATIONAL GUARD, was read the second time. Senator Knudson explained the bill. Senators Gladwell, Hillyard, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative was:** Senator

Blackham

**Absent or not voting was:** Senator

Wright

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 37**, MUTUAL WATER COMPANY CHANGE APPLICATIONS, and it was before the Senate. Senator Blackham explained the bill. Senators Valentine commented.

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Poulton and at 3:40 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 23, 2002.

# THIRD DAY

## MORNING SESSION

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

**Prayer** – Monsignor John Hedderman, Pastor of Saint Ambrose Church

**Pledge of Allegiance** – Senator Bill Wright

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

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 22, 2002

The House passed, as amended, **H.B. 23**, MORTGAGE PRACTICES ACT REVISIONS, by Representative G. Adair, and it is transmitted for consideration; and

The House passed **H.B. 41**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 42**, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY, by Representative A. L. Tyler, and it is transmitted for consideration; and

The House passed **H.B. 43**, ACCESS TO FLUORIDATED WATER, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 45**, PRISONER ESCAPE AMENDMENT, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 46**, ANNUAL REPORTS GIVEN TO THE LEGISLATURE, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.B. 47**, REPEAL OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION, by Representative G. Way, and it is transmitted for consideration; and

The House passed **H.B. 50**, INDIVIDUAL INCOME TAX PERSONAL RETIREMENT EXEMPTION AND DEDUCTION FOR RETIREMENT INCOME – ELIMINATING MARRIAGE TAX PENALTIES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 53**, TECHNICAL AMENDMENTS TO TOBACCO SETTLEMENT TRUST FUND, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 57**, FORFEITED WATER RIGHT ALLOCATION, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 70**, POLITICAL FUND RAISING RESTRICTIONS ON GOVERNOR, by Representative N. Hansen, et al, and it is transmitted for consideration; and

The House passed **H.B. 73**, CAPITAL FELONY SENTENCING PROCEDURES, by Representative G. Snow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 23, H.B.41, H.B. 42, H.B. 43, H.B. 45, H.B. 46, H.B. 47, H.B. 50, H.B. 53, H.B. 57, H.B. 70, and H.B. 73** were read the first time and referred to Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: January 22, 2002

The Energy, Natural Resources, and Agriculture Committee recommends **S.B. 46**, INDIAN AFFAIRS RELATED AMENDMENTS, by Senator B. Evans, be replaced and favorably recommends **1st Sub. S.B. 46**, INDIAN AFFAIRS RELATED AMENDMENTS.

Parley Hellewell, Chair; and

Mr. President: January 22, 2002

The Judiciary Committee reports a favorable recommendation on **S.B. 44**, FUNDING A COMMUNITY LEGAL CENTER, by Senator L. Hillyard.

David L. Gladwell, Chair; and

Mr. President: January 22, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 57**, CORPORATE FRANCHISE AND INCOME TAXES –

TREATMENT OF CERTAIN COOPERATIVES, by Senator J. Valentine, with the following amendments:

1. Page 5, Line 143:  
After “(ii)” insert “by a preponderance of the evidence as determined by a court of competent jurisdiction or the commission.”
2. Page 5, Line 146:  
Delete “or”; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.J.R. 6**, JOINT RESOLUTION AMENDING REVENUE AND TAXATION ARTICLE – EXEMPTIONS, by Senator M. Waddoups.

Curtis S. Bramble, Chair; and

Mr. President:

January 22, 2002

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 80**, ADJUSTMENTS OF COUNTY BOUNDARIES, by Senator C. Walker, with the following amendment:

1. Page 7, Line 204:  
After “lieutenant governor” insert “and the state tax commission”

Carlene M. Walker, Chair; and

Mr. President:

January 22, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 49**, UTAH EXEMPTION ACT AMENDMENTS, by Senator D. Gladwell, with the following amendments:

1. Page 1, Line 23:  
After (3) insert: “(a) As used in this Subsection (3), “motor vehicle” does not include any motor vehicle designed for or used primarily for recreational purposes, such as:  
(i) an off-highway vehicle as defined in Section 41-22-2, except a motorcycle the individual regularly uses for daily transportation; or  
(ii) a recreational vehicle as defined in Section 13-14-102, except a van the individual regularly uses for daily transportation.(b)”

David H. Steele, Chair

On motion of Senator Poulton, the committee reports were adopted. **1st S.B. 46, S.B. 44, S.B.57**, as amended, **S.J.R. 6, S.B. 80**, as amended, and **S.B. 49**, as amended, were placed on Second Reading Calendar.

\* \* \*

Mr. President:

January 22, 2002

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 38**, LEGISLATIVE COMMITTEE NAMES REVISIONS, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Poulton, the committee report was adopted. **S.B. 38** was considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**ATTORNEY GENERAL AMENDMENTS**

**S.B. 63**

*Bill Wright*

THIS ACT MODIFIES PROVISIONS GOVERNING THE ATTORNEY GENERAL AND ATTORNEYS EMPLOYED BY THE ATTORNEY GENERAL'S OFFICE. THIS ACT ELIMINATES CAREER SERVICE STATUS AS AN OPTION FOR ATTORNEYS IN THE ATTORNEY GENERAL'S OFFICE AFTER JULY 1, 2002, PROVIDES FOR A CLASSIFICATION PLAN AND PAY PLAN FOR NONCAREER SERVICE STATUS ATTORNEYS, AND AUTHORIZES EXISTING CAREER SERVICE STATUS ATTORNEYS TO VOLUNTARILY CONVERT TO NONCAREER SERVICE STATUS. THIS ACT RENUMBERS AND AMENDS SECTIONS RELATING TO THE ATTORNEY GENERAL AND MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**APPLICATION FOR DRIVER LICENSE AMENDMENTS**

**S.B. 133**

*Bill Wright*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE TO ALLOW A DRIVER LICENSE OR IDENTIFICATION CARD APPLICANT TO PROVIDE AN AFFIDAVIT IF THEY DO NOT QUALIFY FOR A SOCIAL SECURITY NUMBER OR TEMPORARY IDENTIFICATION NUMBER. THE ACT REQUIRES AN APPLICANT FOR A DRIVER LICENSE OR IDENTIFICATION CARD TO PROVIDE A UTAH RESIDENCE ADDRESS. THE ACT REPEALS A PROVISION THAT ALL IDENTIFICATION CARDS EXPIRE ON THE PERSON'S 21ST BIRTHDAY, was read for the first time and referred to the Rules Committee.

**RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION**

**S.J.R. 10**

*John L. Valentine*

THIS JOINT RESOLUTION OF THE LEGISLATURE PROPOSES TO AMEND THE REVENUE AND TAXATION ARTICLE OF THE UTAH CONSTITUTION. THIS JOINT RESOLUTION MODERNIZES THE MAKEUP OF COUNTY BOARDS OF EQUALIZATION TO ACCOMMODATE CURRENT COUNTY GOVERNMENTAL STRUCTURE. THIS JOINT RESOLUTION CLARIFIES AND REORGANIZES PROVISIONS RELATING TO REVENUE AND TAXATION AND MAKES TECHNICAL CHANGES. THIS JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 4, REPORTS TO HEALTH AND HUMAN SERVICES,** was read the third time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 25, OFFICE OF RECOVERY SERVICES AMENDMENTS,** was read the third time, explained by Senator Ed Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Spencer	Valentine
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**S.B. 25** was transmitted to the House.

\* \* \*

**S.B. 26**, SERIOUS YOUTH OFFENDER AMENDMENT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Spencer	Valentine
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**S.B. 26** was transmitted to the House.

\* \* \*

**S.B. 5**, APPROPRIATION FOR SEXUAL VIOLENCE – VICTIM ASSISTANCE PROGRAMS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 27**, AMENDMENTS TO GUILTY AND MENTALLY ILL, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Spencer	Valentine
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**S.B. 27** was transmitted to the House.

\* \* \*

**S.B. 33, ACCESS TO HEALTH CARE AND COVERAGE TASK FORCE,** was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Spencer	Valentine
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**S.B. 33** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 34, PRIVATE RECORDS AMENDMENTS,** was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Spencer	Valentine
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**1st Sub. S.B. 34** was transmitted to the House.

\* \* \*

**S.B. 35, VOTER RESIDENCE WHERE LOT IS DIVIDED BY COUNTY BOUNDARY LINE**, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Spencer
Valentine			

**S.B. 35** was transmitted to the House.

\* \* \*

**S.B. 36, PROVISIONAL BALLOT**, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Spencer
Valentine			

**S.B. 36** was transmitted to the House.

\* \* \*

**S.J.R. 1**, RESOLUTION ENCOURAGING RESEARCH AND DEVELOPMENT GRANTS FOR CLEAN COAL ALTERNATIVES, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Valentine
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**S.J.R. 1** was transmitted to the House.

\* \* \*

**S.B. 40**, TUITION ASSISTANCE APPROPRIATION FOR NATIONAL GUARD, was read the third time.

On motion of Senator Knudson, the bill was circled.

### SECOND READING CALENDAR

**S.B. 45**, BIRTH CERTIFICATE FOR STILLBORN CHILD, was read the second time. Senator Ron Allen explained the bill. Senator Ed Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Walker
Wright	Mansell		



\* \* \*

**S.B. 51**, NURSE PRACTICE ACT AMENDMENTS, was read the second time. Senator Julander explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Blackham	Buttars	Davis
Evans	Hickman	Valentine	

\* \* \*

**S.B. 55**, AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 84**, REAL ESTATE APPRAISER AMENDMENTS, was read the second time.

On motion of Senator Waddoups, **S.B. 84** was sent to the Revenue and Taxation Committee.

\* \* \*

**S.B. 86**, FUNDING OF THE CONTROLLED SUBSTANCES DATABASE, was read the second time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 87**, VISITATION RIGHTS OF GRANDPARENTS, was read the second time. Senator Spencer explained the bill. Senator Walker commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Davis	Dmitrich
Eastman	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

R. Allen	Blackham	Buttars	Evans
Hickman	Valentine		

\* \* \*

**S.B. 88, ENVIRONMENTAL SELF-EVALUATION ACT AMENDMENTS**, was read the second time. Senator Wright 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	Bramble	Davis	Dmitrich
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Blackham	Buttars	Evans
Valentine			

\* \* \*

**S.B. 89, SAFE DRINKING WATER ACT – ADMINISTRATIVE PROCEDURE AMENDMENTS**, was read the second time. Senator Wright explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell

Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Suazo	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Blackham	Hickman	Hillyard
Peterson	Valentine	Waddoups	

\* \* \*

**S.B. 90, DRINKING WATER BOARD LOAN AND GRANT AMENDMENTS**, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen	Blackham	Valentine	Waddoups
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**SPECIAL ORDER OF BUSINESS**

Senator Beverly Evans presented a citation to Jedediah Curry from Altamont, Utah, who has earned all 123 merit badges in the Boy Scouts of America program.

On motion of Senator Evans, Jedediah Curry spoke in Committee of the Whole. Senator Steele commented

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

\* \* \*

**S.B. 93, CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS**, was read the second time. Senator Knudson 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	Bramble	Buttars	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Blackham	Evans	Steele
Valentine			

\* \* \*

**S.B. 94, AGRICULTURAL PROTECTION ACT AMENDMENTS,** was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 95, UNINCORPORATED COUNTY AMENDMENTS,** was read the second time.

On motion of Senator Hale, the bill was circled.

\* \* \*

**S.B. 97, FORENSIC MENTAL HEALTH COORDINATING COUNCIL,** was read the second time. Senator Hale explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

R. Allen	Blackham	Dmitrich	Steele
Suazo	Valentine	Wright	

\* \* \*

**S.B. 98, OUTDOOR ADVERTISING AMENDMENTS**, was read the second time. Senator Waddoups explained the bill. Senator Hickman commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen	Blackham	Valentine	Walker
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Senator Knudson requested leave of the body to allow his “yes” vote to be recorded on **S.B. 98**.

\* \* \*

**S.B. 99, CORE CURRICULUM AMENDMENTS**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen	Blackham	Valentine	Walker
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\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Knudson, the circle was removed from **S.B. 40**, TUITION ASSISTANCE APPROPRIATION FOR NATIONAL GUARD, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Blackham	Valentine
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**S.B. 40** was transmitted to the House.

\* \* \*

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

**AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 23, 2002

The House passed **H.B. 35**, EXPUNGEMENT OF JUVENILE RECORDS, by Representative S. Daniels, and it is transmitted for consideration; and

The House passed **H.B. 49**, MUNICIPAL PLAN FOR MODERATE INCOME HOUSING, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 54**, TOBACCO AMENDMENTS, by Representative C. Saunders, and it is transmitted for consideration; and

The House passed **H.B. 55**, UNDERAGE POSSESSION OF TOBACCO AMENDMENTS, by Representative C. Saunders, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 56**, GENETIC PRIVACY AND DISCRIMINATION, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 63**, LICENSING AMENDMENTS REGARDING BACKGROUND CHECKS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed **H.B. 65**, STATE PARK ACCESS HIGHWAYS AMENDMENTS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 74**, SAFETY INSPECTIONS REGARDING WINDOW TINTING, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 75**, CEMETERY MAINTENANCE DISTRICT AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 86**, PUBLICATION NOTICE OF CONSTITUTIONAL AMENDMENTS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 88**, SALES AND USE TAX – AGRICULTURAL EXEMPTION, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 93**, MUNICIPAL ANNEXATION AMENDMENTS, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 94**, SPECIAL FUEL TAX AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 35, H.B. 49, H.B. 54, H.B. 55, H.B. 56, H.B. 63, H.B. 65, H.B. 74, H.B. 75, H.B. 86, H.B. 88, H.B. 93, and H.B. 94** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 23, 2002

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

**Business, Labor & Economic Development**

- S.B. 60** Utah Consumer Credit Reporting Act (G. Davis)  
**H.B. 11** Repeal of Utah Occupational Safety and Health Advisory Council (D. Bush)

**Health & Environment**

- S.B. 113** Rural Dentist Student Loan Repayment Assistance (P. Knudson)

**Human Services**

- H.B. 41** Utah Substance Abuse and Anti-violence Coordinating Council Amendments (N. Hendrickson)

**Judiciary**

- H.B. 70** Political Fundraising Restrictions on Governor (N. Hansen)  
**H.B. 73** Capital Felony Sentencing Procedures (G. Snow)

**Revenue & Taxation**

- S.B. 59** Sales and Use Tax – Taxation of Amounts Paid to a Telephone Service Provider or Telegraph Corporation (C. Bramble)  
**H.B. 50** Individual Income Tax Personal Retirement Exemption and Deduction for Retirement Income – Eliminating Marriage Tax Penalties (W. Harper)

**State & Local Affairs**

- S.B. 30** Funding Formula for Alcohol Related Activities of Local Governments (M. Waddoups)  
**H.B. 26** Technical Corrections to County Code (D. Cox)  
**H.B. 27** Technical Corrections to Municipal Code (D. Cox)  
**H.B. 32** Overseas and Military Voters Amendments (D. Bush)  
**H.B. 33** Certification and Testing of Voting Equipment (C. Buttars)  
**H.B. 46** Annual Reports Given to the Legislature (M. Dillree)

**Transportation & Public Safety**

- H.B. 30** Master State Highway Amendments (J. Murray)



CHARGING AN OFFENSE UNDER THE SECTION, was read for the first time and referred to the Rules Committee.

**WILDLIFE RESOURCES AND WILDLIFE BOARD AMENDMENTS**

**S.B. 134**

*David L. Gladwell*

THIS ACT MODIFIES THE WILDLIFE RESOURCES CODE TO CHANGE THE NAME OF THE WILDLIFE BOARD TO THE WILDLIFE COMMISSION AND TO CHANGE THE NAME OF WILDLIFE BOARD MEMBERS TO COMMISSIONERS, was read for the first time and referred to the Rules Committee.

**SECOND READING CALENDAR**

**S.B. 105, REPEAL OF EDUCATION MANDATES AND PROGRAMS**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.B. 107, UTAH LABOR COMMISSION AMENDMENTS**, was read the second time. Senator Mayne explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich	Jenkins
Stephenson	Valentine	Wright	

\* \* \*

**S.B. 109, LICENSING OF GENETIC COUNSELORS TECHNICAL AMENDMENTS**, was read the second time. Senator Julander explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hickman	Jenkins
Stephenson	Valentine	Wright	

\* \* \*

**S.B. 110, CHILD PLACEMENT DETERMINATIONS**, was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Eastman	Evans	Gladwell	Hale
Hellewell	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Dmitrich	Hickman
Jenkins	Stephenson	Valentine	Wright

\* \* \*

**S.B. 116, LOCAL GOVERNMENT VARIABLE RATE BONDING AUTHORITY**, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans

Gladwell	Hale	Hellewell	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Hickman	Jenkins	Valentine
Walker	Wright		

\* \* \*

**S.J.R. 5, RESOLUTION AUTHORIZING THE CALLING OF SPECIAL SESSIONS BY THE LEGISLATURE,** was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**S.B. 19, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT,** was read the second time. Senator Waddoups explained the bill. Senators Walker, Eastman, Mayne, Poulton, Jenkins, Hellewell, and Bramble commented. Senator Hellewell declared a conflict of interest. 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	Bramble
Davis	Eastman	Gladwell	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Hale
Hillyard	Spencer	Valentine	Wright

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 105, REPEAL OF EDUCATION MANDATES AND PROGRAMS,** and it was before the Senate. Senator Stephenson explained the bill.

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

1. Page 2, Line 33:  
After line 33 insert:  
“53A–11–204, as enacted by Chapter 229, Laws of Utah 1996”
2. Page 2, Line 54:  
Delete all of line 54
3. Page 9, Line 261:  
After line 261 insert:  
“Section 9. Section 53A–11–204 is amended to read:  
53A–11–204 Nursing services in the public schools -- Collaborative efforts.(1) (a) [The Legislature finds that students] Students in the state’s public schools [would] may be better protected against risks to health and safety if schools were to have registered nurses readily available to assist in providing educational and nursing services in the public schools.  
(b) Those services would be further enhanced if they could be offered with the active support and participation of local public health departments and private medical providers, most particularly in those areas of the state without currently functioning collaborative programs.  
(c) (i) School districts, local health departments, private medical providers, and parents of students are therefore encouraged to work together in determining needs and risks to student health in the state’s public schools and in developing and implementing plans to meet those needs and minimize risks to students.  
(ii) School community councils or school directors of affected schools shall review the plans prior to their implementation.  
(2) School districts are encouraged to provide nursing services equivalent to the services of one registered nurse for every 5,000 students or, in districts with fewer than 5,000 students, the level of services recommended by the Department of Health.  
[(3) Funding for school nurse services may come from monies provided by a school district, a local health department, and donations from private medical providers or other persons.]  
[(4) (a) There is established the School Nursing Services Incentive Program to encourage collaborative planning between school districts and local health departments.]  
(b) The Legislature may make an annual appropriation to help fund the program.]  
(c) (i) Prior to April 2 of each year, the State Office of Education shall

notify school districts of the availability of school nurse incentive monies and request submission of applications for matching monies.]

[(ii) The Department of Health, in cooperation with the State Office of Education, shall establish minimum operational criteria for approved programs.]

[(d) (i) Applications shall describe services to be provided and the amount of funding to be provided by the school district, the local health department, and other sources.]

[(ii) The equivalent value of nursing services to be donated to the program may also be reported.]

[(iii) The application shall be cooperatively developed by the school district and local health department personnel and approved by both agencies.]

[(iv) A review committee established jointly by the Department of Health and the State Office of Education shall review each application.]

[(e) (i) Approved applications shall receive incentive program monies on a matching basis, with 2/3 coming from sources identified in Subsection (3) and 1/3 coming from the state-administered incentive program established under this section.]

[(ii) Donations received by a school district or local health department may be used in providing all or a part of the entity’s share under Subsection (e)(i).]

[(f) If incentive program monies are insufficient to match requests in all approved applications, the State Office of Education shall disburse the monies proportionately, based on the number of children to be served under each application.]

- 4. Page 13, Lines 389–390:  
Delete all of lines 389 and 390

Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Poulton	Steele	Stephenson	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

Julander	Peterson	Suazo
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**Absent or not voting were:** Senators

Buttars	Spencer	Valentine	Mansell
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\* \* \*

Senator Blackham assumed the chair as President ProTem.

\* \* \*

**S.B. 39, HIGHWAY DESIGNATION**, was read the second time. Senator Knudson explained the bill. Senators Waddoups and Hellewell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Stephenson	Suazo
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	Dmitrich	Spencer	Steele
Valentine	Mansell		

\* \* \*

**1st Sub. S.B. 42, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS**, was read the second time. Senator Eastman 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	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Stephenson
Suazo	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Buttars	Spencer	Steele	Valentine
Mansell			

\* \* \*

Senator Ron Allen assumed the chair as President ProTem.

\* \* \*

**S.B. 82, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS,** was read the second time. Senator Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Evans	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Stephenson
Suazo	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Buttars	Eastman	Gladwell
Hickman	Spencer	Steele	Valentine
Mansell			

\* \* \*

**S.B. 85, PARENTAL INVOLVEMENT IN PUBLIC EDUCATION,** was read the second time. Senator Walker explained the bill. Senator Ron Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Stephenson	Suazo	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Eastman	Gladwell	Spencer
Steele	Valentine	Mansell	

\* \* \*

**S.B. 91, SOCIAL WORKER LICENSING ACT AMENDMENTS**, was read the second time. Senator Julander explained the bill. Senators Ron Allen, Evans, Hickman, Wright, Davis, Buttars, Peterson, Hellewell, and Waddoups commented.

On motion of Senator Julander, the bill was circled.

\* \* \*

On motion of Senator Poulton and at 3:50 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 24, 2002.

# FOURTH DAY

## MORNING SESSION

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

**Prayer** – Douglas Weaver, President of the Wasatch Stake

**Pledge of Allegiance** – Robert Gardner

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 23, 2002

The House passed, as substituted, **1st Sub. H.B. 39**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative K. BRYSON, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 52**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 72**, PENALTY FOR MISUSE OF LAWFUL SUBSTANCES, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 84**, PROPERTY TAX ASSESSMENTS – EFFECT OF CONSERVATION EASEMENT, by Representative R. Becker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 107**, OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN DUTIES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 192**, WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER SAFETY OFFICERS, by Representative N. Hansen, et al, and it is transmitted for consideration; and

The House passed **H.B. 198**, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 204**, RESPONSIBILITY OF ATTORNEY GENERAL TO REPRESENT DIVISION OF CHILD AND FAMILY SERVICES, by Representative M. Throckmorton, and it is transmitted for consideration; and

The House passed **H.B. 221**, STATE BOARD OF EDUCATION RULES AND REPORTS, by Representative M. Dayton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 39, H.B. 52, H.B. 72, H.B. 84, H.B. 107, H.B. 192, H.B. 198, H.B. 201, H.B. 204,** and **H.B. 221** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: January 23, 2002

The Business, Labor, and Economic Development Committee recommends **S.B. 48**, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS, by Senator J. Hickman, be replaced and favorably recommends **1st Sub. S.B. 48**, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS.

Dan R. Eastman, Chair; and

Mr. President: January 23, 2002

The Education Committee reports a favorable recommendation on **S.B. 81**, EDUCATION OF PERSONS WITH A DISABILITY, by Senator E. Mayne

Bill Wright, Chair; and

Mr. President: January 23, 2002

The Health and Environment Committee reports a favorable recommendation on **S.B. 50**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, by Senator D. E. Allen, with the following amendments:

1. Page 2, Line 41:  
After “eligible” delete “on the same basis as graduates of medical schools located in the United States,”
2. Page 2, Lines 54 – 58:  
Delete lines 54 through 58

3. Page 3, Lines 59–64:  
Delete lines 59–64

Peter C. Knudson, Chair; and

Mr. President:

January 23, 2002

The Human Services Committee recommends **S.B. 101**, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES, by Senator L. Blackham, be replaced and favorably recommends **1st Sub. S.B. 101**, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES with the following amendments:

1. Page 3, Line 80:  
After “authority” insert “or substance abuse authority”
2. Page 6, Line 160:  
After “misdemeanor” insert “other than a protective order violation in a domestic case”
3. Page 7, Line 184:  
After “evidence” insert “provided by the person”

Bill Hickman, Chair

On motion of Senator Poulton, the committee reports were adopted. **1st Sub. S.B. 48, S.B. 81, S.B. 50, and 1st Sub. S.B. 101**, as amended, were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### DOMESTIC VIOLENCE IN PRESENCE OF CHILD AMENDMENTS

**S.B. 76**

*David H. Steele*

THIS ACT MODIFIES THE UTAH CRIMINAL CODE. THE ACT PROVIDES THAT A PERSON IS GUILTY OF CHILD ABUSE IF THE PERSON COMMITS AN ACT OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD. THE ACT ELIMINATES THE REQUIREMENT THAT THERE BE ONE OR MORE PRIOR OCCASIONS OF ACTS OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD BEFORE A PERSON IS GUILTY OF CHILD ABUSE. THE ACT CLARIFIES THAT A CHARGE OF CHILD ABUSE ARISING FROM DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD IS SEPARATE AND DISTINCT FROM A CHARGE OF DOMESTIC VIOLENCE WHERE THE VICTIM IS THE

COHABITANT. THE ACT ADDS DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD TO THE LIST OF ACTS CONSTITUTING DOMESTIC VIOLENCE. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**TASK FORCE ON INVOLUNTARY  
COMMITMENT OF THE MENTALLY ILL**

**S.B. 77**

*Leonard M. Blackham*

THIS ACT CREATES THE TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL. THE ACT SPECIFIES MEMBERSHIP, DUTIES, AND REPORTING REQUIREMENTS FOR THE TASK FORCE. THE ACT APPROPRIATES \$39,500 FROM THE GENERAL FUND FOR FISCAL YEAR 2002–03 TO FUND THE TASK FORCE. THE ACT REPEALS THE TASK FORCE ON NOVEMBER 30, 2002, was read for the first time and referred to the Rules Committee.

**TOBACCO SETTLEMENT RESTRICTED ACCOUNT**

**S.B. 135**

*David H. Steele*

THIS ACT MODIFIES PROVISIONS RELATED TO THE TOBACCO SETTLEMENT FUNDS AND ENDOWMENT. THE ACT CLARIFIES THE SOURCE OF THE FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH FOR ALCOHOL, TOBACCO, AND OTHER DRUG PROGRAMS. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**STATE VEGETABLE**

**S.B. 136**

*Bill Wright*

THIS ACT MODIFIES THE STATE AFFAIRS IN GENERAL TITLE BY DESIGNATING THE STATE VEGETABLE, was read for the first time and referred to the Rules Committee.

**GOVERNMENT RECORDS ACCESS & MANAGEMENT ACT –  
TECHNICAL REVISIONS**

**S.B. 137**

*Alicia L. Suazo*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AND REFERENCES TO THAT ACT TO MAKE

TECHNICAL REVISIONS. THIS ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Spencer, the circle was removed from **S.B. 4, REPORTS TO HEALTH AND HUMAN SERVICES**, and it was before the Senate. Senator Spencer explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Jenkins	Valentine
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**S.B. 4** was transmitted to the House.

\* \* \*

**S.B. 45, BIRTH CERTIFICATE FOR STILLBORN CHILD**, was read the third time, explained by Senator Ron Allen. Senators Wright and Spencer commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Eastman	Valentine
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**S.B. 45** was transmitted to the House.

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**S.B. 37**, MUTUAL WATER COMPANY CHANGE APPLICATIONS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Eastman	Hillyard	Valentine
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**S.B. 37** was transmitted to the House.

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**S.B. 47**, PROCUREMENT CODE AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hillyard	Valentine
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**S.B. 47** was transmitted to the House.

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On motion of Senator Spencer, the circle was removed from **S.B. 5, APPROPRIATION FOR SEXUAL VIOLENCE – VICTIM ASSISTANCE PROGRAM**, and it was before the Senate. Senator Spencer explained the bill. Senator Jenkins, Gladwell, Steele, commented.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**S.B. 51, NURSE PRACTICE ACT AMENDMENTS**, was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

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

**Absent or not voting were:** Senators

Hale	Hillyard	Spencer
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**S.B. 51** was transmitted to the House.

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**S.B. 87, VISITATION RIGHTS OF GRANDPARENTS**, was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 88, ENVIRONMENTAL SELF-EVALUATION ACT AMENDMENTS**, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hale	Hillyard	Spencer	Stephenson
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**S.B. 88** was transmitted to the House.

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**S.B. 89, SAFE DRINKING ACT – ADMINISTRATIVE PROCEDURE AMENDMENTS**, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Hillyard
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**S.B. 89** was transmitted to the House.

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**S.B. 90, DRINKING WATER BOARD LOAN AND GRANT AMENDMENTS**, was read the third time, explained by Senator Wright. Senator Evans commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Hillyard
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**S.B. 90** was transmitted to the House.

\* \* \*

**S.B. 93, CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS,** was read the third time, explained by Senator Knudson. Senator Gladwell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Hillyard
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**S.B. 93** was transmitted to the House.

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Senator Bill Hickman assumed the chair as President ProTem.

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**S.B. 97, FORENSIC MENTAL HEALTH COORDINATING COUNCIL,** was read the third time.

On motion of Senator Ed Allen, the bill was circled.

\* \* \*

**S.B. 98, OUTDOOR ADVERTISING AMENDMENTS**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Hale	Hillyard	Mansell
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**S.B. 98** was transmitted to the House.

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**S.B. 99, CORE CURRICULUM AMENDMENTS**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Hale	Hillyard	Stephenson	Mansell
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**S.B. 99** was transmitted to the House.

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**S.B. 107, UTAH LABOR COMMISSION AMENDMENTS**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Hale	Hillyard	Stephenson	Mansell
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**S.B. 107** was transmitted to the House.

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**S.B. 109, LICENSING OF GENETIC COUNSELORS TECHNICAL AMENDMENTS**, was read the third time, explained by Senator Julander. Senator Poulton commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Valentine
Waddoups	Walker	Wright	

**Voting in the negative was:** Senator

Buttars

**Absent or not voting were:** Senators

Blackham	Hale	Hillyard	Stephenson
Mansell			

**S.B. 109** was transmitted to the House.

\* \* \*

**S.B. 110**, CHILD PLACEMENT DETERMINATIONS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Valentine
Waddoups	Walker		

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

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Hillyard
Stephenson	Mansell		

**S.B. 110** was transmitted to the House.

\* \* \*

**S.B. 116**, LOCAL GOVERNMENT VARIABLE RATE BONDING AUTHORITY, was read the third time, explained by Senator Buttars.

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

1. Page 3, Line 83:  
 After “until due” insert:  
“for the purpose of paying the costs relating to the special improvement district as the governing body may specify, including interest on any bonds issued under Sections 17A-3-227 or 17A-3-229, ongoing costs of the governing entity incurred with respect to administration of the special improvement district, and costs, if any, incurred with respect to securing a letter of credit or other instrument to secure payment or repurchase of any bonds or retaining a remarketing agent or an indexing agent”

2. Page 4, Line 115:  
Delete “Subsection 17A-3-228(5)” and insert “Subsections 17A-3-228(2) and (5)”
3. Page 10, Line 292:  
After “semiannually” insert “,” and bracket “or”
4. Page 10, Line 292:  
After “annually” bracket “as determined” and insert “, or at such other intervals or upon such other schedule as may be specified”
5. Page 11, Line 314:  
Delete “county” and insert “governing entity”
6. Page 13, Line 376:  
After “until due” insert:  
“for the purpose of paying the costs relating to the special improvement district as the governing body may specify, including interest on any bonds issued under Sections 17A-3-328 or 17A-3-329, ongoing costs of the municipality incurred with respect to administration of the special improvement district, and costs, if any, incurred with respect to securing a letter of credit or other instrument to secure payment or repurchase of any bonds or retaining a remarketing agent or an indexing agent”
7. Page 14, Line 400:  
After “semiannually” insert “,” and bracket “or”
8. Page 14, Line 400:  
After “annually” bracket “as determined” and insert “, or at such other intervals or upon such other schedule as may be specified”
9. Page 15, Line 452:  
Delete “Subsection 17A-3-328(5)” and insert “Subsections 17A-3-328(2) and (5)”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Eastman	Evans	Gladwell	Hellewell
Hickman	Jenkins	Julander	Knudson

Mayne	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Hale
Hillyard	Stephenson	Mansell	

**S.B. 116**, as amended, was transmitted to the House.

\* \* \*

**S.B. 19**, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 105**, REPEAL OF EDUCATION MANDATES AND PROGRAMS, was read the third time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**S.B. 39**, HIGHWAY DESIGNATION, was read the third time, explained by Senator Knudson. Senator Hickman commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Dmitrich	Hale	Hillyard	Spencer
Stephenson	Mansell		

**S.B. 39** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 42, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Dmitrich	Hale	Hillyard	Spencer
Stephenson	Mansell		

**1st Sub. S.B. 42** was transmitted to the House.

\* \* \*

**S.B. 82, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS**, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Dmitrich	Hale	Hillyard	Spencer
Stephenson	Mansell		

**S.B. 82** was transmitted to the House.

\* \* \*

**S.B. 85, PARENTAL INVOLVEMENT IN PUBLIC EDUCATION**, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Dmitrich	Hale	Hillyard	Spencer
Stephenson	Wright	Mansell	

**S.B. 85** was transmitted to the House.

## SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **S.B. 86, FUNDING OF THE CONTROLLED SUBSTANCES DATABASE**, and it was before the Senate. Senator Valentine explained the bill. Senators Poulton and Ron Allen 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Hale	Hillyard	Spencer
Mansell			

\* \* \*

**S.B. 92**, BEAR RIVER DEVELOPMENT PROJECTS, was read the second time. Senator Waddoups explained the bill. Senators Knudson, Valentine, Poulton, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hale	Spencer
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\* \* \*

On motion of Senator Stephenson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Stephenson, the circle was removed from **S.B. 105**, REPEAL OF EDUCATION MANDATES AND PROGRAMS, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	Peterson
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**Absent or not voting were:** Senators

Blackham	Hale	Julander	Mayne
Spencer			

**S.B. 105** was transmitted to the House.

\* \* \*

On motion of Senator Wright, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

**1st Sub. S.B. 96, URANIUM MILL TAILINGS OVERSIGHT**, was read the second time. Senator Wright explained the bill. Senators Hickman, Dmitrich, 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Hale	Hillyard	Mayne
Spencer			

\* \* \*

**S.B. 108, PETE SUAZO PROFESSIONAL ATHLETIC COMMISSION AMENDMENTS**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.B. 114, REVISOR'S STATUTE**, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Knudson	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Hillyard
Mayne	Spencer		

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 2002

The House passed, **S.B. 8**, REPEAL OF NATIONAL GUARD ADVISORY BOARD, by Senator M. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 10**, REVISIONS TO SENATE ADVISE AND CONSENT POWERS, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 22**, ATTEMPTED MURDER AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 8**, **S.B. 10**, and **S.B. 22** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: January 24, 2002

The House passed, as substituted, **1st Sub. H.B. 51**, SALES AND USE TAX – TAXABILITY OF PARTS AND LABOR, by Representative Wayne Harper, and it is transmitted for consideration; and

The House passed **H.B. 87**, UNMARKED VEHICLE AMENDMENTS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 207**, LICENSES FOR EDUCATORS, by Representative S. Allen, and it is transmitted for consideration.

The House passed **H.B. 214**, EXTENSION OF SUNSET ON TELEHEALTH COMMISSION, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 215**, DEPARTMENT OF HEALTH COLLECTION OF INFORMATION, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 225**, MENTAL HEALTH PROFESSIONAL FINANCIAL ASSISTANCE GRANTS – TECHNICAL AMENDMENTS, by Representative J. Buffmire, and it is transmitted for consideration; and

The House passed **H.B. 249**, SALES AND USE TAX – LOCATION OF TRANSACTIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 255**, UTAH HOUSING CORPORATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 14**, JOINT RESOLUTION – DEBT LIMITS FOR POLITICAL SUBDIVISIONS, by Representative W. Harper, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 51, H.B. 87, H.B. 207, H.B. 214, H.B. 215, H.B. 225, H.B. 249, H.B. 255**, and **H.J.R. 14** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 24, 2002

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

#### **Business, Labor & Economic Development**

**S.B. 56**

Age Discrimination in Employment (E. Mayne)

**S.B. 119** Workers' Compensation Insurance Related Amendments  
(L. S. Poulton)

**H.B. 23** Mortgage Practices Act Revisions (G. Adair)

### **Education**

**S.B. 129** Planetarium Board of Directors Amendments (G. Davis)

**S.B. 132** Prohibition of Paid Education Association Leave  
(B. Wright)

**H.B. 52** Higher Education Savings Incentive Program  
Amendments (K. Bryson)

**H.B. 221** State Board of Education Rules and Reports (M. Dayton)

### **Energy, Natural Resources & Agriculture**

**S.B. 134** Wildlife Resources and Wildlife Board Amendments  
(D. Gladwell)

**H.B. 65** State Park Access Highways Amendments (D. Bowman)

### **Health & Environment**

**H.B. 43** Access to Fluoridated Water (D. Hogue)

**H.B. 53** Technical Amendments to Tobacco Settlement Trust Fund  
(K. Morgan)

**H.B. 54** Tobacco Amendments (C. Saunders)

**H.B. 55** Underage Possession of Tobacco Amendments  
(C. Saunders)

**H.B. 56** Genetic Privacy and Discrimination (P. Ray)

### **Human Services**

**S.B. 76** Domestic Violence in Presence of Child Amendments  
(D. Steele)

**S.B. 77** Task Force on Involuntary Commitment of the Mentally  
Ill (L. Blackham)

**H.B. 204** Responsibility of Attorney General to Represent Division  
of Child and Family Services (M. Throckmorton)

### **Judiciary**

**H.B. 35** Expungement of Juvenile Records (S. Daniels)

**H.B. 47** Repeal of Sunset Dates on Office of Court Administrator  
and Alternative Dispute Resolution (G. Way)

**H.B. 107** Obscenity and Pornography Complaints Ombudsman  
Duties (W. Harper)

**Revenue & Taxation**

- H.B. 24** Revisions to Redevelopment Agency Laws (W. Harper)  
**H.B. 84** Property Tax Assessments – Effect of Conservation Easement (R. Becker)

**State & Local Affairs**

- S.B. 63** Attorney General Amendments (B. Wright)  
**H.B. 75** Cemetery Maintenance District Amendments (E. Anderson)  
**H.B. 86** Publication Notice of Constitutional Amendments (P. Arent)  
**H.B. 93** Municipal Annexation Amendments (D. Peterson)

**Transportation & Public Safety**

- S.B. 133** Application for Driver License Amendments (B. Wright)  
**H.B. 74** Safety Inspections Regarding Window Tinting (D. Bowman)  
**H.B. 94** Special Fuel Tax Amendments (B. Ferry)  
**H.B. 198** Manual on Uniform Traffic Control Devices for Streets (K. Holdaway)

Michael Waddoups  
 Rules Committee Chair

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

**INTRODUCTION OF BILLS****COUNTY LAW REVISIONS**

**S.B. 65**

*David L. Gladwell*

THIS ACT MODIFIES PROVISIONS RELATING TO COUNTIES. THE ACT CLARIFIES REFERENCES TO COUNTY LEGISLATIVE BODIES. THE ACT AUTHORIZES COUNTIES TO ENACT ORDINANCES FOR DETERMINING VESTED DEVELOPMENT RIGHTS. THE ACT AMENDS PROVISIONS RELATING TO THE RECORDING OF SUBDIVISION PLATS. THE ACT AMENDS THE PROCEDURES FOR ADJUSTING AND RECORDING BOUNDARIES BETWEEN ADJACENT PARCELS. THE ACT AMENDS THE REPORTING DATE FOR COUNTY RECORDERS TO PROVIDE COPIES OF OWNERSHIP PLATS TO THE COUNTY ASSESSOR. THE ACT REPEALS THE REQUIREMENTS THAT ASSESSORS RETURN PLATS TO THE RECORDER. THE ACT REPEALS THE REQUIREMENT THAT THE ASSESSOR MAINTAIN SEPARATE PLAT BOOKS. THE ACT

MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **REVENUES FROM FEDERAL LAND EXCHANGE PARCELS**

**S.B. 66**

*Mike Dmitrich*

THIS ACT MODIFIES PROVISIONS RELATED TO REVENUES FROM FEDERAL LAND EXCHANGE PARCELS. THE ACT MODIFIES THE PERCENTAGE OF REVENUES DISTRIBUTED TO CERTAIN ACCOUNTS AND FUNDS FROM RENTALS AND ROYALTIES RECEIVED FROM THE LEASE OF MINERALS ON ACQUIRED LANDS AND THE LEASE OF ACQUIRED MINERAL INTERESTS. THE ACT LOWERS THE CEILING ON THE AMOUNT OF MONIES COLLECTED THAT CAN BE USED TO PAY FOR ADMINISTRATIVE COSTS, was read for the first time and referred to the Rules Committee.

### **CHARTER SCHOOLS AMENDMENTS**

**S.B. 138**

*Howard A. Stephenson*

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY INCREASING THE NUMBER OF CHARTER SCHOOLS THAT MAY BE SPONSORED BY THE STATE BOARD OF EDUCATION, MODIFYING REQUIREMENTS PERTAINING TO THE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS, AND REQUIRING THE STATE BOARD OF EDUCATION THROUGH THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO PROVIDE TECHNICAL SUPPORT TO CHARTER SCHOOLS AND PERSONS SEEKING TO ESTABLISH CHARTER SCHOOLS. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **THIRD READING CALENDAR**

On motion of Senator Hale, the circle was removed from **S.B. 97**, FORENSIC MENTAL HEALTH COORDINATING COUNCIL, and it was before the Senate. Senator explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hale	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hillyard	Valentine	Waddoups
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**S.B. 97** was transmitted to the House.

\* \* \*

On motion of Senator Steele, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

**S.C.R. 1, ADULT LIFELONG LEARNING AND LITERACY RESOLUTION**, was read the second time. Senator Steele explained the bill. Senator Steele declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Buttars	Hillyard	Knudson	Spencer
Stephenson	Wright		

\* \* \*

On motion of Senator Mayne, the circle was removed from **S.B. 108, PETE SUAZO PROFESSIONAL ATHLETIC COMMISSION AMENDMENTS**, and it was before the Senate. Senator Mayne explained the bill. Senators Valentine, Davis, Mansell, Knudson, and Peterson 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Hickman	Hillyard	Stephenson
Wright			

\* \* \*

**S.B. 28, TAX CREDITS – REMOVAL OF TAX CREDIT FROM TAX FORM AND PROHIBITION ON CLAIMING OR CARRYING FORWARD TAX CREDIT,** was read the second time. Senator Bramble explained the bill. Senator Gladwell 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hillyard	Spencer	Wright
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\* \* \*

**S.B. 52, LEFT LAND RESTRICTION AMENDMENTS,** was read the second time. Senator Eastman explained the bill.

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

1. Page 1, Lines 5–7:  
Delete “This act requires an operator in a high occupancy vehicle lane to yield to an overtaking vehicle in the same lane.”

2. Page 3, Line 59:  
Delete "or HOV lane"
3. Page 3, Lines 62–63:  
Delete "or HOV lane"

Senators Ed Allen and Waddoups 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Hillyard	Wright
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\* \* \*

On motion of Senator Evans, under suspension of the rules, **S.J.R. 7, RESOLUTION ON COMPENSATION OF IN-SESSION EMPLOYEES**, was considered read the second and third times. Senator Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Hillyard
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**S.J.R. 7** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 46, INDIAN AFFAIRS RELATED AMENDMENTS**, was read the second time. Senator Evans 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	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Hale	Hillyard
Knudson			

\* \* \*

**S.B. 44, FUNDING A COMMUNITY LEGAL CENTER**, was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**S.B. 57, CORPORATE FRANCHISE AND INCOME TAXES – TREATMENT OF CERTAIN COOPERATIVES**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.J.R. 6, JOINT RESOLUTION AMENDING REVENUE AND TAXATION ARTICLE – EXEMPTIONS**, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 80, ADJUSTMENTS OF COUNTY BOUNDARIES**, was read the second time. Senator Walker explained the bill. Senators Dmitrich and Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Evans	Hillyard
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On motion of Senator Poulton and at 3:25 p.m., the Senate adjourned until 10:00 a.m., Friday, January 25, 2002.

# FIFTH DAY

## MORNING SESSION

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

**Prayer** – Reverend Arthur Ritter, First Congressional Church

**Pledge of Allegiance** – Senator Leonard Blackham

**Roll Call** – All Senators present, except Senators Hillyard, Hickman and Wright, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 2002

The House passed, as amended, **H.B. 58**, WATER FORFEITURE AMENDMENTS, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 4**, RESOLUTION ENCOURAGING CULTURAL COMPETENCY IN THE DELIVERY OF HEALTH CARE, by Representative J. Buffmire, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 11**, RESOLUTION REQUIRING PUBLIC NOTICE PRIOR TO SPECIAL SESSIONS, by Representative S. Urquhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 58**, **H.J.R. 4**, and **H.J.R. 11** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: January 24, 2002

The Human Services Committee reports a favorable recommendation on **1st Sub. S.B. 17**, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS, by Senator D. C. Buttars; and

The Human Services Committee reports a favorable recommendation on **H.B. 41**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE

COORDINATING COUNCIL AMENDMENTS, by Representative N. Hendrickson.

Bill Hickman, Chair; and

Mr. President: January 24, 2002

The Judiciary Committee reports a favorable recommendation on **S.B. 62**, TAX COMMISSION CRIMINAL INVESTIGATORS DESIGNATION AS SPECIAL FUNCTION OFFICERS, by Senator C. Bramble; and

The Judiciary Committee reports a favorable recommendation on **S.B. 103**, TERMINATION OF JOINT TENANCY IN REAL PROPERTY, by Senator L. Hillyard; and

The Judiciary Committee reports a favorable recommendation on **S.B. 117**, TRUST AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 5, Line 124:  
After "any act" delete "taken or"; and

The Judiciary Committee reports a favorable recommendation on **S.B. 130**, YOUTH COURT AMENDMENTS, by Senator D. Gladwell.

David L. Gladwell, Chair; and

Mr. President: January 24, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 6**, PUBLIC SAFETY BUREAU NAME CHANGE, by Representative D. Bowman.

David H. Steele, Chair

On motion of Senator Valentine, the committee reports were adopted. **1st Sub. S.B. 17, H.B. 41, S.B. 62, S.B. 103, S.B. 117**, as amended, **S.B. 130**, and **H.B. 6** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### DNA EVIDENCE – REMOVING STATUTE OF LIMITATIONS

**S.B. 139**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE CRIMINAL CODE, REMOVING THE STATUTE OF LIMITATIONS ON VIOLENT FELONIES WHEN DNA

EVIDENCE HAS BEEN COLLECTED THAT CAN BE USED TO IDENTIFY THE PERPETRATOR, was read for the first time and referred to the Rules Committee.

**REALLOCATION OF JUDGES**

**S.B. 140**

*John W. Hickman*

THIS ACT MODIFIES THE JUDICIAL CODE, REALLOCATING TWO JUDGES FROM THE THIRD DISTRICT COURT TO THE FIFTH DISTRICT AND THE THIRD DISTRICT JUVENILE COURT. THIS ACT TAKES EFFECT JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**CONSENT CALENDAR**

**S.B. 41**, ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Buttars	Dmitrich	Hickman	Hillyard
Julander	Spencer	Wright	

**S.B. 41** was transmitted to the House.

**THIRD READING CALENDAR**

On motion of Senator Walker, the circle was removed from **S.B. 9**, AMENDMENTS TO DRIVING UNDER THE INFLUENCE, and it was before the Senate. Senator Walker 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	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Dmitrich	Hickman	Hillyard	Spencer
Wright			

**S.B. 9** was transmitted to the House.

\* \* \*

On motion of Senator Walker, the circle was removed from **S.B. 13**, ALCOHOLIC BEVERAGE SERVICE – WARNING REQUIRED, and it was before the Senate. Senator Walker explained the bills. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hale	Hellewell	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Hickman	Hillyard	Jenkins
Spencer	Wright		

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

\* \* \*

On motion of Senator Poulton, Chief Justice Richard C. Howe spoke in Committee of the Whole. Senator Dmitrich commented.

## STATE OF THE JUDICIARY ADDRESS

### CHIEF JUSTICE RICHARD C. HOWE

President Mansell, Senators, and guests. Thank you for the opportunity to join you today, and to discuss the state of Utah's judiciary. Thank you also for

accommodating my schedule this week. Ordinarily this address is earlier in the session, but the Conference of Chief Justices held their winter meetings at the same time, and I wanted to be with them one last time. I say last time because my term as Chief Justice of the Utah Supreme Court ends in just a few months. So, this will be my last State of the Judiciary address as well.

Since it is my last, I hope you will forgive me if I indulge in a little nostalgia. 22 years ago, when I was sworn in as a member of the Supreme Court, things were a little bit different, and a little bit the same as now, both in the legislature and in the judiciary. The legislative issues of 1980 included these:

- The compensation of legislators was raised from \$15 to \$40 per day.
- There were only 99 House bills and 85 Senate bills introduced that year. Of course this was when the even numbered years were supposedly just “budget sessions.”
- H.C.R. 1 welcomed the Utah Jazz Basketball Club to the state, and wished them success.
- H.J.R. 18 approved the appointment of Jon Memmott as the Legislative Research Director. Of course Jon Memmott is now a District Judge in Davis County, and has been for nine years.
- S.R. 1 called on President Carter to reconsider the decision to deploy the MX missile in the Utah desert.
- The Olympics were on the agenda then, too. H.J.R. 27 urged the boycott of the 1980 summer games in Moscow, because “the loss of medals by Olympic athletes would be a far smaller sacrifice than is the loss of life, liberty, and property now being suffered by the citizens of Afghanistan.”
- Jim Hansen was the Speaker of the House, Carl Saunders was finishing his term as the Representative from District 48 in Weber County, and Mike Dmitrich was in the House of Representatives representing Carbon County.

The courts were a bit different, and a bit the same, in 1980 as well.

- There were 57 trial judges in the state then, now there are 70.
- However, in 1980 there were just under 2,800 felonies charged statewide, and last year there were well over 17,000 – six times as many.
- Then, clerks recorded most actions of the courts by hand in large docket books, while court reporters keyed in the testimony of witnesses, later to be transcribed. Now, clerks enter orders into statewide networked computer systems, and digital audio recordings of the proceedings are automatically stored onto electronically indexed and searchable CDs.
- During the intervening years the structure of the courts has changed, too. Two levels of court, the Circuit Court and the District Court were consolidated into one; the Court of Appeals was created; and we have gone from 210 justice courts down to 136.
- In some ways the role of the judge has changed, as well. Recently we have created drug courts and mental health courts, where judges become part of a team focused on solving the problems that cause offenders to commit crimes. This is different than the traditional approach, where judges focus on the procedure and the law, but not on the background factors that cause the defendant to commit crime. But times change, our communities change, and we have to adapt to those changes.

We have also worked hard to change old perceptions of the judiciary held by the public. There are notions about courts that have been around for decades, and some of them persist even in the face of these changes. Three such views of the judiciary that I would like to mention are:

1. That courts are an insular and secretive institution.
2. That courts operate like an exclusive fraternity for the law-trained.
3. That courts are steeped in tradition and therefore slow to change.

None of these perceptions are accurate anymore. I suspect most of you realize that I am the most senior member of our court, maybe the most senior member of

the judiciary, but I can report to you that over the last four years as Chief Justice, the oldest player has embraced change, and I am proud of the steps we have taken to challenge the perceptions I have just mentioned.

To those who would say that we are an insular organization, I point to our many community involvement programs. Programs like Juvenile Court Adoption Day, when our Juvenile Court judges schedule dozens of adoptions for the same time, and then celebrate together with punch, cookies, and teddy bears for all the children. I point to the 27 community hearings we recently held across the state seeking public perceptions about racial and ethnic fairness in the justice system. I point to our customer service programs, such as our bi-lingual 1-800 court information line, and our pay-by-phone system for traffic tickets. And I point proudly to the courts' effort to work with the State Board of Education to get basic civics and government process classes reinstated as part of our public school curriculum; and to judges who have created a high school lecture series in Cache and Box Elder Counties on the Declaration of Independence; who created a presentation on drugs to middle school students in Utah County; and who participate in dozens of career day programs, speakers groups, mock trials and mentor programs across the state every year.

Our efforts to seek not only the input of citizens into our policy making, but also their meaningful involvement in our processes have been deliberate, for the old saying is true: Tell me, and I will forget. Show me, and I will remember. Involve me, and I will understand. With the involvement of citizens and legislators alike, we hope to foster a tangible understanding of Utah's courts, and of the role we all play in assuring a fair and effective judicial system.

The second perception that we are seeking to change is that the courts are an exclusive fraternity for the law-trained. Recent years have seen Utah's courts focus a great deal of energy on helping court users that are not represented by attorneys. Our Online Court Assistance Program has been nationally recognized as the most advanced interactive court application of its kind. Users fill in the answers to basic questions at their home computers, and the program generates the appropriate legal pleadings, complete and ready to file.

We have also supported efforts like Waine's Clinic, a free workshop offered to unrepresented litigants, where questions on almost any legal topic are addressed and then followed up with individual help. Started in Salt Lake City just one night per week, this help has been expanded, not just in Salt Lake but to several other Utah cities as well. The founder of that effort, attorney Waine Riches, was the recipient of our Amicus Curiae, or friend of the court award last year, in recognition of the hundreds and hundreds of hours he has devoted to helping unrepresented litigants protect their legal rights.

The Supreme Court has also agreed to lead an inquiry into the delivery of legal services in Utah. Five legislators, two Supreme Court Justices, several state Bar representatives and others are studying ways to improve access to legal services for all citizens. Technology solutions, court forms, alternatives to traditional litigation, and para-professionals are all being looked at as mechanisms for enhancing the ability of non-lawyers to obtain legal remedies. That committee plans on reporting its findings to you next fall.

The final image I would like to challenge is that of a slow-moving, unresponsive court system. In the four years of my tenure as Chief Justice, I have witnessed remarkable changes in our courts. For example, the first drug court started in Utah began operating in 1994, but in the past four years we have increased from two drug courts to 18.

Technology advances have not only made those heavy docket books relics of the past, but have allowed our citizens to check on the status of their case and pay fines via the touch pad on their telephone, prepare their own pleadings with the assistance of a computer, and court users can already, with some cases, file court documents with the stroke of a key, rather than a trip to the courthouse.

Alternative dispute resolution programs were first formally recognized in Utah in 1994, and the courts have gone from one such program just four years ago to eight, now. We have created truancy mediation, parent-time mediation, appellate mediation, victim-offender mediation and child welfare mediation programs that are as innovative and effective as any in the country.

By my reckoning, and I have a pretty good frame of reference, change in court programs in Utah has been anything but slow. I believe the public has been well served by these developments, and I compliment our dedicated judges and staff for their ability to accept change, adapt and improve.

All the advances that have been made, and will continue to be made, are aimed at enhancing public confidence in the institution of the courts. As public leaders, you and I have many responsibilities, but none is more important than building trust in and support for our form of government, and for the rule of law. More than ever, our society needs the reassurance that comes with a reliable, fair judicial system grounded in the predictability of that rule of law. Our judges must be respected as caretakers of the laws and of the legal system, preserving it for future generations.

By the same token, the public is entitled to assurances that we have well qualified and accountable judges occupying these positions of trust. I am proud of the fine women and men who make up our state's judiciary. They are as fine as any

in the country, and the legislature can take a great deal of credit for that. Let me explain why.

As I meet with the chief justices of the other states and territories, I find that much of their time and the time of judges in their states is taken up with focusing on the next election, and with raising money to finance their campaigns. Years ago, a supreme court judge in one state told me that for one year before the next election, he spends his weekends contacting law firms for contributions. He had to raise over a million dollars. I am sure that it is now several million dollars. Often, these contested elections become bitter, and large amounts are raised to elect a judge or to defeat a judge who really can only make one promise, and that is to be fair. After the election is over, the problem does not go away. Litigants and attorneys who have contributed to the judge's campaign then may appear in the judge's court. The judge then should advise the opposing side of the contribution and let them decide whether to request the disqualification of the judge from hearing the case. The problem is so acute in other states that national conferences are held to discuss how to limit campaign contributions to judges and what judges can do and not do in their campaigning.

I am always happy and proud to point out that in Utah, we have none of these judicial campaigning problems. Nearly seventy years ago, the legislature in 1943 adopted a joint resolution proposing an amendment to the Utah Constitution to provide for the selection of judges "based solely upon consideration of fitness for office without regard to any partisan political considerations and free from influence of any person whomsoever," or in other words, judges shall be selected on their merit alone. The voters approved the amendment at the general election in 1944. Mind you, this was done while our country was engaged in World War II. Following this constitutional direction, judges are now appointed by the Governor based on merit, and confirmed by the Senate. The judge then takes office and runs in a retention election at the end of each term of office. Information about a judge's record is given to the voters so they can decide whether to keep the judge in office for another term. This process works without a judge generally having to raise any money at all and allows the judge to focus his or her time on running a court and deciding cases instead of raising money and focusing on the next election. The system we have in Utah is undoubtedly the best in the nation, and I want this legislature to know that I consider the constitutional amendment proposed by the legislature in 1943 and adopted in 1944 as the most significant event affecting the Utah Judiciary since Utah became a state in 1896.

I wanted to highlight this particular reform and thank this body for its foresight. Our system for selecting and retaining judges is an excellent illustration of the understanding this body has of the role of the judiciary and the importance of having well qualified and accountable judges. This step, as well as the many

others I have reflected on today are the product of many collaborations between the representatives of the three branches of government here in Utah. We have constantly worked together in the interest of our mutual constituents, the people of this great state, and they have been very well served by that cooperation, and I thank you for it.

I have looked forward to each of the four times I have now delivered this address to you. Not because what I had to say was so important, but because the annual State of the Judiciary address is a tangible symbol of our mutual respect and understanding of our constitutional roles. And while I have said before that those roles are more important and enduring than the people who play them, that doesn't mean that the people are unimportant. In fact they are. And if you would allow me the indulgence of gratitude as well as nostalgia, I would like to thank a few important people for their help in shaping and implementing the profound advancements that we have all shared in for Utah's judiciary over the years.

To the thousands of dedicated lawyers I have associated with since I was admitted to the Bar in 1949, thank you. To the hundreds of caring and capable judges with whom I have worked, thank you. To the dozens of proficient court administrators and staff who have supported me, thank you. To the 10 other justices of the Supreme Court who have been my colleagues, and who have allowed me the honor of this position, thank you. To my family, thank you very much.

In that this is the last time I will have the opportunity to address this body, I want to tell you what an honor and a privilege it has been to serve the people of this state. First, as a member and then Speaker of the House of Representatives, as a member of the Senate, and then as a Justice and Chief Justice of our Supreme Court. I hope I have made the kind of contribution that should be expected of one given such wonderful opportunities and lofty responsibilities. I have enjoyed the aid and support of many truly gifted public servants, and I thank each and every one of you. Thank you for allowing me and my fellow justices to appear before you.

\* \* \*

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

On motion of Senator Valentine, the words of Chief Justice Richard Howe will be spread upon the pages of the Senate Journal.

### **THIRD READING CALENDAR**

**S.B. 86**, FUNDING OF THE CONTROLLED SUBSTANCES DATABASE, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Gladwell
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Dmitrich	Evans	Hale	Hellewell
Hickman	Hillyard	Spencer	Wright

**S.B. 86** was transmitted to the House.

\* \* \*

**S.B. 92, BEAR RIVER DEVELOPMENT PROJECTS,** was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hale	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Dmitrich	Hellewell	Hickman	Hillyard
Wright			

**S.B. 92** was transmitted to the House.

\* \* \*

**1st Sub S.B. 96, URANIUM MILL TAILINGS OVERSIGHT,** was read the third time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 114**, REVISOR'S STATUTE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hale	Jenkins	Julander
Knudson	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Hellewell	Hickman	Hillyard
Poulton	Wright		

**S.B. 114** was transmitted to the House.

\* \* \*

On motion of Senator Spencer, the circle was removed from **S.B. 5**, APPROPRIATION FOR SEXUAL VIOLENCE – VICTIM ASSISTANCE PROGRAMS, and it was before the Senate. Senator Spencer explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hellewell	Hickman
Hillyard	Poulton	Wright	

**S.B. 5** was transmitted to the House.

\* \* \*

On motion of Senator Spencer, the circle was removed from **S.B. 87**, VISITATION RIGHTS OF GRANDPARENTS, and it was before the Senate. Senator Spencer explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hellewell	Hickman
Hillyard	Poulton	Wright	

**S.B. 87** was transmitted to the House.

\* \* \*

**S.C.R. 1**, ADULT LIFELONG LEARNING AND LITERACY RESOLUTION, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hellewell	Hickman
Hillyard	Poulton	Wright	

**S.C.R. 1** was transmitted to the House.

\* \* \*

**S.B. 108**, PETE SUAZO PROFESSIONAL ATHLETIC COMMISSION AMENDMENTS, was read the third time, explained by Senator Mayne. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hellewell	Hickman
Hillyard	Poulton	Wright	

**S.B. 108** was transmitted to the House.

\* \* \*

**S.B. 28**, TAX CREDITS – REMOVAL OF TAX CREDIT FROM TAX FORM AND PROHIBITION ON CLAIMING OR CARRYING FORWARD TAX CREDIT, was read the third time, explained by Senator Bramble.

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

1. Page 2, Line 39:  
After “for” insert “the” and after “years” delete the remainder of Line 39
2. Page 2, Line 40:  
Delete “January 1, 2002” and insert “described in Subsection (3)(a)”
3. Page 3, Line 70:  
After “for” insert “the” and after “years” delete the remainder of Line 70
4. Page 3, Line 71:  
Delete “January 1, 2002” and insert “described in Subsection (3)(a)”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Eastman	Evans	Gladwell	Hale
Hellewell	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich	Hickman
Hillyard	Poulton	Stephenson	Wright

**S.B. 28** was transmitted to the House.

\* \* \*

**S.B. 52, LEFT LANE RESTRICTION AMENDMENTS**, was read the third time, explained by Senator Eastman. Senators Hellewell and Jenkins commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hickman	Hillyard
Poulton	Stephenson	Wright	

**S.B. 52** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 46, INDIAN AFFAIRS RELATED AMENDMENTS**, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Eastman	Evans	Gladwell	Hale
Hellewell	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Dmitrich	Hickman
Hillyard	Poulton	Stephenson	Wright

**1st Sub. S.B. 46** was transmitted to the House.

\* \* \*

**S.B. 80**, ADJUSTMENTS OF COUNTY BOUNDARIES, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Davis	Dmitrich	Hickman	Hillyard
Poulton	Spencer	Wright	

**S.B. 80** was transmitted to the House.

## SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from **S.B. 94**, AGRICULTURAL PROTECTION ACT AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Eastman	Evans	Gladwell	Hale
Hellewell	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

R. Allen	Davis	Dmitrich	Hickman
Hillyard	Poulton	Stephenson	Wright

\* \* \*

**S.B. 49, UTAH EXEMPTION ACT AMENDMENTS**, was read the second time. Senator Gladwell explained the bill. Senator Hellewell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Eastman	Gladwell	Hale
Hellewell	Jenkins	Julander	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

R. Allen	Dmitrich	Evans	Hickman
Hillyard	Poulton	Spencer	Valentine
Wright			

\* \* \*

**S.R. 1, RESOLUTION CHANGING SENATE COMMITTEE NAMES**, was read the second time. Senator Knudson explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Eastman	Gladwell	Hale

Hellewell	Jenkins	Julander	Knudson
Peterson	Steele	Stephenson	Suazo
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

R. Allen	Dmitrich	Evans	Hickman
Hillyard	Mayne	Poulton	Spencer
Valentine	Wright		

\* \* \*

**S.R. 2**, SENATE RULES AMENDMENTS RESOLUTION, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**1st Sub. S.B. 48**, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 81**, EDUCATION OF PERSONS WITH A DISABILITY, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 50**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, was read the second time. Senator Ed Allen explained the bill. Senators Mansell, Waddoups and Knudson 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	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Steele	Stephenson	Suazo	Waddoups
Mansell			

**Absent or not voting were:** Senators

Bramble	Hickman	Hillyard	Poulton
Spencer	Valentine	Walker	Wright

\* \* \*

On motion of Senator Mayne, the circle was removed from **S.B. 81, EDUCATION OF PERSONS WITH A DISABILITY**, and it was before the Senate. Senator Mayne explained the bill. Senators Jenkins, Evans, Walker, Steele, Buttars, Hale, and Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Davis	Hickman	Hillyard	Poulton
Spencer	Wright		

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 25, 2002

The House passed, as amended, **H.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 16, BLOOD AND BREATH ALCOHOL TESTING**, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 17, MULTIPLE DRIVING UNDER THE INFLUENCE OFFENSES**, by Representative A. L. Tyler, and it is transmitted for consideration; and

The House passed **H.B. 18, COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES**, by Representative A. L. Tyler, and it is transmitted for consideration; and

The House passed **H.B. 48**, LOCAL SUBSTANCE ABUSE AUTHORITY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 60**, INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 15**, RESOLUTION PROMOTING FINANCIAL LITERACY FOR UTAH STUDENTS, by Representative D. Hogue, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1, H.B. 16, H.B. 17, H.B. 18, H.B. 48, H.B. 60,** and **H.J.R. 15** were read the first time and referred to the Rules Committee.

### INTRODUCTION OF BILLS

**S.B. 142**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE STATE SYSTEM OF HIGHER EDUCATION CODE BY AUTHORIZING THE PRESIDENTS OF THE 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 Valentine **H.B. 1** was lifted from the Rules Committee to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. Senator Ron Allen commented and 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	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hellewell	Julander
Knudson	Mayne	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Hale	Hickman	Hillyard	Jenkins
Peterson	Poulton	Spencer	Wright

**H.B. 1** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Poulton and at 12:10 p.m., the Senate adjourned until 10:00 a.m., Monday, January 28, 2002.

# EIGHTH DAY

## MORNING SESSION

The Senate was called to order at 9:50 a.m., with President Al Mansell presiding.

**Prayer** – Father John Kaloudis, Head Priest of the Greek Orthodox Community

**Pledge of Allegiance** – Senator Ed Allen

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 25, 2002

The House passed, as amended, **H.B. 77**, CRIMINAL SENTENCING – MITIGATION AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 80**, UNSOLICITED COMMERCIAL EMAIL, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 91**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 190**, CRIMINAL RESTITUTION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, NEW CENTURY SCHOLARSHIP PROGRAM AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 224**, GIVING FALSE INFORMATION TO POLICE OFFICER, by Representative K. Morgan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 77**, **1st Sub. H.B. 80**, **H.B. 91**, **H.B. 190**, **H.B. 206**, and **H.B. 224** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 25, 2002

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

**Health & Environment**

- S.B. 135** Tobacco Settlement Restricted Account (D. Steele)  
**H.B. 215** Department of Health Collection of Information  
(D. Hogue)

**Human Services**

- H.B. 28** Immunity from Liability in Child Welfare Investigations  
(W. Harper)

**Judiciary**

- S.B. 139** DNA Evidence – Removing Statute of Limitations  
(L. Hillyard)  
**S.B. 140** Reallocation of Judges (J. Hickman)

**Revenue & Taxation**

- S.J.R. 10** Resolution Amending Revenue and Taxation Provisions  
of Utah Constitution (J. Valentine)  
**1st Sub. H.B. 51** Sales and Use Tax – Taxability of Parts and Labor  
(W. Harper)  
**H.B. 88** Sales and Use Tax – Agricultural Exemption  
(E. Anderson)  
**H.J.R. 14** Joint Resolution – Debt Limits for Political Subdivisions  
(W. Harper)

**State & Local Affairs**

- S.B. 131** Personal Use of Campaign Funds (K. Hale)  
**S.B. 137** Government Records Access & Management Act –  
Technical Revisions (A. Suazo)  
**H.J.R. 9** Joint Resolution – Rejecting Recommended Salary  
Increase for Legislators (G. Way)  
**H.J.R. 11** Resolution Requiring Public Notice Prior to Special  
Sessions (S. Urquhart)

**Transportation & Public Safety****H.B. 87** Unmarked Vehicle Amendments (D. Bowman)

Michael Waddoups  
 Rules Committee Chair

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

\* \* \*

To the Members of the Senate: January 25, 2002

The Rules Committee recommends the assignment of the following House Resolution to the Second Reading Calendar:

**H.J.R. 2** Rules Resolution – Committee Notes on Bills  
 (R. Bigelow)

Michael Waddoups  
 Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 25, 2002

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 78, AMENDMENTS TO CONSTRUCTION CONTRACTS REGARDING UNREASONABLE DELAYS**, by Senator S. Jenkins; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 115, MOBILE HOME PARK RESIDENCY TECHNICAL REVISIONS**, by Senator D. Eastman; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 234, MECHANICS' LIEN AMENDMENTS**, by Representative K. Garn.

Dan R. Eastman, Chair; and

Mr. President: January 25, 2002

The Education Committee recommends **S.J.R. 2, RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND**, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.J.R. 2,**

RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND; and

The Education Committee reports a favorable recommendation on **H.B. 5**, SCHOOL UNIFORM AMENDMENTS, by Representative K. Morgan; and

The Education Committee reports a favorable recommendation on **H.B. 21**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – AGRICULTURE, by Representative R. Siddoway; and

The Education Committee reports a favorable recommendation on **H.B. 22**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – TRANSPORTATION, by Representative R. Siddoway.

Michael G. Waddoups, Chair; and

Mr. President:

January 25, 2002

The Health and Environment Committee reports a favorable recommendation on **S.B. 100**, PHARMACIST LICENSING AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 8, Lines 223 – 225:  
After “nutritional” delete “assessment, therapy, and”, and after “counseling” delete the rest of line 223 and all of lines 224 and 225
2. Page 8, Line 226:  
Delete “Certification Act” and insert “including drug interactions and therapeutic effects of drugs”
3. Page 10, Lines 294 – 298:  
After “(10)” delete lines 294 through 298 and insert “disclosing confidential patient information in violation of the provisions of the Health Insurance Portability and Accountability Act of 1996 or other applicable law.”; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 9**, REPEAL OF MEDICAL EXAMINER COMMITTEE, by Representative N. Hansen; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 38**, REPEAL OF HEALTH BENEFIT PLAN COMMITTEE, by Representative D. Bush.

Peter C. Knudson, Chair; and

Mr. President:

January 24, 2002

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 61**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT – RECORDS RELATED TO EXPLOSIVES, by Senator B. Wright, with the following amendments:

1. Page 1, Line 9:  
After “changes.” insert “This act provides a coordination clause.”
2. Page 11, Line 328:  
After line 328 insert:  
“Section 3. Coordination Clause.  
If this bill and S.B. 93, Classification of Certain Legislative Records, both pass, it is the intent of the Legislature that the amendments in Section 63–2–304 (40) in S.B. 93 supercede the amendments to Section 63–2–304(40) in this bill; and

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 79**, LAND SURVEYOR AMENDMENTS, by Senator G. Davis; and

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 118**, DISTRIBUTION OF OLYMPIC SPECIAL REVENUE FUND MONIES, by Senator M. Waddoups; and

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 128**, OPEN AND PUBLIC MEETINGS REVISIONS, by Senator G. Davis, with the following amendments:

1. Page 2, Line 33:  
After line 33 insert:  
“(5) Minutes of meetings that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.”; and

The State and Local Affairs Committee reports a favorable recommendation on **S.J.R. 4**, JOINT RESOLUTION ALLOWING CHANGES TO COUNTY BOUNDARIES, by Senator C. Walker, with the following amendments:

1. Page 1, Line 18:  
After “voters” delete “living in such territory” and Insert “voting on the proposition”
2. Page 1, Lines 22–23:  
Delete lines 22 and 23 and insert “make a minor adjustment, as defined by statute, to the common boundary.”; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 8**, REPEAL OF LOCAL GOVERNMENT INFORMATION TECHNOLOGY REVIEW COMMITTEE, by Representative N. Hendrickson; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 14**, REPEAL OF STATE ADVISORY PLANNING COMMITTEE, by Representative P. Wallace.

Carlene M. Walker, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 78**, **S.B. 115**, **H.B. 234**, **1st Sub. S.J.R. 2**, **H.B. 5**, **H.B. 21**, **H.B. 22**, **S.B. 100**, as amended, **H.B. 9**, **H.B. 38**, **S.B. 61**, as amended, **S.B. 79**, **S.B. 118**, **S.B. 128**, as amended, **S.J.R. 4**, as amended, **H.B. 8**, and **H.B. 14** were placed on Second Reading Calendar.

\* \* \*

Mr. President: January 25, 2002

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 123**, VENUE FOR CONSUMER TRANSACTIONS, by Senator J. Valentine, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dan R. Eastman, Chair; and

On motion of Senator Poulton, the committee report was adopted. **1st Sub. S.B. 123** was considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President: January 25, 2002

The Health and Environment Committee recommends **S.B. 113**, RURAL DENTIST STUDENT LOAN REPAYMENT ASSISTANCE, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 113**, HEALTH

CARE WORKFORCE LOAN REPAYMENT ASSISTANCE and that it be considered read for the first and second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Poulton, the committee reports were adopted. **1st Sub. S.B. 113** was considered read the first and second time and placed on the Consent Calendar.

\* \* \*

Mr. President:

January 24, 2002

The State and Local Affairs Committee has returned **S.J.R. 3**, RESOLUTION PROVIDING FOR CHANGING COUNTY LINES, by Senator M. Peterson, to the Secretary of the Senate.

Carlene M. Walker, Chair

## INTRODUCTION OF BILLS

### PUNITIVE DAMAGE AWARDS

**S.B. 141**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE JUDICIAL CODE, SPECIFICALLY CLARIFYING THAT THE ATTORNEY GENERAL SHOULD BE NOTIFIED OF AN ACTION WHERE PUNITIVE DAMAGES ARE REQUESTED AND THE STATE TREASURER SHOULD BE NOTIFIED WHEN PUNITIVE DAMAGES IN EXCESS OF \$20,000 ARE AWARDED. THIS ACT ALSO PROVIDES THAT THE TREASURER MAY REQUEST THE ASSISTANCE OF THE ATTORNEY GENERAL IF NECESSARY TO COLLECT ANY AMOUNTS DUE THE STATE, was read for the first time and referred to the Rules Committee.

### PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

**S.B. 143**

*Michael G. Waddoups*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT BY MODIFYING PROVISIONS RELATING TO DISCLOSURE OF EMPLOYEE RECORDS. THIS ACT TAKES EFFECT JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX – DEFINITION OF REGULARLY RENTED**

**S.B. 144**

*Michael G. Waddoups*

THIS ACT MODIFIES THE SALES AND USE TAX ACT TO AMEND THE DEFINITION OF REGULARLY RENTED. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**CONSENT CALENDAR**

**S.B. 38**, LEGISLATIVE COMMITTEE NAMES REVISIONS, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Blackham, the Senate voted to reconsider its action on **H.B. 1**.

**H.B. 1**, SUPPLEMENTAL APPROPRIATIONS, was placed on the Second Reading Calendar and was before the Senate, explained by Senator Blackham, 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Knudson
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**H.B. 1** signed by the President in open session and transmitted to the House.

**THIRD READING CALENDAR**

On motion of Senator Wright, the circle was removed from **1st Sub. S.B. 96**, URANIUM MILL TAILINGS OVERSIGHT, and it was before the Senate. Senator explained the bill. The bill 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Knudson
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**1st Sub. S.B. 96** was transmitted to the House.

\* \* \*

On motion of Senator Peterson, the circle was removed from **S.B. 14**, DRIVER LICENSE REPORTING, and it was before the Senate. Senator Peterson explained the bill. Senators Buttars, Hellewell, Blackham, Ed Allen, and Bramble commented.

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

1. Page 3, Line 76:  
Delete line 76 through line 82

On motion of Senator Peterson, the bill was circled.

\* \* \*

**S.B. 94**, AGRICULTURAL PROTECTION ACT AMENDMENTS, was read the third time, explained by Senator Blackham. Senators Hillyard, Spencer, Hellewell, and Wright commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Waddoups	Wright	Mansell

**Voting in the negative were:** Senators

Hale	Hillyard	Julander	Spencer
Valentine			

**Absent or not voting were:** Senators

R. Allen	Davis	Poulton	Walker
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**S.B. 94** was transmitted to the House.

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On motion of Senator Knudson, the circle was removed from **S.B. 16**, TRAFFIC OFFENSE ADJUDICATION, and it was before the Senate. Senator Knudson explained the bill. Senators Spencer, Steele, Hillyard, Mansell, Evans, and Gladwell commented. The bill failed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Suazo
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**Voting in the negative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Valentine
Waddoups	Wright	Mansell	

**Absent or not voting were:** Senators

R. Allen	Julander	Poulton	Walker
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**S.B. 16** was filed.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 28, 2002

The House passed **H.C.R. 3**, RESOLUTION HONORING SERVICE OF PAMELA ATKINSON, by Representative M. Stephens, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 3** was read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Stephenson **H.C.R.3**, was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Stephenson, under suspension of the rules, the Senate voted to move to the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.C.R. 3, RESOLUTION HONORING SERVICE OF PAMELA ATKINSON**, 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	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Spencer	Walker
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**H.C.R. 3** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Stephenson, Pamela Atkinson spoke in Committee of the Whole. Senators Hillyard, Steele, Knudson, Hale, Mayne, Julander, Suazo, Peterson, Davis, Poulton, and Mansell commented.

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

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to the Consent Calendar.

**CONSENT CALENDAR**

On motion of Senator Knudson, the circle was removed from **S.B. 38, LEGISLATIVE COMMITTEE NAMES REVISIONS**, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Stephenson
Valentine	Waddoups	Mansell	

**Absent or not voting were:** Senators

R. Allen	Julander	Steele	Suazo
Walker	Wright		

**S.B. 38** was transmitted to the House.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 49, UTAH EXEMPTION ACT AMENDMENTS**, was read the third time explained by Senator Gladwell. Senators Hellewell and Mansell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Stephenson
Valentine	Waddoups	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Julander	Steele	Suazo
Walker			

**S.B. 49** was transmitted to the House.

\* \* \*

**S.R. 1**, RESOLUTION CHANGING SENATE COMMITTEE NAMES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Valentine
Waddoups	Wright	Mansell	

**Absent or not voting were:** Senators

R. Allen	Julander	Steele	Stephenson
Suazo	Walker		

**S.R. 1** was signed by the President in open session and enrolled.

\* \* \*

**S.B. 50**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, was read the third time and explained by Senator Ed Allen. Senator Hellewell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

R. Allen	Julander	Spencer	Stephenson
Suazo	Walker		

**S.B. 50** was transmitted to the House.

\* \* \*

**S.B. 81, EDUCATION OF PERSONS WITH A DISABILITY**, was read the third time, explained by Senator Mayne. Senator Hillyard commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Mayne	Peterson
Poulton	Steele	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Julander	Knudson	Spencer
Stephenson	Suazo	Walker	

**S.B. 81** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 28, 2002

The House passed **H.B. 13, REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE**, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 115, TECHNICAL CHANGES TO ELECTION LAW**, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 185, REAUTHORIZATION OF INDIVIDUAL INCOME TAX CREDIT – TUTORING DISABLED DEPENDENTS**, by Representative J. Buffmire, and it is transmitted for consideration; and

The House passed **H.B. 233, MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS**, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 13, H.B. 115, H.B. 185, and H.B. 233** were read the first time and referred to the Rules Committee.

## SECOND READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **S.R. 2**, SENATE RULES AMENDMENTS RESOLUTION, and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Valentine	Waddoups	Mansell	

**Absent or not voting were:** Senators

R. Allen	Julander	Spencer	Suazo
Walker	Wright		

On motion of Senator Poulton and at 11:45 a.m., the Senate adjourned until 9:30 a.m., Tuesday, January 29, 2002.

## JOINT CONVENTION

President Al Mansell called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives and recognized Martin R. Stephens, Speaker of the House.

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

President Mansell appointed a Joint Committee comprised of Senators Steve Poulton, John Valentine, and Mike Dmitrich, and Representatives Kevin S. Garn, David Ure, and Ralph Becker to notify Governor Michael O. Leavitt that the 2002 General Session of the Fifty-Fourth Legislature is in Joint Convention and ready to hear his State-of-the-State address.

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

Senator Peter Knudson made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor

Leavitt's State-of-the-State address.

The Joint Committee escorted Governor Leavitt to the House rostrum.

**STATE-OF-THE-STATE ADDRESS  
BY GOVERNOR LEAVITT**

Good evening President Mansell, Speaker Stephens, members of the Legislature, Chief Justice Howe, Lieutenant Governor Walker and my fellow Utahns.

I'd like to begin tonight with special recognition of a man whose career in public service is unequaled.

When Hill Air Force Base needed a fighter, Jim Hansen was a warrior. When our state's forests and range lands needed safeguarding, Jim Hansen built a fortress. And when the people of the First Congressional District asked for a dedicated representative, Jim Hansen gave them integrity, tenacity and seniority.

There is no adequate postscript to his 22 years in Washington, but a passage from the cowboy novel *Shane* comes close: "One day a great man passed this way. He rode out of the West."

It's been an incredible ride, Jim. Ladies and gentlemen ... Congressman Jim Hansen.

On September 11, the civilized world was upended by a group of men who struck a deadly blow at America. The toll still cannot be finalized: ... At least 3,000 lives lost ... the Twin Towers in ruins ... our economy reeling ... our nation at war.

It forced us to make changes and rearrange priorities. It also reminded us who we are. From the rubble of collapsed buildings rose a wall of unity and resolve. From heartbreak came a new breed of hero.

The character of America often maligned and doubted — was no longer an abstract. It could be seen. Seen in the faces of firefighters; seen in the precision of our military; seen in flag after flag after flag.

Let anyone who judged our society too soft or too contented visit that field in Pennsylvania where a group of passengers — ordinary Americans — summoned all that is best in the human spirit and forced Flight 93 down.

Let those who questioned our bravery trade places for a moment with American ground troops in Tora Bora as they crawled through bin Laden's caves to deliver justice.

And let us all remember those days when a diverse nation of 282 million stood proudly together, raised the colors and with our hands on our hearts declared ourselves, "one nation under God, indivisible, with liberty and justice for all."

This is the courage and the conviction of principle that won America's independence, defeated Nazism and Communism and now terrorism. This is strength of character, and like so many before us, this generation will not be found lacking.

In the words of our president, "We will not tire. We will not falter, and we will not fail." The immediate task is to repair and press on. In Utah, the focus is familiar. We have jobs to create, children to educate and an economy to revive.

### **THE UTAH ECONOMY**

The economic fallout from September 11th has not subsided. Financial down drafts have pushed our nation into recession and forced far too many Utahns out of work. Our capacity to invest in schools and communities has been deferred, but not our aspirations.

Last November, in Olympia, Greece, near the site of the first Olympics in 776 B.C., I witnessed the lighting of the Olympic Flame in the ancient temple of Hera. Sunlight was magnified to create heat, then fire. The torch was lighted, and a global relay began.

From there, the torch will have exchanged hands 11,500 times, traveling 14,000 miles through 46 states. And just one week from today, the sun will rise on an unforgettable sight: the Olympic Flame passing under Delicate Arch. A portrait for the ages.

This long-awaited day must signify more than the start of Olympic competition. Let that morning mark "day one" of a thousand-day march to reclaim our economic momentum.

Tonight I propose the 1000-Day Plan — a blueprint for turning our Olympic moment into our Olympic legacy. To turn 17 days of attention into a 1,000 days of progress toward a vibrant, strong economy with a 10,000-day horizon. This is a singular opportunity because, used well, the Olympic experience can be a catapult to world economic prominence. Like the athletes, we have dreamed it, planned it and practiced it. Now we'll play it.

The first step will be to position Utah as a top-tier state for technology employment, investment and entrepreneurship because, in the information age, economic leadership starts with world-changing ideas. Innovation is Utah's signature. The television and artificial heart, limb and kidney are all ideas conceived by Utah minds.

The next time you buy a CD or download an MP3 file, remember that stereo sound and digital media were Utah ideas. When you see Monsters Inc. or play a video game, remember that the computer graphics industry was born here. When

you use word-processing software or log on to a computer network ... that's right, Utah technologies.

Utah technologies have worldwide impact. But too often the innovation took place here and the jobs went someplace else. We will change that. If we are to emerge as a world technology player, people must know and understand the Utah brand.

Our message to the world is that Utah has a young, growing workforce; well-educated, tech-savvy people; clean, safe communities; and stunning surroundings in which to work, play and raise families. We've already begun to market the phrase "Utah! Where ideas connect." Now we'll expand on that by showing the connection between our technological prowess and our natural, recreational wonders.

Consider messages like these:

Mother Nature lives here ... along with a major, tech-savvy workforce

A deep snow base ... an even deeper technology base

Life enhancing genetics ... life enhancing experiences

Over a thousand days, we will organize more than a dozen economic ecosystems, a term we will make a "Utah trademark." An economic ecosystem is essentially a cluster of related technologies where the elements necessary for prosperity — the ideas, research, capital, workforce and government support — exist in one place. One of those ecosystems is biotechnology and human genetics.

Utah will solidify its leadership in this area by initiating a project to manage, enhance and develop a database that combines medical research and health information with the state's unique collection of genealogical records. Entirely new industries will be created when two or more such economic ecosystems connect.

In one recent example, Utah computer graphics technology met up with biomedical technology, and the result was magic. John Wright had already founded a successful high-tech company in Orem and was in the process of starting another that would tap his knowledge of computer graphics to create three-dimensional holograms. But then a phone call changed his focus. It was a chilling message. Natalie, his two-and-a-half year old daughter, had a tumor on her brain. It would require dangerous surgery.

The most worrisome problem was that once a surgeon enters the human brain, it is difficult to know where the tumor stops and where vital brain cells begin.

John asked himself, "What if I used the digital pictures taken by doctors of Natalie's brain to create one of my three-dimensional pictures of her tumor? Would it help?" John turned to Dr. Chris Johnson at the University of Utah's

Scientific Computing and Imaging Laboratory, and together they created a computer simulation of Natalie's brain and tumor.

The day before her operation, Dr. Jack Walker donned 3D glasses to view images in a way never before seen by a neurosurgeon. It was as if he stood inside Natalie Wright's brain. The tumor was removed, Natalie's life was spared, and the beginnings of a new industry with potentially hundreds of jobs for Utah workers was born.

I would like to introduce Dr. Chris Johnson and John and Dana Wright. More importantly, I would like you to meet a very brave and beautiful Natalie Wright.

We need to expand the reach of these pioneering Utah technologies and products. Shortly after the Olympic Games, we will deploy regular trade missions throughout the world to leverage our Olympic network and attract venture capital.

### **PUBLIC EDUCATION**

The foundation of our economic strategy is continuous improvement in education. Education is our economic fuel. In a decade of prosperity, we have invested aggressively in public education. The payoff is smaller class sizes, better-paid teachers, classrooms wired for technology and a shift in emphasis to higher expectations, accountability and innovation.

This aim-high philosophy accelerates with our specific goal of doubling the number of engineers, computer scientists and technologists entering the job market. The 1000-Day Plan starts the clock and provides the road map.

On Day One, we will announce four-year retention agreements with nearly 400 of our most skilled technology, math and science teachers. We will provide scholarships for 250 more teachers to earn advanced degrees in those subjects. And we will proceed with the enrollment of 225 principals, superintendents and administrators in the T-Plus certification program to help them create schools that are tech-smart. And then we take an even bigger step forward.

What I'm proposing is a system of high-tech charter high schools, each named after a Utah scientific entrepreneur, each designed to support one of our economic ecosystems. There will be six of these high-tech high schools, and within a thousand days the first four will be operational.

One will be in Salt Lake City, focusing on biotechnology; another, in Weber County, will concentrate on engineering and medical devices. Utah County will have a school specializing in digital media; and a fourth, in Logan, will specialize in plant and animal genetics. Once admitted, students will be able to move among the four schools. And their goal will be to earn both a competency-measured high school diploma and an Associate of Science degree while learning technology

through work with industry and higher education mentors. By Day 1000, approximately 1,250 Utah students will be fast-tracking their way into careers that will lift our entire economy.

These are ambitious goals driven by need and numbers. But solutions don't always come by way of statistics or cost-analysis. Sometimes they come from the heart. Such is the genesis of a new scholarship I want to announce tonight.

The death of Senator Pete Suazo cut short a life of exemplary service and passionate advocacy that bettered this state and empowered the community he represented and dearly loved.

Pete was succeeded in the Legislature by his wife, Senator Alicia Suazo, whose presence guarantees continuity for Utah's Hispanic community and demonstrates that death can neither extinguish an ennobling idea nor silence a powerful voice. I'll ask Alicia to stand and be recognized.

It is my great pleasure to announce that 10 privately funded scholarships will be provided for minority educators to obtain master's degrees in learning technology at Western Governor's University in the name of Senator Pete Suazo.

### **HIGHER EDUCATION**

These are hard budget times. The people of Utah — all of us here tonight — have felt it. But we cannot back down from our commitment to higher education. When I say education is economic fuel, let me back it up.

At the beginning of the 1990s, Utah family incomes ranked near the national average. By the end of the decade, we were in the top 10. We rose from the bottom half to the top 10 by doubling our investment in education and increasing the number of adults with college degrees by 20 percent. Education is economic fuel and our college campuses are the pipeline. And part of my optimism about Utah's future is that the pipeline is full.

Over the past six months, 9,000 additional students have entered our colleges and universities. Nine-thousand! That's roughly the equivalent of the combined student bodies of Southern Utah University and Snow College. Utah Valley State College has grown by 10 percent this year. And we also need to factor in the new prominence of Utah College of Applied Technology, which is now operational, providing market-fast training to Utah workers. This is growth exactly where we want it. This is how we recalibrate the economy for liftoff. And we cannot slow that trajectory, even in hard times. To the contrary, hard times are the ultimate test of our commitment. We can simply coast. Or we can soar. I say in Utah, let's soar.

### **TRANSPORTATION, ENERGY AND WATER**

Our thousand-day march must also advance and protect Utah's quality of life. Five years ago during the state's centennial, we committed ourselves to 41

highway projects throughout the state. This year we saw the completion of the single largest of those — the I-15 renovation. I never get tired of saying, “ahead of schedule and under budget.”

Now another ambitious project is looming. Just days ago, a 185 million-dollar deal was approved to provide 175 miles of railroad rights-of-way and track corridor for future light rail and commuter rail from Brigham City to Payson. The state’s transportation policy has always contemplated a mix of trails, roads, highways and railways. We need all of it. And we are working to get it.

To our critics, who hold hostage our long-range transportation plan after five years of environmental work and compromise, the railway investment stands as irrefutable evidence that this state will meet the transportation needs of its communities through both highways and transit. It is through balance that we guarantee the heritage we receive will also be our legacy.

Speaking of legacies ... the Legacy Parkway and wetlands preserve need to be built, along with every other Centennial Highway project. And it’s time also to begin planning the next phases of I-15 reconstruction both north and south.

During the past year, we worked through an energy crisis and a water shortage. They have subsided for now, but neither problem is solved. Over the next thousand days, we must actively pursue conservation, development and better transmission of gas and electricity. Nothing will kill an economy faster than a lack of energy and water.

Our state is moving with predictability over the next 10 years toward a financial collision between the legitimate need to educate 100,000 more students and our capacity to pay for it. We must begin to wrestle with these realities by examining our underlying tax policies.

For example, it is hard to justify the extent we subsidize municipal and industrial water rates with tax dollars, given that Utah has among the lowest water rates and the highest per-person use in America. Our state over-subsidizes water rates and under-SUPPORTS education. This seems irrational to me in a place with a shortage of water and an abundance of children.

## **PUBLIC LANDS**

Public lands are another precious resource that will require attention and our best efforts in the days ahead. For rural Utahns, land issues means livelihoods. And from livelihoods comes the connection to life quality, tourism, recreation and the economic well-being of our entire state.

In the next 1,000 days, we are going to end the 30-year struggle for control and access to Utah roads that cross federal lands. Thousands of hours are being

spent by citizens to map and document our rights of way. In the end we will win. They are our roads and our rights. There are other triumphs ahead.

In just a few days, 3.5 billion Olympic viewers will see the full panorama of Utah's incredible landscapes. And it's time for one place in particular to stand out. I'm speaking, of course, of the historic San Rafael Swell. These 620,000 acres of canyons, pinnacles, and rock formations were placed in our backyard by generous providence, and we will now prove ourselves worthy of that gift.

I'm proud to announce that local and state officials will formally request that the President of the United States use his executive powers to create the San Rafael National Monument. We will release details of the proposal tomorrow. But I can tell you this now. Unlike the scenario involving the Grand Staircase National Monument in September 1996, this is no stealth proposal.

While both regions contain spectacular land deserving of protection, the Grand Staircase was created by a different president who developed his executive order in complete secrecy with no notice and no collaboration. By contrast, the San Rafael proposal is the product of seven years of intense negotiations involving many stakeholders. We will ask President Bush to allow sufficient notice and additional discussion before acting. And you want my guess? The president is going to like this. We are protectors of the land, but respecters of process.

Members of the Emery County Commission and Public Land Council are with us tonight to formalize this request. Please stand. I salute your boldness. One other thing. I can pretty safely guarantee that if President Bush decides to make the monument declaration in person, he'll do it in Utah, not Arizona.

A second announcement I want to make involves this administration's support for Envision Utah and the 21st Century Communities program. As an Olympic legacy, I propose the creation of the Utah Olympic Trails and Streams System. The objective is 715 miles of premier trails, open to hiking, off-roading, horseback riding and biking— all within a short drive of every Utah citizen.

In conjunction with the new trails system, the name of our blue ribbon fly-fishing initiative will be changed and those waterways added to the Olympic legacy piece. These initiatives are worthwhile in their own right, but as always, there is the economic tie-in. It's about quality of life. It's about jobs being drawn to a beautiful, exceptional state.

## **HEALTH CARE**

Our economy must also offer quality health care. Over the past six years, we have done well on that front, especially with Utah's children. Thanks to the efforts of the first lady and many others, our immunization rates have dramatically

improved, and 220,000 more Utahns have health insurance. But we can do more. Because there's one group that's been left out.

Over the next 1,000 days, I propose we make health insurance available to 25,000 people who have full-time jobs but who can't afford the coverage. This can be done with no additional state cost by changing our strategy to provide basic healthcare to many rather than unlimited care to a few... and by asking these workers to pay their fair share.

I have requested federal waivers to implement this piece of common sense. It's the kind of common sense that will bring health care to tens of thousands of Utahns who need it and currently do not have it.

There are a few other points of interest on the thousand-day trek that I want to mention: First, those who are unemployed and hurting will not be left behind. We put money aside in the unemployment compensation fund to take care of people when booms went bust. That fund will pay off.

We also are making state government increasingly accessible. Through the Utah.gov website, government services are now available 24 hours a day, seven days a week — online, not in line.

I have to note also that another year has passed and not a single spent nuclear fuel rod has been moved to Utah. Not now, not later, not ever.

Earlier this evening I spoke of the moment in Olympia, Greece, when the flame was lighted. I close tonight with a final reflection. On that day there were no banners, no sponsors, no crowds; just the quiet tap of a drum and a Greek priestess.

From the trees emerged a runner dressed in the white and blue uniform of the 2002 Winter Games. The runner's torch met the Olympic Flame. It lit. At that moment, I understood the connection between 776 B.C. and 2002 A.D. and the importance of preserving peace, kindness, and dignity.

The Greek Priestess lifted the torch and the olive branch to the sky and cried, "Good man, go to the world and tell them our message." Slowly the runner disappeared into the woods, winding his way toward Utah. The priestess released a pure white dove. There was a flutter of wings as the bird took flight. When it passed over our heads, a feather fell from its tail and held our gaze as it drifted to the ground, landing at Utah's feet as if to say, "Faster, higher, stronger." I keep the feather as a reminder of the moment that fate fell upon Utah at a historic time; as a remembrance of the days when a nation under attack stood indivisible.

When Utah took the international stage as the worst attributes of humanity were trumped by the finest. Every generation of Utahns must feel this moment.

I propose we create a monument on the Capitol grounds commemorating the turning point in state history that was the Olympics. Arrangement has been made for one of the cauldrons that held the Olympic flame to be the centerpiece, a

distinctly Utah beacon of fire and ice. I can envision special occasions when we will light the flame again. It could be in times of grief or times of triumph. We can light it to proclaim an event of great significance or to simply remind that Utah had a dream, that we reached for it and made it ours. Because when the applause fades and the stands are silent, we will remember what mattered most: the ability to inspire a child; the unity of purpose for a greater good; and the opportunity to excel, not just for 17 days, but for a lifetime.

The Olympic Games are about athletes and competition. The flame is about people and the promise of future dreams in a place where hope burns eternal.

May God bless us in this task and our every endeavor. The fire is lit. Bring on the world. It's game time.

\* \* \*

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

Representative Greg Curtis made a motion that the complete text of the Governor's State-of-the-State address be spread upon the pages of the Senate Journal, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 9:30 a.m., Tuesday, January 29, 2002.

## NINTH DAY

### MORNING SESSION

The Senate was called to order at 9:40 a.m., with President Al Mansell presiding.

**Prayer** – Pastor Tim Brewer, Church of the Nazarene

**Pledge of Allegiance** – Anna Kay Waddoups

**Roll Call** – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2002

The House passed, as amended, **H.B. 187**, DRIVER LICENSE FRAUD AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 199**, INTERIM COMMITTEE MEMBERSHIP, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 210**, RECREATIONAL VEHICLE – LENGTH AND WIDTH AMENDMENTS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.B. 274**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.B. 275**, STATE BOARD OF EDUCATION BUDGET AUTHORITY, by Representative M. Dillree, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 187**, **H.B. 199**, **H.B. 210**, **H.B. 274**, and **H.B. 275** were read the first time and referred to the Rules Committee.

#### RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2002

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

**Business, Labor & Economic Development**

- S.B. 124** Timely Payments of Insurance Claims (J. Valentine)  
**H.B. 49** Municipal Plan for Moderate Income Housing (P. Ray)

**Education**

- S.B. 142** Higher Education Budget Authority (L. Hillyard)

**Energy, Natural Resources & Agriculture**

- S.B. 66** Revenues from Federal Land Exchange Parcels  
(M. Dmitrich)  
**H.B. 57** Forfeited Water Right Allocation (D. Peterson)

**Health & Environment**

- S.B. 127** Appointments to City and County Health Boards  
(G. Davis)  
**H.B. 214** Extension of Sunset on Telehealth Commission  
(D. Hogue)

**Judiciary**

- H.B. 18** Court Records of Driving Under the Influence Cases  
(A. L. Tyler)  
**H.B. 48** Local Substance Abuse Authority Amendments (P. Ray)  
**H.B. 72** Penalty for Misuse of Lawful Substances (D. Hogue)  
**H.B. 77** Criminal Sentencing – Mitigation Amendments  
(D. Hogue)  
**H.B. 190** Criminal Restitution Amendments (S. Allen)

**Revenue & Taxation**

- S.B. 144** Sales and Use Tax – Definition of Regularly Rented  
(M. Waddoups)  
**H.B. 60** Individual Income Tax – State Earned Income Tax Credit  
(T. Hatch)  
**H.B. 91** Mineral Production Tax Withholding Amendments  
(G. Snow)  
**H.B. 201** Property Tax – Judgment Levy (W. Harper)  
**H.B. 249** Sales and Use Tax – Location of Transactions  
(W. Harper)

**State & Local Affairs**

- S.B. 65** County Law Revisions (D. Gladwell)

**S.B. 143** Private Records Amendments Under Government  
Records Access and Management Act (M. Waddoups)

**Transportation & Public Safety**

**H.B. 16** Blood and Breath Alcohol Testing (P. Ray)

Michael Waddoups  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 7**, NET METERING OF ELECTRICITY, by Representative G. Snow; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 65**, STATE PARK ACCESS HIGHWAYS AMENDMENTS, by Representative D. Bowman.

Parley Hellewell, Chair; and

Mr. President: January 28, 2002

The Judiciary Committee reports a favorable recommendation on **H.B. 35**, EXPUNGEMENT OF JUVENILE RECORDS, by Representative S. Daniels; and

The Judiciary Committee reports a favorable recommendation on **H.B. 73**, CAPITAL FELONY SENTENCING PROCEDURES, by Representative G. Snow; and

The Judiciary Committee reports a favorable recommendation on **H.B. 107**, OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN DUTIES, by Representative W. Harper.

D. Chris Buttars, Chair; and

Mr. President: January 28, 2002

The Transportation and Public Safety Committee recommends **S.B. 120**, MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION REQUIREMENTS, by Senator M. Waddoups, be replaced and favorably

recommends **1st Sub. S.B. 120**, MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION REQUIREMENTS.

David H. Steele, Chair

On motion of Senator Valentine, the committee reports were adopted. **H.B. 7, H.B. 65, H.B. 35, H.B. 73, H.B. 107,** and **1st Sub. S.B. 120** were placed on Second Reading Calendar.

\* \* \*

Mr. President: January 28, 2002

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 15**, REPEAL OF ENVIRONMENTAL QUALITY COORDINATING COMMITTEE, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Parley Hellewell, Chair

On motion of Senator Valentine, the committee report was adopted. **H.B. 15** was considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President: January 28, 2002

The Transportation and Public Safety Committee has returned **S.B. 121**, CONCEALED FIREARM PERMIT AMENDMENTS, by Senator S. Jenkins, to the Secretary of the Senate with the following amendments:

- 1. Page 4, Line 100:  
 After “authority” insert “; (a) shall provide the permit holder with written or electronic information on the rights and responsibilities of carrying a concealed firearm for lawful self defense; and (b)”

David H. Steele, Chair

**S.B. 121** was returned to the Secretary of the Senate.

**INTRODUCTION OF BILLS**

**OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES**

**S.B. 145** *Terry R. Spencer*

THIS ACT MODIFIES PUBLIC UTILITIES AND OUTDOOR ADVERTISING PROVISIONS TO PROVIDE AN EXEMPTION FROM

PROXIMITY RESTRICTIONS FOR CERTAIN ACTIVITIES CONDUCTED WITH RESPECT TO OUTDOOR ADVERTISING STRUCTURES THAT COMPLY WITH THE PROXIMITY RESTRICTION. THE ACT REQUIRES COUNTIES AND MUNICIPALITIES TO ACCOMMODATE A MOVE OF AN OUTDOOR ADVERTISING STRUCTURE TO COMPLY WITH REQUIREMENTS RELATING TO DISTANCE FROM HIGH VOLTAGE OVERHEAD LINES. THE ACT REQUIRES THE OWNER OF A HIGH VOLTAGE OVERHEAD LINE TO MOVE THE LINE IF THE OUTDOOR ADVERTISING STRUCTURE CANNOT BE MOVED DUE TO FEDERAL AGENCY RESTRICTIONS. THE ACT ADDS DEFINITIONS, MAKES TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### BUSINESS ENTITY AMENDMENTS

#### S.B. 146

*John L. Valentine*

THIS ACT MODIFIES THE PARTNERSHIP AND CORPORATIONS TITLES AND MAKES TECHNICAL CHANGES. THIS ACT ADDRESSES ISSUES RELATED TO REGISTERED AGENTS AND BUSINESS ADDRESSES. THIS ACT PROVIDES FOR CONVERSION OF CORPORATIONS TO OR FROM DOMESTIC LIMITED LIABILITY COMPANIES. THIS ACT AMENDS PROVISIONS OF THE UTAH REVISED LIMITED LIABILITY COMPANY ACT, was read for the first time and referred to the Rules Committee.

### THIRD READING CALENDAR

**S.R. 2**, SENATE RULES AMENDMENTS RESOLUTION, was read the third time.

On motion of Senator Valentine, the bill was circled.

### SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 44**, FUNDING A COMMUNITY LEGAL CENTER, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans

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

**Absent or not voting were:** Senators

Dmitrich	Hickman	Spencer
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\* \* \*

Senator Waddoups presented a citation honoring “The Utah Emergency Medical Training Program.” Those honored on the citation included: Jason Melville, Seth Lloyd, Derrick Searle, Shalae M. DeJarnatt and Sharon Walters. Sandy Tenney read the citation. Senators Valentine, Ron Allen and Evans commented.

\* \* \*

**1st Sub. S.B. 101, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES,** was read the second time. Senator Blackham explained the bill.

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

**CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES**

**2nd Sub. S.B. 101**

*Leonard M. Blackham*

THIS ACT AMENDS THE HUMAN SERVICES CODE. THE ACT ADDS NEW DEFINED TERMS AND MODIFIES OTHERS. THE ACT EXCLUDES INDIVIDUALS SERVING ON CERTAIN GOVERNING BODIES AND BOARDS FROM THE REQUIREMENT OF CRIMINAL BACKGROUND CHECKS. THE ACT MODIFIES LICENSING REQUIREMENTS OF HUMAN SERVICES LICENSEES AND PERSONS ASSOCIATED WITH A LICENSEE. THE ACT AMENDS CRIMINAL BACKGROUND CHECK PROVISIONS. THE ACT REQUIRES THAT THE DEPARTMENT OF HUMAN SERVICES AND THE HUMAN SERVICES LICENSING BOARD CONDUCT A COMPREHENSIVE REVIEW OF CRIMINAL AND COURT RECORDS AND RELATED CIRCUMSTANCES IN CONNECTION WITH CERTAIN CONVICTIONS FOUND IN A SEARCH. THE ACT CLARIFIES AND MODIFIES THE PROCESS FOR CHALLENGING A DECISION BY THE

DEPARTMENT NOT TO APPROVE A PERSON TO HAVE DIRECT ACCESS IN A LICENSEE PROGRAM SERVING CHILDREN OR VULNERABLE ADULTS. THE ACT MAKES TECHNICAL CHANGES.

Senator Buttars 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Jenkins	Knudson	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Hickman	Hillyard	Julander	Mayne
Spencer			

\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.J.R. 6**, JOINT RESOLUTION AMENDING REVENUE AND TAXATION ARTICLE – EXEMPTIONS, and it was before the Senate. Senator Waddoups explained the bill. Senators Blackham, Stephenson, Walker, Hickman, Buttars, Jenkins, and Gladwell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Evans	Hale		

**Absent or not voting was:** Senator

Knudson

\* \* \*

On motion of Senator Ron Allen, the circle was removed from **S.B. 95**, UNINCORPORATED COUNTY AMENDMENT, and it was before the Senate. Senator Ron Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Knudson
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On motion of Senator Valentine, the circle was removed from **S.B. 57**, CORPORATE FRANCHISE AND INCOME TAXES – TREATMENT OF CERTAIN COOPERATIVES, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Evans	Knudson
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**1st Sub. S.B. 17**, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS, was read the second time. Senator Buttars explained the bill.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**H.B. 41**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time. Senator Ed Allen explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Evans	Jenkins	Knudson	Valentine
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**S.B. 62**, TAX COMMISSION CRIMINAL INVESTIGATORS DESIGNATION AS SPECIAL FUNCTION OFFICERS, was read the second time. Senator Bramble explained the bill.

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

1. Page 1, Line 8:  
After “commission of” insert “not more than eight”
2. Page 3, Line 84:  
After “laws.” insert “The executive director may not employ more than eight criminal tax investigators at one time.”

Senators Hale and Wright commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans	Knudson	Valentine
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\* \* \*

**S.B. 103, TERMINATION OF JOINT TENANCY IN REAL PROPERTY,** was read the second time. Senator Hillyard explained the bill. Senator 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	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Evans	Knudson
Spencer			

\* \* \*

**S.B. 117, TRUST AMENDMENTS** was read the second time. Senator Valentine 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	Blackham	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Evans	Knudson
Spencer			

\* \* \*

**S.B. 130, YOUTH COURT AMENDMENTS**, was read the second time. Senator Gladwell 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	Blackham	Buttars	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Bramble	Evans	Knudson
Spencer			

\* \* \*

**S.B. 78, AMENDMENTS TO CONSTRUCTION CONTRACTS REGARDING UNREASONABLE DELAYS**, was read the second time. Senator Jenkins explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Spencer	Valentine
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**Absent or not voting were:** Senators

Dmitrich	Evans	Knudson
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**S.B. 115, MOBILE HOME PARK RESIDENCY TECHNICAL REVISIONS**, was read the second time. Senator Eastman 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	Blackham	Bramble
Davis	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Wright	Mansell

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Knudson
Walker			

\* \* \*

**1st Sub. S.J.R. 2, RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND**, was read the second time. Senator Hillyard explained the bill. Senators Hickman, Ed Allen, Valentine, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator

Buttars

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Knudson
Stephenson			

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **S.R. 2**, SENATE RULES AMENDMENTS RESOLUTION, and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Knudson
Steele	Stephenson		

**S.R. 2** was signed by the President in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 29, 2002

The House passed, as amended, **H.B. 4**, MOTORBOAT DRIVER LICENSING AND BOATING UNDER THE INFLUENCE PROVISIONS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 208**, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 217**, DESIGNATION OF MEMORIAL HIGHWAY, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 245**, AMENDMENTS TO SEX OFFENDER REGISTRY, by Representative A. Bradshaw, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 4**, **H.B. 208**, **H.B. 217**, and **H.B. 245** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 29, 2002

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

#### **Business, Labor & Economic Development**

- S.B. 145** Outdoor Advertising Sign Proximity to Utility Lines  
(T. Spencer)
- H.B. 255** Utah Housing Corporation Amendments (R. Bigelow)

#### **Education**

- H.B. 274** Supplemental Minimum School Program Act  
Amendments (M. Dillree)
- H.B. 275** State Board of Education Budget Authority (M. Dillree)
- H.J.R. 15** Resolution Promoting Financial Literacy for Utah  
Students (D. Hogue)

#### **Human Services**

- S.B. 125** Organ Donor Leave for State Employees (K. Hale)
- H.B. 13** Repeal of Human Resource Advisory Committee  
(D. Bowman)

#### **Judiciary**

- S.B. 141** Punitive Damage Awards (L. Hillyard)
- H.B. 45** Prisoner Escape Amendment (K. Morgan)
- H.B. 224** Giving False Information to Police Officer (K. Morgan)
- H.B. 233** Mitigation of Damages in Condemnation Proceedings  
(G. Curtis)

#### **State & Local Affairs**

- H.B. 115** Technical Changes to Election Law (L. Pace)

**H.B. 199** Interim Committee Membership (M. Stephens)

**Transportation & Public Safety**

**H.B. 17** Multiple Driving Under the Influence Offenses  
(A. L. Tyler)

**H.B. 63** Licensing Amendments Regarding Background Checks  
(A. Bradshaw)

**H.B. 187** Driver License Fraud Amendments (K. Holdaway)

**H.B. 210** Recreational Vehicle – Length and Width Amendments  
(D. Bush)

Michael Waddoups  
Rules Committee Chair

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

**INTRODUCTION OF BILLS**

**NO TELEPHONE SOLICITATION LIST**

**S.B. 67**

*D. Edgar Allen*

THIS ACT AMENDS THE COMMERCE AND TRADE CODE. THE ACT DIRECTS THE DIVISION OF CONSUMER PROTECTION TO ESTABLISH, MAINTAIN, AND PUBLISH A “NO TELEPHONE SOLICITATION” LIST. UNDER THE ACT, ANY RESIDENTIAL, MOBILE, OR TELEPHONIC PAGING DEVICE TELEPHONE SUBSCRIBER MAY NOTIFY THE DIVISION TO ADD THE SUBSCRIBER’S NAME TO THE LIST BY PAYING A FEE. THE ACT PROVIDES THAT A TELEPHONE SOLICITOR MAY OBTAIN A COPY OF THE MOST RECENTLY UPDATED “NO TELEPHONE SOLICITATION” LIST BY MAKING A REQUEST AND PAYING A FEE TO THE DIVISION. THE ACT PROHIBITS AN UNSOLICITED TELEPHONE CALL BY A TELEPHONE SOLICITOR TO A SUBSCRIBER WHOSE NAME IS ON THE “NO TELEPHONE SOLICITATION” LIST. THE ACT PROVIDES THAT THE INFORMATION IN THE “NO TELEPHONE SOLICITATION” LIST IS A PRIVATE RECORD UNDER THE GOVERNMENTAL RECORDS AND ACCESS MANAGEMENT ACT, was read for the first time and referred to the Rules Committee.

**RESTRICTION OF FUNDING ON STATE ENTITY  
WHOSE POLICY, RULE, OR ACTION IS CONTRARY TO LAW**

**S.B. 147**

*Michael G. Waddoups*

THIS ACT MODIFIES THE BUDGETARY PROCEDURES ACT BY ESTABLISHING A PROCESS TO PENALIZE AGENCIES WHOSE RULES,

POLICIES, OR ACTIONS VIOLATE STATUTE, was read for the first time and referred to the Rules Committee.

**JUSTICE COURT JUDGES**

**S.B. 148**

*Beverly Ann Evans*

THIS ACT MODIFIES THE JUDICIAL CODE AS IT PERTAINS TO COUNTY JUSTICE COURT JUDGES. IT ELIMINATES THE RETENTION ELECTION FOR COUNTY JUSTICE COURT JUDGES AND REQUIRES THEIR REAPPOINTMENT BY THE COUNTY LEGISLATIVE BODY, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Stephenson **H.B. 217** was lifted from Rules and placed at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Stephenson, under suspension of the rules, **H.B. 217**, DESIGNATION OF MEMORIAL HIGHWAY, 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	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Buttars	Gladwell	Mayne
Spencer			

**H.B. 217** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Stephenson, Frank Chuk, a member of the Tenth Mountain Division, spoke in Committee of the Whole.

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

\* \* \*

**S.B. 100, PHARMACIST LICENSING AMENDMENTS**, was read the second time. Senator Knudson explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hickman	Hillyard	Spencer
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\* \* \*

**S.B. 61, GOVERNMENT RECORDS ACCESS AND MANAGEMENT – RECORDS RELATED TO EXPLOSIVES**, was read the second time. Senator Wright explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hellewell	Hickman	Hillyard	Spencer
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\* \* \*

**S.B. 79**, LAND SURVEYOR AMENDMENTS, was read the second time. Senator Davis explained the bill. Senators Mansell, Evans, Jenkins, Ed Allen, Butters, Hickman, Peterson, and Blackham commented.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 118**, DISTRIBUTION OF OLYMPIC SPECIAL REVENUE FUND MONIES, was read the second time. Senator Waddoups explained the bill. Senators Valentine, Julander, Jenkins, Stephenson, and Knudson commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

Blackham	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Julander	Spencer	Suazo	Valentine

**Absent or not voting were:** Senators

E. Allen	Butters
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\* \* \*

On motion of Senator Hellewell, the circle was removed from **S.B. 55**, AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT, and it was before the Senate.

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

**AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT**

**1st Sub. S.B. 55**

*Parley G. Hellewell*

THIS ACT MODIFIES THE UTAH UNIFORM BUILDING STANDARDS ACT. THE ACT CLARIFIES AND MODIFIES THE CIRCUMSTANCES IN

WHICH POLITICAL SUBDIVISIONS ARE REQUIRED TO FOLLOW CODES ADOPTED BY THE DIVISION OF OCCUPATIONAL HEALTH AND PROFESSIONAL LICENSING, IN COLLABORATION WITH THE UNIFORM BUILDING CODE COMMISSION. THE ACT GIVES THE DIVISION AUTHORITY, IN COLLABORATION WITH THE COMMISSION, TO APPROVE CERTAIN OTHER CODES, WITHOUT ADOPTING THEM. THE ACT GIVES POLITICAL SUBDIVISIONS DISCRETION TO ADOPT A DANGEROUS BUILDING CODE OR REHABILITATION CODE IF THE APPLICABLE CODE IS ONE APPROVED BY THE DIVISION. THE ACT MAKES TECHNICAL CHANGES.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

On motion of Senator Wright, the Senate voted to reconsider its action on **S.B. 61**.

**S.B. 61, GOVERNMENT RECORDS ACCESS AND MANAGEMENT – RECORDS RELATED TO EXPLOSIVES**, was before the Senate, explained by Senator Wright. Senators Ron Allen and Spencer commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 6; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Hale
Hillyard	Spencer		

**Absent or not voting were:** Senators

Blackham	Poulton
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\* \* \*

**S.B. 128, OPEN AND PUBLIC MEETINGS REVISIONS**, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.J.R. 4, JOINT RESOLUTION ALLOWING CHANGES TO COUNTY BOUNDARIES,** was read the second time.

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

**JOINT RESOLUTION ON CHANGES TO COUNTY BOUNDARIES**

**1st Sub. S.J.R. 4**

*Carlene M. Walker*

THIS JOINT RESOLUTION OF THE LEGISLATURE PROPOSES TO AMEND THE UTAH CONSTITUTION TO ALLOW COUNTIES SHARING A COMMON BOUNDARY TO MAKE A MINOR ADJUSTMENT TO THE BOUNDARY. THIS JOINT RESOLUTION ALSO MODIFIES THE CLASS OF THOSE WHO ARE REQUIRED TO VOTE FOR A COUNTY ANNEXATION THAT IS NOT A MINOR BOUNDARY ADJUSTMENT. THE JOINT RESOLUTION MODIFIES THE VOTE REQUIRED TO APPROVE A COUNTY ANNEXATION THAT IS NOT A MINOR BOUNDARY ADJUSTMENT. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSAL TO VOTERS, MAKES TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE.

Senator Walker explained the bill. Senator 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	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Buttars	Spencer	Steele
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\* \* \*

On motion of Senator Valentine and at 3:30 p.m., the Senate adjourned until 9:30 a.m., Wednesday, January 30, 2002.

# TENTH DAY

## MORNING SESSION

The Senate was called to order at 9:40 a.m., with President Al Mansell presiding.

**Prayer** – Senator Peter Knudson

**Pledge of Allegiance** – Senator Millie Peterson

**Roll Call** – All Senators present, except Senators Julander and Spencer, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 64**, CONSUMER PROTECTION AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 79**, SCHOOL DISPLAY OF MOTTO OF THE UNITED STATES, by Representative R. Siddoway, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 209**, TRUANCY AMENDMENTS, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed **H.B. 218**, OVER WEIGHT VEHICLE AMENDMENTS, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.J.R. 1**, RESOLUTION REAPPOINTING LEGISLATIVE AUDITOR GENERAL, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 13**, RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF INTO SPECIAL SESSION, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 64**, **1st Sub. H.B. 79**, **H.B. 209**, **H.B. 218**, **H.J.R. 1**, and **1st Sub. H.J.R. 13** were read the first time and referred to the Rules Committee.

## STANDING COMMITTEE REPORTS

Mr. President:

January 29, 2002

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 119**, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS, by Senator L. S. Poulton, with the following amendments:

1. Page 5, Lines 142 – 143:  
Bracket “at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107”; and

The Business, Labor, and Economic Development Committee recommends **S.B. 122**, INSURANCE LAW AMENDMENTS, by Senator L. S. Poulton, be replaced and favorably recommends **1st Sub. S.B. 122**, INSURANCE LAW AMENDMENTS; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 124**, TIMELY PAYMENTS OF INSURANCE CLAIMS, by Senator J. Valentine, with the following amendments:

1. Page 2, Lines 31–32:  
Delete “: (a)”
2. Page 2, Line 33:  
Delete “(i)” and insert “(a)” and after “policy;” bracket “or”
3. Page 2, Line 35:  
Delete “(ii)” and insert “(b)”
4. Page 2, Line 37:  
Delete line 37 and insert “(c) named, defined, or described:  
(i) as:  
(A) an insured;  
(B) a beneficiary;  
(C) a policyholder; or  
(D) otherwise covered person; and  
(ii) under the terms of: ””
5. Page 2, Line 38:  
Delete “(i)” and insert “(A)”
6. Page 2, Line 39:  
Delete “(ii)” and insert “(B)”; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 10**, REPEAL OF INVESTMENT ADVISORY COMMITTEE, by Representative B. Winn; and

The Business, Labor, and Economic Development Committee recommends **H.B. 11**, REPEAL OF UTAH OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL, by Representative D. Bush, be replaced and favorably recommends **1st Sub. H.B. 11**, UTAH OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL AMENDMENTS; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 23**, MORTGAGE PRACTICES ACT REVISIONS, by Representative G. Adair.

Dan R. Eastman, Chair; and

Mr. President: January 29, 2002

The Education Committee reports a favorable recommendation on **S.B. 129**, PLANETARIUM BOARD OF DIRECTORS AMENDMENTS, by Senator G. Davis; and

The Education Committee reports a favorable recommendation on **S.B. 142**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator L. Hillyard; and

The Education Committee reports a favorable recommendation on **H.B. 52**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative K. Bryson; and

The Education Committee reports a favorable recommendation on **H.B. 221**, STATE BOARD OF EDUCATION RULES AND REPORTS, by Representative M. Dayton.

Bill Wright, Chair; and

Mr. President: January 29, 2002

The Health and Environment Committee reports a favorable recommendation on **S.B. 135**, TOBACCO SETTLEMENT RESTRICTED ACCOUNT, by Senator D. Steele; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 43**, ACCESS TO FLUORIDATED WATER, by Representative D. Hogue; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 53**, TECHNICAL AMENDMENTS TO TOBACCO SETTLEMENT TRUST FUND, by Representative K. Morgan; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 54**, TOBACCO AMENDMENTS, by Representative C. Saunders; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 55**, UNDERAGE POSSESSION OF TOBACCO AMENDMENTS, by Representative C. Saunders; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 56**, GENETIC PRIVACY AND DISCRIMINATION, by Representative P. Ray; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 214**, EXTENSION OF SUNSET ON TELEHEALTH COMMISSION, by Representative D. Hogue.

Peter C. Knudson, Chair; and

Mr. President: January 29, 2002

The Human Services Committee reports a favorable recommendation on **S.B. 76**, DOMESTIC VIOLENCE IN PRESENCE OF CHILD AMENDMENTS, by Senator D. Steele; and

The Human Services Committee reports a favorable recommendation on **S.B. 77**, TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL, by Senator L. Blackham, with the following amendments:

1. Page 2, Line 34:  
After "commitment;" delete "and"
2. Page 2, Line 36:  
After "processes" insert "; and  
(d) the need for community based mental health services"

Bill Hickman, Chair; and

Mr. President: January 29, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 59**, SALES AND USE TAX – TAXATION OF AMOUNTS PAID TO A TELEPHONE SERVICE PROVIDER OR TELEGRAPH CORPORATION, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.J.R. 10**, RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION, by Senator J. Valentine; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 24**, REVISIONS TO REDEVELOPMENT AGENCY LAWS, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 50**, INDIVIDUAL INCOME TAX PERSONAL RETIREMENT EXEMPTION AND DEDUCTION FOR RETIREMENT INCOME – ELIMINATING MARRIAGE TAX PENALTIES, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 51**, SALES AND USE TAX – TAXABILITY OF PARTS AND LABOR, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 84**, PROPERTY TAX ASSESSMENTS – EFFECT OF CONSERVATION EASEMENT, by Representative R. Becker; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 88**, SALES AND USE TAX – AGRICULTURAL EXEMPTION, by Representative E. Anderson, with the following amendments:

1. Page 1, Line 9:  
After “2002.” insert “This act provides a coordination clause.”
2. Page 6, Line 167:  
After “in the” delete “repair” and insert “repairs” and after “or” delete “replacement” and insert “renovations”
3. Page 11, Line 309:  
After line 309 insert:  
“Section 3. Coordination clause.  
If this bill and H.B. 51, Sales and Use Tax – Taxability of Parts and Labor, or any substitute to H.B. 51, both pass, it is the intent of the Legislature that the amendments to Subsection 59–12–104(20) in H.B. 51 supersede the amendments to Subsection 59–12–104(20) in this bill.”; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.J.R. 14**, JOINT RESOLUTION – DEBT LIMITS FOR POLITICAL SUBDIVISIONS, by Representative W. Harper.

Curtis S. Bramble, Chair; and

Mr. President: January 29, 2002

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 30**, FUNDING FORMULA FOR ALCOHOL RELATED ACTIVITIES OF LOCAL GOVERNMENTS, by Senator M. Waddoups; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 32**, OVERSEAS AND MILITARY VOTERS AMENDMENTS, by Representative D. Bush; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 46**, ANNUAL REPORTS GIVEN TO THE LEGISLATURE, by Representative M. Dillree; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 75**, CEMETERY MAINTENANCE DISTRICT AMENDMENTS, by Representative E. Anderson.

Carlene M. Walker, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 119**, as amended, **1st Sub. S.B. 122**, **S.B. 124**, as amended, **H.B. 10**, **1st Sub. H.B. 11**, **H.B. 23**, **S.B. 129**, **S.B. 142**, **H.B. 52**, **H.B. 221**, **S.B. 135**, **H.B. 43**, **H.B. 53**, **H.B. 54**, **H.B. 55**, **H.B. 56**, **H.B. 214**, **S.B. 76**, **S.B. 77**, as amended, **S.B. 59**, **S.J.R. 10**, **H.B. 24**, **H.B. 50**, **1st Sub. H.B. 51**, **H.B. 84**, **H.B. 88**, as amended, **H.J.R. 14**, **S.B. 30**, **H.B. 32**, **H.B. 46**, and **H.B. 75** were placed on Second Reading Calendar.

\* \* \*

Mr. President: January 29, 2002

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 26**, TECHNICAL CORRECTIONS TO COUNTY CODE, by Representative D. Cox, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 27**, TECHNICAL CORRECTIONS TO MUNICIPAL CODE, by Representative D. Cox, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 86**, PUBLICATION NOTICE OF CONSTITUTIONAL AMENDMENTS, by Representative P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Poulton, the committee reports were adopted. **H.B. 26**, **H.B. 27**, and **H.B. 86** were considered read the second time and placed on the Consent Calendar.

### **INTRODUCTION OF BILLS**

#### **STATUTORY ANNUAL REPORT REQUIREMENT**

**S.B. 75**

*Paula F. Julander*

THIS ACT MODIFIES THE STATUTORY REQUIREMENTS FOR THE SUBMISSION OF ANNUAL REPORTS, was read for the first time and referred to the Rules Committee.

#### **ETHICS AMENDMENTS**

**S.B. 149**

*L. Steven Poulton*

THIS ACT MODIFIES THE ELECTION CODE AND THE LOBBYIST DISCLOSURE AND REGULATION ACT TO REQUIRE CERTAIN REPORTS TO BE MADE AVAILABLE ON THE INTERNET WITHIN A SPECIFIED TIME. THIS ACT MODIFIES LOBBYIST FINANCIAL REPORTING REQUIREMENTS TO GOVERN SITUATIONS WHERE MULTIPLE LOBBYISTS SPLIT EXPENDITURES AND WHERE A SINGLE LOBBYIST SPLITS EXPENDITURES BETWEEN MULTIPLE CLIENTS. THIS ACT MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

#### **REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS**

**S.B. 150**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE TRADEMARKS AND TRADE NAMES TITLE TO RECODIFY PROVISIONS RELATING TO THE REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS AND TO MAKE TECHNICAL CHANGES. THE ACT ADDRESSES THE STATUTE'S RELATIONSHIP TO FEDERAL LAW AND COMMON LAW. THE ACT ESTABLISHES THE AUTHORITY AND RESPONSIBILITIES OF THE

DIVISION OF CORPORATIONS AND COMMERCIAL CODE. THE ACT STATES THE REQUIREMENTS FOR REGISTRATION OF MARKS. THE ACT PROVIDES FOR THE ASSIGNMENT OF, CHANGES TO, RENEWAL OF, AND CANCELLATION OF MARKS. THE ACT PROVIDES FOR RECORDING OF OTHER INSTRUMENTS THAT RELATE TO MARKS. THE ACT ADDRESSES CLASSIFICATION OF GOODS AND SERVICES. THE ACT ESTABLISHES LIABILITY FOR FRAUDULENT REGISTRATION, INFRINGEMENT, AND INJURY TO BUSINESS REPUTATION. THE ACT ESTABLISHES REMEDIES. THE ACT DESIGNATES THE FORUMS FOR CANCELLATION ACTIONS REGARDING REGISTRATION AND THE REQUIREMENTS FOR SERVICE ON OUT-OF-STATE REGISTRANTS. THE ACT ADDRESSES ITS APPLICATION TO PENDING LITIGATION, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 44**, FUNDING A COMMUNITY LEGAL CENTER, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale	Julander	Spencer	Valentine
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**S.B. 44** was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 101**, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale	Julander	Spencer	Valentine
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**2nd Sub. S.B. 101** was transmitted to the House.

\* \* \*

**S.J.R. 6**, JOINT RESOLUTION AMENDING REVENUE AND TAXATION ARTICLE – EXEMPTIONS, was read the third time, explained by Senator Waddoups.

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

**JOINT RESOLUTION URGING A STUDY  
OF CERTAIN EXEMPTIONS**

**2nd Sub. S.J.R. 6**

*Michael G. Waddoups*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES THE TAX REVIEW COMMISSION TO CONDUCT A TWO-YEAR STUDY OF CERTAIN TAX EXEMPTIONS, SUGGESTS THE SCOPE OF THE STUDY, AND REQUESTS THE COMMISSION TO MAKE ANNUAL REPORTS TO THE REVENUE AND TAXATION INTERIM COMMITTEE.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 95**, UNINCORPORATED COUNTY AMENDMENTS, was read the third time, explained by Senator Ron Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard

Jenkins	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Julander	Spencer
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**S.B. 95** was transmitted to the House.

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**S.B. 57, CORPORATE FRANCHISE AND INCOME TAXES – TREATMENT OF CERTAIN COOPERATIVES,** was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hale	Julander	Spencer
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**S.B. 57** was transmitted to the House.

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**H.B. 41, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS,** was read the third time, explained by Senator Ed Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hellewell	Hickman	Hillyard

Jenkins	Knudson	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Evans	Hale	Julander	Spencer
Stephenson			

**H.B. 41** was signed by the President in open session and returned to the House.

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**S.B. 62, TAX COMMISSION CRIMINAL INVESTIGATORS DESIGNATION AS SPECIAL FUNCTION OFFICERS**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hickman	Hillyard	Jenkins
Knudson	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Evans	Hale	Hellewell	Julander
Mayne	Spencer		

**S.B. 62** was transmitted to the House.

\* \* \*

**S.B. 103, TERMINATION OF JOINT TENANCY OF REAL PROPERTY**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Gladwell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Evans	Hale	Hellewell	Julander
Spencer	Suazo		

**S.B. 103** was transmitted to the House.

\* \* \*

**S.B. 117**, TRUST AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Evans	Hale	Hellewell	Julander
Spencer			

**S.B 117** was transmitted to the House.

\* \* \*

**S.B. 130**, YOUTH COURT AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Evans	Hale	Hellewell	Julander
Spencer			

**S.B. 130** was transmitted to the House.

\* \* \*

**S.B. 78, AMENDMENTS TO CONSTRUCTION CONTRACTS REGARDING UNREASONABLE DELAYS**, was read the third time, explained by Senator Jenkins.

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

- Page 1, Line 17:  
After “(1)” delete “The Legislature finds that a” and insert “A”
- Page 1, Line 21:  
After “policy” delete the period and insert “and is void and unenforceable.”
- Page 1, Line 22:  
Delete line 22
- Page 1, Line 23:  
Delete “(3)” and insert “(2)”
- Page 2, Line 29:  
Delete “(4)” and insert “(3)”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Eastman	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Evans	Gladwell	Hale
Julander	Poulton	Spencer	

**S.B. 78**, as amended, was transmitted to the House.

\* \* \*

**S.B. 115**, MOBILE HOME PARK RESIDENCY TECHNICAL REVISIONS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Evans	Gladwell	Hale
Julander	Poulton	Spencer	

**S.B. 115** was transmitted to the House.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **2nd Sub. S.J.R. 6**, JOINT RESOLUTION AMENDING REVENUE AND TAXATION ARTICLE – EXEMPTIONS, and it was before the Senate.

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

1. Page 1, Line 21:  
After “community” insert “or other” and after “recreation” delete “center” and insert “facility” and after “owned by” insert “the state or”
2. Page 3, Line 68:  
After “(b)” insert “the state or” and after “community” insert “or other” and after “recreation” delete “center” and insert “facility”

Senator Stephenson explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Hellewell	Hickman	Hillyard	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans	Gladwell	Hale	Jenkins
Julander	Poulton	Spencer	

**2nd Sub. S.J.R. 6**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.J.R. 2**, RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND, was read the third time, explained by Senator Hillyard.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 100**, PHARMACIST LICENSING AMENDMENTS, was read the third time, explained by Senator Knudson.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 118**, DISTRIBUTION OF OLYMPIC SPECIAL REVENUE FUND MONIES, was read the third time, explained by Senator Waddoups. Senators Valentine and Stephenson commented. Senator Stephenson made a motion to amend the bill. The motion failed and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

R. Allen	Dmitrich	Gladwell	Suazo
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**Absent or not voting were:** Senators

E. Allen	Davis	Hale	Hickman
Julander	Spencer		

**S.B. 118** was transmitted to the House.

\* \* \*

**S.B. 61, GOVERNMENT RECORDS ACCESS AND MANAGEMENT – RECORDED RELATED TO EXPLOSIVES**, was read the third time, explained by Senator Wright. Senator Ron Allen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Hickman	Hillyard	Jenkins
Julander	Spencer		

**S.B. 61** was transmitted to the House.

\* \* \*

**1st Sub. S.J.R. 4, JOINT RESOLUTION ALLOWING CHANGES TO COUNTY BOUNDARIES**, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman

Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Hillyard	Jenkins	Julander
Spencer	Waddoups		

**1st Sub. S.J.R. 4** was transmitted to the House.

**SECOND READING CALENDAR**

On motion of Senator Hellewell, the circle was removed from **1st Sub. S.B. 55, AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT**, and it was before the Senate. Senator Hellewell explained the bill.

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

- Page 2, Line 33:  
After “58-56-4” delete “(5)” and insert “(4)”

Senators Ron Allen and Mayne commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hellewell	Hickman	Hillyard
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Gladwell	Hale	Jenkins	Julander
Knudson	Spencer	Waddoups	

\* \* \*

**H.B. 6, PUBLIC SAFETY BUREAU NAME CHANGE**, was read the second time. Senator Suazo explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Julander	Knudson	Spencer	Waddoups
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\* \* \*

**H.J.R. 2, RULES RESOLUTION – COMMITTEE NOTES ON BILLS**, was read the second time. Senator Blackham explained the bill. Senators Walker 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Walker	Mansell

**Absent or not voting were:** Senators

Julander	Mayne	Spencer	Waddoups
Wright			

\* \* \*

**H.B. 234, MECHANICS’ LIEN AMENDMENTS**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 5, SCHOOL UNIFORM AMENDMENTS**, was read the second time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**H.B. 21, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – AGRICULTURE**, was read the second time. 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Peterson	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Julander	Mayne	Spencer	Valentine
Wright			

\* \* \*

**H.B. 22, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – TRANSPORTATION**, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Peterson
Poulton	Steele	Stephenson	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Evans	Julander	Mayne	Spencer
Suazo	Wright		

\* \* \*

**H.B. 9, REPEAL OF MEDICAL EXAMINER COMMITTEE**, was read the second time. Senator Peterson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Peterson
Poulton	Steele	Stephenson	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Julander	Knudson	Mayne	Spencer
Suazo	Wright		

\* \* \*

**H.B. 38, REPEAL OF HEALTH BENEFIT PLAN COMMITTEE**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hickman
Hillyard	Jenkins	Knudson	Peterson
Poulton	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Hellewell	Julander	Mayne	Spencer
Steele	Suazo	Wright	

\* \* \*

**H.B. 8, REPEAL OF LOCAL GOVERNMENTAL INFORMATION TECHNOLOGY REVIEW COMMITTEE**, was read the second time. Senator Peterson 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Julander	Knudson	Mayne	Spencer
Wright			

\* \* \*

**H.B. 14, REPEAL OF STATE ADVISORY PLANNING COMMITTEE**, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Peterson
Poulton	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Julander	Knudson	Mayne	Spencer
Steele	Wright		

\* \* \*

**H.B. 7, NET METERING OF ELECTRICITY**, was read the second time. Senator Jenkins explained the bill. Senator Ron Allen 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Julander	Knudson	Mayne	Spencer
Wright			

\* \* \*

On motion of Senator Stephenson, the circle was removed from **H.B. 5, SCHOOL UNIFORM AMENDMENTS**, and it was before the Senate. Senator Stephenson 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Julander	Knudson	Mayne	Spencer
Wright			

\* \* \*

**H.B. 65, STATE PARK ACCESS HIGHWAYS AMENDMENTS**, was read the second time. Senator Blackham explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Julander	Mayne	Spencer	Wright
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\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.J.R. 2, RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND**, and it was before the Senate. Senator Hillyard explained the bill. Senator Buttars commented. On motion of Senator Hillyard, intent language was adopted for **1st Sub. S.J.R. 2**. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Julander	Mayne	Spencer	Wright
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**1st Sub. S.J.R. 2** was transmitted to the House.

### INTENT LANGUAGE OF 1ST SUB. S.J.R. 2

“It is the intent of the Legislature in passing 1st Substitute S.J.R. 2, Resolution on Investment of State School Fund and Uniform School Fund, that the addition of the words “and dividends” in Subsections (2)(b) and (3)(a) of Article X, Section 5 be considered as consistent with the meaning of the word “interest” in Section 10 of the Enabling Act passed by Congress in 1894 authorizing Utah to become a state. The Legislature understands the work “interest,” as used in Section 10 of the Enabling Act, to refer to all sources of earnings from the State School Fund principal, including dividends from equities in which the fund principal has been increasingly invested in recent years. The Legislature understands that the word “interest,” as used in Section 10 of the Enabling Act, does not include appreciation in the value of equities or other assets constituting principal of the fund but that any such appreciation in value is considered to be principal of the fund.”

\* \* \*

On motion of Senator Steele, Nedra Taylor, Teacher of the Year at Burton Elementary, spoke in Committee of the Whole. Senator Hillyard commented.

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 30, 2002

The House passed **S.B. 6**, APPLICATION FOR VEHICLE TITLE AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 7**, RESOLUTION ON COMPENSATION OF IN-SESSION EMPLOYEES, 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. 11**, PROHIBITING INTIMACY WITH YOUTH RECEIVING STATE SERVICES, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 12**, TRANSFER OF YOUTH SERVICES OVERSIGHT, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 21**, MOTOR VEHICLE REGISTRATION AMENDMENTS, 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. 6, S.J.R. 7, S.B. 11, S.B. 12, and S.B. 21** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: January 30, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 66**, JUDICIARY AMENDMENTS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 105**, HEALTH INSURANCE MANDATES – PILOT PROGRAM, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 66** and **H.B. 105** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

January 30, 2002

The House passed, as amended, **S.B. 23**, WORKFORCE SERVICES AMENDMENTS, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Evans, the bill was placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Knudson, the circle was removed from **S.B. 100**, PHARMACIST LICENSING AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill.

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

1. Page 1, Line 6:  
Delete: “assessment, therapy, and”

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	Eastman	Evans	Gladwell

Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hale	Julander
Spencer			

**S.B. 100**,as amended, was transmitted to the House.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Poulton, the circle was removed from **H.B. 234, MECHANICS' LIEN AMENDMENTS**, and it was before the Senate. Senator Poulton 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	Blackham	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hale	Julander
Spencer			

\* \* \*

**H.B. 35, EXPUNGEMENT OF JUVENILE RECORDS**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 73, CAPITAL FELONY SENTENCING PROCEDURES**, was read the second time. Senator Evans explained the bill. 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	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Hale	Julander	Spencer
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\* \* \*

On motion of Senator Hickman, the circle was removed from **S.J.R. 5, RESOLUTION AUTHORIZING THE CALLING OF SPECIAL SESSIONS BY THE LEGISLATURE**, and it was before the Senate.

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

**RESOLUTION AUTHORIZING THE CALLING  
OF SPECIAL SESSIONS BY THE LEGISLATURE**

**1st Sub. S.J.R. 5**

*John W. Hickman*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE UTAH CONSTITUTION TO ALLOW THE LEGISLATURE TO CONVENE ITSELF INTO SPECIAL SESSION. THE JOINT RESOLUTION LIMITS THE LENGTH OF A SPECIAL SESSION CONVENED BY THE LEGISLATURE AND LIMITS THE NUMBER OF THOSE SPECIAL SESSIONS. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSAL TO VOTERS, MAKES CLARIFYING AND TECHNICAL CHANGES, AND PROVIDES AN EFFECTIVE DATE.

On motion of Senator Hickman, the bill was circled.

\* \* \*

On motion of Senator Hickman, the circle was removed from **1st Sub. S.B. 48, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS**, and it was before the Senate.

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

**PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS**

**2nd Sub. S.B. 48**

*John W. Hickman*

THIS ACT MODIFIES THE INSURANCE CODE AND THE REVENUE AND THE TAXATION CODE TO GENERALLY EXEMPT FRO THE SCOPE OF THE INSURANCE CODE PUBLIC AGENCY INSURANCE MUTUALS. THE ACT ALSO ADDRESSES TAXATION OF THE ASSESSMENTS IMPOSED ON PUBLIC AGENCY INSURANCE MUTUALS AND THE ABILITY OF PUBLIC AGENCY INSURANCE MUTUALS TO PROVIDE WORKERS' COMPENSATION INSURANCE. THIS ACT MAKE TECHNICAL CHANGES. THIS ACT TAKES EFFECT ON JULY 1, 2002.

On motion of Senator Hickman, the bill was circled.

\* \* \*

On motion of Senator Poulton and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 31, 2002.

# ELEVENTH DAY

## MORNING SESSION

The Senate was called to order at 9:50 a.m., with President Al Mansell presiding.

**Prayer** – Rabbi Frederick Wenger, Congregation Kol Ami

**Pledge of Allegiance** – Senator Dan Eastman

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2002

The House passed, **S.B. 7**, CIGARETTE TAX STAMP AND CONTRABAND AMENDMENTS, by Senator D. E. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 18**, UNIFORM WITHDRAWAL PROCEDURES FOR SPECIAL DISTRICTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 24**, RELEASE OF CUSTODIAL OR NONCUSTODIAL PARENT'S ADDRESS, by Senator D. E. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 25**, OFFICE OF RECOVERY SERVICES AMENDMENTS, by Senator D. E. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 27**, AMENDMENTS TO GUILTY AND MENTALLY ILL, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 37**, MUTUAL WATER COMPANY CHANGE APPLICATIONS, 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, **1st Sub. S.B. 42**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 45**, BIRTH CERTIFICATE FOR STILLBORN CHILD, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 110**, CHILD PLACEMENT DETERMINATIONS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 7, S.B. 18, S.B. 24, S.B. 25, S.B. 27, S.B. 37, 1st Sub. S.B. 42, S.B. 45,** and **S.B. 110** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: January 30, 2002

The House passed **H.B. 81**, YOUTH FISHING LICENSE AMENDMENTS, by Representative F. Fife, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 231**, PUBLIC HEALTH AUTHORITY AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 81**, and **2nd Sub. H.B. 231** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: January 30, 2002

The House passed, as amended, **S.B. 26**, SERIOUS YOUTH OFFENDER AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 105**, REPEAL OF EDUCATION MANDATES AND PROGRAMS, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President: January 30, 2002  
 The House has rejected **S.B. 4** REPORTS TO HEALTH AND HUMAN SERVICES, by Senator T. Spencer, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

### RULES COMMITTEE REPORTS

To the Members of the Senate: January 31, 2002  
 The Rules Committee recommends assignment of the following bills and resolutions to standing committees:

#### **Business, Labor and Economic Development**

**1st Sub. H.B. 80**      Unsolicited Commercial Email (P. Arent)

#### **State and Local Affairs**

**S.B. 147**              Restriction of Funding on State Entity whose Policy, Rule, or Action is Contrary to Law (M. Waddoups)

Michael Waddoups  
 Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: January 30, 2002  
 The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 66**, REVENUES FROM FEDERAL LAND EXCHANGE PARCELS, by Senator M. Dmitrich, with the following amendments:

1. Page 3, Lines 78–79:  
 Delete lines 78–79 and insert the following:  
“(ii) The monies retained under Subsection (5)(a) are nonlapsing.”;  
 and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 57, FORFEITED WATER RIGHT ALLOCATION**, by Representative D. Peterson.

Terry R. Spencer, Chair; and

Mr. President:

January 30, 2002

The Judiciary Committee recommends **S.B. 106, DIVORCE – CHILDREN’S TESTIMONY LIMITED**, by Senator T. Spencer, be replaced and favorably recommends **1st Sub. S.B. 106, DIVORCE – CHILDREN’S TESTIMONY LIMITED** with the following amendments:

1. Page 1, Line 25:

After “given” delete “substantial” and insert “added”;and

The Judiciary Committee recommends **S.B. 111, DIVISION OF HOME IN A DIVORCE**, by Senator T. Spencer, be replaced and favorably recommends **1st Sub. S.B. 111, DIVISION OF HOME IN A DIVORCE**; and

The Judiciary Committee reports a favorable recommendation on **S.B. 140, REALLOCATION OF JUDGES**, by Senator J. Hickman; and

The Judiciary Committee reports a favorable recommendation on **H.B. 18, COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES**, by Representative A. L. Tyler; and

The Judiciary Committee reports a favorable recommendation on **H.B. 47, REPEAL OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION**, by Representative G. Way, with the following amendments:

1. Page 1, Line 7:

After “Act,” delete “eliminating” and insert “extending”

2. Page 1, Line 15:

Reinstate line 15

3. Page 1, Line 16:

At the beginning of the line insert “1, 2012”

4. Page 1, Line 17:

At the beginning of the line reinstate “(2)”

5. Page 1, Line 19:

Reinstate line 19

## 6. Page 1, Line 20:

At the beginning of the line insert "1, 2012"

David L. Gladwell, Chair; and

Mr. President:

January 30, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 30**, MASTER STATE HIGHWAY AMENDMENTS, by Representative J. Murray; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 40**, PUBLIC SAFETY – DIVISION NAME CHANGE, by Representative D. Bowman; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 74**, SAFETY INSPECTIONS REGARDING WINDOW TINTING, by Representative D. Bowman; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 87**, UNMARKED VEHICLE AMENDMENTS, by Representative D. Bowman; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 94**, SPECIAL FUEL TAX AMENDMENTS, by Representative B. Ferry; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 198**, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS, by Representative K. Holdaway; and

David H. Steele, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 66**, as amended, , **H.B. 57**, **1st Sub. S.B. 106**, as amended, **S.B. 111**, **S.B. 140**, **H.B. 18**, **H.B. 47**, as amended, **H.B. 30**, **H.B. 40**, **H.B. 74**, **H.B. 87**, **H.B. 94**, and **H.B. 198** were placed on Second Reading Calendar.

\* \* \*

Mr. President:

January 30, 2002

The Energy, Natural Resources, and Agriculture Committee has returned **S.B. 134, WILDLIFE RESOURCES AND WILDLIFE BOARD AMENDMENTS**, by Senator D. Gladwell, to the Secretary of the Senate.

Parley Hellewell, Chair

**S.B. 134**, will be returned to the Secretary of the Senate.

**INTRODUCTION OF BILLS**

**UTAH PROCUREMENT CODE AMENDMENTS**

**S.B. 68**

*Mike Dmitrich*

THIS ACT MODIFIES PROVISIONS RELATING TO STATE AFFAIRS IN GENERAL. THIS ACT AMENDS THE UTAH PROCUREMENT CODE TO DESIGNATE THAT THE CHIEF PROCUREMENT OFFICER OR THE HEAD OF THE PURCHASING AGENCY RESPONSIBLE FOR CARRYING OUT A CONSTRUCTION PROJECT OF BOTH STATE AND LOCAL PROCUREMENT UNITS MAY NOT REQUIRE A PERSON OR ENTITY WHO IS BIDDING FOR OR WHO HAS BEEN AWARDED A CONSTRUCTION CONTRACT TO OBTAIN A BOND FROM A SPECIFIC INSURANCE OR SURETY COMPANY, PRODUCER, AGENT, OR BROKER. THIS ACT MAKES A PERSON WHO VIOLATES THIS ACT GUILTY OF AN INFRACTION, was read for the first time and referred to the Rules Committee.

**USE OF RAINY DAY FUNDS**

**S.B. 154**

*Parley G. Hellewell*

THIS ACT MODIFIES THE BUDGETARY PROCEDURES ACT BY REQUIRING THAT MONIES APPROPRIATED FROM THE BUDGET RESERVE ACCOUNT BE REPLACED FROM SURPLUSES THAT OCCUR IN SUBSEQUENT YEARS, was read for the first time and referred to the Rules Committee.

**EDUCATION BUDGET RESERVE ACCOUNT**

**S.B. 155**

*Leonard M. Blackham*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE, THE BUDGETARY PROCEDURES ACT, AND THE STATE

APPROPRIATIONS AND TAX LIMITATION ACT BY CREATING THE EDUCATION BUDGET RESERVE ACCOUNT. THIS ACT REQUIRES SURPLUS MONIES IN THE UNIFORM SCHOOL FUND AT THE END OF A FISCAL YEAR TO BE DEPOSITED INTO THE EDUCATION BUDGET RESERVE ACCOUNT AND SPECIFIES HOW MONEY IN THE EDUCATION BUDGET RESERVE ACCOUNT MAY BE USED. THIS ACT EXCLUDES TRANSFERS INTO OR APPROPRIATIONS FROM THE EDUCATION BUDGET RESERVE ACCOUNT FROM THE DEFINITION OF "APPROPRIATIONS" FOR THE PURPOSE OF A LIMIT ON STATE APPROPRIATIONS. THIS ACT TAKES EFFECT JULY 1, 2002, was read for the first time and referred to the Rules Committee.

### **SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES**

**S.B. 156**

*John L. Valentine*

THIS ACT MODIFIES PROVISIONS RELATED TO THE POWERS OF LOCAL SCHOOL BOARDS BY REQUIRING EACH LOCAL BOARD TO ADOPT AN EMERGENCY RESPONSE PLAN FOR THE TREATMENT OF SPORTS-RELATED INJURIES. THE ACT PROVIDES FOR IMPLEMENTATION OF THE EMERGENCY RESPONSE PLAN IN EACH SECONDARY SCHOOL THAT HAS A SPORTS PROGRAM, was read for the first time and referred to the Rules Committee.

### **LOCAL SCHOOL BOARD EMPLOYER POWERS**

**S.B. 157**

*Bill Wright*

THIS ACT MODIFIES PROVISIONS OF THE STATE SYSTEM OF PUBLIC EDUCATION CODE RELATING TO EMPLOYEE CONTRACTS AND THE UTAH ORDERLY SCHOOL TERMINATION PROCEDURES ACT. THIS ACT PROSPECTIVELY AUTHORIZES A LOCAL SCHOOL BOARD TO NEGOTIATE INDIVIDUAL CONTRACTS OF EMPLOYMENT AND PROVIDE FOR EMPLOYMENT BENEFITS NOTWITHSTANDING THE PROVISIONS OF A CONTRACT ENTERED INTO WITH A LOCAL EMPLOYEES' ASSOCIATION. THIS ACT AMENDS DEFINITIONS. THIS ACT REQUIRES A LOCAL SCHOOL BOARD TO INTERPRET ITS OWN TERMINATION OR DISMISSAL POLICIES AND PROHIBITS A BOARD FROM CANCELLING OR DELEGATING THAT AUTHORITY BY CONTRACT. THIS ACT ALSO ALLOWS THE EXTENSION OF PROVISIONAL STATUS FOR EMPLOYEES, was read for the first time and referred to the Rules Committee.

**ORAL HEALTH TASK FORCE**

**S.B. 158**

*Peter C. Knudson*

THIS ACT CREATES THE ORAL HEALTH TASK FORCE. THE ACT SPECIFIES MEMBERSHIP, DUTIES, AND REPORTING RESPONSIBILITIES FOR THE TASK FORCE. THE ACT APPROPRIATES \$37,000 FROM THE GENERAL FUND FOR FISCAL YEAR 2002-03 TO FUND THE TASK FORCE AND REPEALS THE TASK FORCE ON NOVEMBER 30, 2002, was read for the first time and referred to the Rules Committee.

**CONCURRENCE CALENDAR**

On motion of Senator Evans, the Senate voted to concur in the House amendments to **S.B. 23**, WORKFORCE SERVICES AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- |          |         |        |
|----------|---------|--------|
| Blackham | Knudson | Wright |
|----------|---------|--------|

**S.B. 23** was returned to the House.

**CONSENT CALENDAR**

**S.B. 123**, VENUE FOR CONSUMER TRANSACTIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- |          |          |         |          |
|----------|----------|---------|----------|
| R. Allen | Blackham | Bramble | Buttars  |
| Dmitrich | Eastman  | Evans   | Gladwell |

Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Davis	Hale	Spencer
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**S.B. 123** was transmitted to the House.

\* \* \*

On motion of Senator Knudson **1st Sub. S.B. 113** was moved from the Consent Calendar to the top of the Second Reading Calendar.

### SECOND READING CALENDAR

**1st Sub. S.B. 113, HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE**, was read the second time.

On motion of Senator Knudson, the bill was circled.

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 113, HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE**, and it was before the Senate.

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

### HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE

**2nd Sub. S.B. 113**

*Peter C. Knudson*

THIS ACT MODIFIES THE UTAH HEALTH CODE. THIS ACT REPLACES THREE FINANCIAL ASSISTANCE PROGRAMS—THE PHYSICIANS AND PHYSICIANS ASSISTANTS GRANT AND SCHOLARSHIP PROGRAM, THE NURSE EDUCATION FINANCIAL ASSISTANCE PROGRAM, AND THE SPECIAL POPULATION HEALTH CARE PROVIDER FINANCIAL ASSISTANCE PROGRAM WITH A NEW UTAH HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM. THIS ACT SPECIFIES THE DUTIES OF THE DEPARTMENT OF HEALTH IN ADMINISTERING THE NEW PROGRAM AND CREATES A COMMITTEE TO ADVISE THE DEPARTMENT ON THE DEVELOPMENT

AND MODIFICATION OF RULES FOR THE PROGRAM. THIS ACT PROVIDES FOR CONTINUITY BETWEEN THE OLD PROGRAMS AND THE NEW PROGRAM. THIS ACT PROVIDES A REPEAL DATE AND AN EFFECTIVE DATE.

On motion of Senator Knudson, the bill was circled.

\* \* \*

On motion of Senator Julander, Bob Gardner spoke in Committee of the Whole.

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

**THIRD READING CALENDAR**

**H.B. 6**, PUBLIC SAFETY BUREAU NAME CHANGE, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Evans
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**H.B. 6** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.J.R. 2**, RULES RESOLUTION – COMMITTEE NOTES ON BILLS, was read the third time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**H.B. 21**, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – AGRICULTURE, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Evans	Suazo
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**H.B. 21** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 22, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS – TRANSPORTATION**, was read the third time, explained by Senator Steele, 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	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Julander
Wright			

**H.B. 22** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 9, REPEAL OF MEDICAL EXAMINER COMMITTEE**, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Evans
Hickman	Julander		

**H.B. 9** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 38, REPEAL OF HEALTH BENEFIT PLAN COMMITTEE**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Julander
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**H.B. 38** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 8, REPEAL OF LOCAL GOVERNMENT INFORMATION TECHNOLOGY REVIEW COMMITTEE**, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Julander
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**H.B. 8** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 14, REPEAL OF STATE ADVISORY PLANNING COMMITTEE**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Julander	Suazo
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**H.B. 14** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 7, NET METERING OF ELECTRICITY**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Julander

**H.B. 7** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 5, SCHOOL UNIFORM AMENDMENTS**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Spencer                      Wright

**H.B. 5** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 65, STATE PARK ACCESS HIGHWAYS AMENDMENTS**, was read the third time, explained by Senator Blackham. Senators Waddoups and Hickman commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Knudson
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**H.B. 65** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 234, MECHANICS' LIEN AMENDMENTS**, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hale	Hillyard	Knudson
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**H.B. 234** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 73, CAPITAL FELONY SENTENCING PROCEDURES**, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Davis	Hale
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**H.B. 73** was signed by the President of the Senate in open session and returned to the House.

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On motion of Senator Blackham, the circle was removed from **H.J.R. 2**, RULES RESOLUTION – COMMITTEE NOTES ON BILLS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

E. Allen	Stephenson
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**H.J.R. 2** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.B. 19**, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT, and it was before the Senate.

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

**UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACE**

**1st Sub. S.B. 19**

*Michael Waddoups*

THIS ACT MODIFIES THE COMMERCE AND TRADE PROVISIONS BY ENACTING THE UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT. THE ACT DEFINES CERTAIN TERMS. IT REQUIRES PROGRESS PAYMENTS ON CERTAIN CONSTRUCTION CONTRACTS. THE ACT REQUIRES THE OWNER TO PROMPTLY DISPUTE A BILLING OR ESTIMATE WITH WHICH THE OWNER DOES NOT AGREE AND LIMITS THE AMOUNT THAT AN OWNER CAN WITHHOLD FROM A PROGRESS PAYMENT. THE ACT REQUIRES PROMPT PAYMENT BY THE OWNER UPON COMPLETION OF THE WORK. THE ACT PROVIDES FOR INTEREST ON LATE PAYMENTS. THE ACT GIVES SUBCONTRACTORS THE RIGHT TO NOTIFICATION OF PROGRESS PAYMENTS. THE ACT PROVIDES FOR THE AWARDING OF COSTS AND ATTORNEYS' FEES. THE ACT REQUIRES PROMPT PAYMENT BY THE CONTRACTOR TO SUBCONTRACTORS AND SUPPLIERS. THE ACT REQUIRES THE WAIVER OF MECHANICS' LIEN RIGHTS BY CONTRACTORS AND SUBCONTRACTORS UPON RECEIPT OF PAYMENT. THE ACT PROVIDES FOR THE INTERRUPTION OF THE WORK ON A CONSTRUCTION CONTRACT WITHOUT PENALTY IN CASES OF AN ENVIRONMENTAL HAZARD. THE ACT PROVIDES FOR THE INTERRUPTION OF WORK ON A CONSTRUCTION CONTRACT OR THE TERMINATION OF THE CONTRACT IN CASES OF NONPAYMENT. THE ACT PROVIDES AN EFFECTIVE DATE.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**1st Sub. S.B. 55**, AMENDMENTS TO UTAH UNIFORM BUILDING STANDARD ACT, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans

Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars                      Knudson

**1st Sub. S.B. 55** was transmitted to the House.

**SECOND READING CALENDAR**

On motion of Senator Hickman, the circle was removed from **2nd Sub. S.B. 48, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS**, and it was before the Senate. Senator Hickman explained the bill. Senators Evans, Jenkins, Mansell, Poulton, and Stephenson commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Evans                      Jenkins

**Absent or not voting were:** Senators

Buttars                      Mayne                      Suazo

\* \* \*

**H.B. 107, OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN DUTIES**, was read the second time. Senator Gladwell explained the bill.

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

1. Page 2, Line 37:  
After “(e)” Delete: “shall” and insert “may”

Senators Ron Allen and Waddoups 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	Bramble
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Davis	Hickman	Mayne
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\* \* \*

**1st Sub. S.B. 120, MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION**, was read the second time. Senator Waddoups explained the bill.

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

- Page 4, Line 104:  
After “to” delete “mandatory.”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Dmitrich	Mayne
Stephenson	Suazo		

\* \* \*

**S.B. 119, WORKER’S COMPENSATION INSURANCE RELATED AMENDMENTS**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**1st Sub. S.B. 122, INSURANCE LAW AMENDMENTS,** was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.B. 124, TIMELY PAYMENTS OF INSURANCE CLAIMS,** was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Mayne	Spencer	Steele
Stephenson	Suazo	Wright	

\* \* \*

**H.B. 10, REPEAL OF INVESTMENT ADVISORY COMMITTEE,** was read the second time. Senator Wright explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale	Hickman	Mayne	Waddoups
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\* \* \*

**1st Sub. H.B. 11, REPEAL OF UTAH OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Spencer

\* \* \*

**H.B. 23, MORTGAGE PRACTICES ACT REVISIONS**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 129, PLANETARIUM BOARD OF DIRECTORS AMENDMENTS**, was read the second time. Senator Davis explained the bill. The bill 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
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble                      Spencer                      Stephenson

\* \* \*

**S.B. 142, HIGHER EDUCATION BUDGET AUTHORITY**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Spencer                      Stephenson

\* \* \*

Senator Bramble assumed the chair as President ProTem.

\* \* \*

On motion of Senator Hale, the circle was removed from **H.B. 35, EXPUNGEMENT OF JUVENILE RECORDS**, and it was before the Senate. Senator Hale explained the bill. Senators Buttars, Hillyard, Poulton, Steele, and Valentine commented. The bill failed on the following roll call:

**Yeas, 11; Nays, 16; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Hellewell	Hillyard	Julander	Mayne
Peterson	Suazo	Walker	

**Voting in the negative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hale	Hickman
Jenkins	Knudson	Poulton	Stephenson
Valentine	Waddoups	Wright	Mansell

**Absent or not voting were:** Senators  
Spencer                      Steele

**H.B. 35** was returned to the House for filing.

\* \* \*

On motion of Senator Poulton, and at 11:50 a.m., the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Mansell presiding.

### **INTRODUCTION OF BILLS**

#### **ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF**

**S.B. 152**

*Leonard M. Blackham*

THIS ACT MODIFIES PUBLIC UTILITIES PROVISIONS TO ESTABLISH A PROCESS FOR PUBLIC SERVICE COMMISSION APPROVAL OF A TARIFF TO PAY FOR ACTIVITIES OR PROGRAMS DESIGNED TO PROMOTE ELECTRIC ENERGY EFFICIENCY OR CONSERVATION OR MORE EFFICIENT MANAGEMENT OF ELECTRIC ENERGY LOADS. THE ACT PROVIDES FOR A HEARING ON THE PROPOSED TARIFF AND AUTHORIZES THE COMMISSION TO ALLOW A CUSTOMER CREDIT AGAINST TARIFF CHARGES FOR IMPLEMENTING ENERGY EFFICIENCY MEASURES. THE ACT MAKES COORDINATING AND TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

#### **TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE**

**S.B. 153**

*Curtis S. Bramble*

THIS ACT AMENDS THE UTAH MUNICIPAL CODE, THE PUBLIC UTILITIES CODE, THE REVENUE AND TAXATION CODE, AND THE TELEGRAPHIC AND TELEPHONIC TRANSACTIONS CODE AS FOLLOWS. THIS ACT PROVIDES DEFINITIONS, BRINGS CERTAIN LAWS INTO COMPLIANCE WITH THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT, AND MAKES TECHNICAL CHANGES. THIS ACT PRESCRIBES THE AUTHORITY OF CITIES AND TOWNS TO IMPOSE A CHARGE ON A CUSTOMER OR A HOME SERVICE

PROVIDER FOR MOBILE TELECOMMUNICATIONS SERVICE, AND REQUIRES THE REVENUE AND TAXATION INTERIM COMMITTEE TO STUDY CERTAIN TAXES OR FEES IMPOSED ON TELECOMMUNICATIONS EQUIPMENT, FACILITIES, OR SERVICES. THIS ACT TAKES EFFECT ON JULY 1, 2002, AND APPLIES TO CUSTOMER BILLS ISSUED AFTER AUGUST 1, 2002, was read for the first time and referred to the Rules Committee.

### **ENVIRONMENTAL COMPLIANCE FOR MINERALS REGULATORY PROGRAM**

**S.B. 159**

*Peter C. Knudson*

THIS ACT MODIFIES THE MINES AND MINING CODE TO AMEND PROVISIONS RELATING TO MINED LAND RECLAMATION. THIS ACT AMENDS THE DEFINITIONAL SECTION, IMPOSES A VIOLATIONS AND CIVIL PENALTIES SYSTEM IN THE MINERALS REGULATORY PROGRAM AND ESTABLISHES A FIVE-YEAR STATUTE OF LIMITATIONS FOR THIS PROGRAM, was read for the first time and referred to the Rules Committee.

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

January 31, 2002

The House passed, **S.B. 20**, BONDING AUTHORITY FOR IRRIGATION DISTRICTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 34**, PRIVATE RECORDS 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. 35**, VOTER RESIDENCE WHERE LOT IS DIVIDED BY COUNTY BOUNDARY LINE, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 36**, 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. 39**, HIGHWAY DESIGNATION, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 116**, LOCAL GOVERNMENT VARIABLE RATE BONDING AUTHORITY, 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. 20, 1st Sub. S.B. 34, S.B. 35, S.B. 36, S.B. 39, and S.B. 116** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

January 31, 2002

The House passed, as substituted, **1st Sub. H.B. 69**, PAYMENT FOR BAILIFF AND OTHER SERVICES IN COURTS OF RECORD, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 95**, PROPERTY TAXES – NOTICE OF DELINQUENCY, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.B. 102**, CRIMINAL HISTORY BACKGROUND INFORMATION, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed **H.B. 193**, REDEVELOPMENT AGENCIES NOTICE REQUIREMENTS, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 212**, SPECIAL SERVICE DISTRICT AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 223**, HUNTING LICENSE FEE REFUND, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 235**, EMERGENCY VEHICLE AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 243**, CHILD IMMUNIZATION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 250**, RETIREMENT LAW RECODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 5**, RESOLUTION CALLING FOR SUPPORT OF THE PRINCIPLES OF THE ALLIANCE FOR UNITY, by Representative R. Bigelow, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 69, H.B. 95, H.B. 102, H.B. 193, 2nd Sub. H.B. 212, H.B. 223, H.B. 235, H.B. 243, 1st Sub. H.B. 250, and H.J.R. 5** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 31, 2002

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

#### **Business, Labor and Economic Development**

- S.B. 146** Business Entity Amendments (J. Valentine)  
**1st Sub. H.B. 64** Consumer Protection Amendments (A. Bradshaw)

#### **Education**

- S.B. 157** Local School Board Employer Powers (B. Wright)  
**1st Sub. H.B. 79** School Display of Motto of the United States  
 (R. Siddoway)

#### **Energy, Natural Resources and Agriculture**

- S.B. 136** State Vegetable (B. Wright)  
**S.B. 152** Electric Energy Efficiency and Conservation Tariff  
 (L. Blackham)  
**H.B. 208** Federal Government Acquisition of Real Property in the  
 State (B. Johnson)

#### **Health and Environment**

- S.B. 54** Women's Health Care Parity (P. Julander)  
**S.B. 112** Insurance Coverage of Contraceptives (L. S. Poulton)  
**S.B. 158** Oral Health Task Force (P. Knudson)  
**H.B. 225** Mental Health Professional Financial Assistance Grants –  
 Technical Amendments (J. Buffmire)  
**2nd Sub. H.B. 231** Public Health Authority Amendments (S. Allen)

#### **Human Services**

- H.B. 245** Amendments to Sex Offender Registry (A. Bradshaw)

**Judiciary**

- S.B. 150** Registration and Protection of Trademarks and Service Marks (L. Hillyard)
- 1st Sub. H.B. 39** Statute of Limitations Amendments (K. Bryson)
- 1st Sub. H.B. 66** Judiciary Amendments (P. Arent)

**Quasi-Governmental Entities**

- H.B. 105** Health Insurance Mandates – Pilot Program (R. Lockhart)

**Revenue and Taxation**

- S.B. 68** Utah Procurement Code Amendments (M. Dmitrich)
- S.B. 153** Taxes or Charges on Telecommunications Service (C. Bramble)
- S.B. 154** Use of Rainy Day Funds (P. Hellewell)

**State and Local Affairs**

- 1st Sub. H.J.R. 13** Resolution Authorizing the Legislature to Call Itself into Special Session (C. Bennion)
- Michael Waddoups  
Rules Committee Chair

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

\* \* \*

To the Members of the Senate: January 31, 2002

The Rules Committee recommends the assignment of the following House Resolution to the Second Reading Calendar:

- HJR 1** Resolution Reappointing Legislative Auditor General (M. Stephens)
- Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted. **H.J.R. 1** was placed at the top of the Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: January 31, 2002

The Human Services Committee reports a favorable recommendation on **S.B. 125**, ORGAN DONOR LEAVE FOR STATE EMPLOYEES, by Senator K. Hale; and

The Human Services Committee reports a favorable recommendation on **H.B. 13**, REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE, by Representative D. Bowman; and

The Human Services Committee reports a favorable recommendation on **H.B. 28**, IMMUNITY FROM LIABILITY IN CHILD WELFARE INVESTIGATIONS, by Representative W. Harper; and

The Human Services Committee reports a favorable recommendation on **H.B. 204**, RESPONSIBILITY OF ATTORNEY GENERAL TO REPRESENT DIVISION OF CHILD AND FAMILY SERVICES, by Representative M. Throckmorton, with the following amendments:

1. Page 1, Line 20a:  
(House Floor Amendments 1-23-2002):  
Delete "Subsection 67-5-17(1)" and insert "Section 67-5-17"

Bill Wright, Chair; and

Mr. President: January 31, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 31**, INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee recommends **S.B. 84**, REAL ESTATE APPRAISER AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **2nd Sub. S.B. 84**, REAL ESTATE VALUATION TAX APPEAL; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 144**, SALES AND USE TAX – DEFINITION OF REGULARLY RENTED, by Senator M. Waddoups; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 60**, INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT, by Representative T. Hatch; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, by Representative W. Harper, with the following amendments:

1. Page 7, Line 201:  
After "by a" insert "county legislative body." and after "court" insert a comma

2. Page 8, Line 235:  
After “by a” insert “board of equalization.” and after “court” insert a comma
3. Page 8, Line 240:  
After “commission” insert “, board of equalization.”

Curtis S. Bramble, Chair; and

Mr. President: January 31, 2002

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 131**, PERSONAL USE OF CAMPAIGN FUNDS, by Senator K. Hale; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 93**, MUNICIPAL ANNEXATION AMENDMENTS, by Representative D. Peterson; and

The State and Local Affairs Committee reports a favorable recommendation on **H.J.R. 9**, JOINT RESOLUTION – REJECTING RECOMMENDED SALARY INCREASE FOR LEGISLATORS, by Representative G. Way; and

The State and Local Affairs Committee recommends **H.J.R. 11**, RESOLUTION REQUIRING PUBLIC NOTICE PRIOR TO SPECIAL SESSIONS, by Representative S. Urquhart, be replaced and favorably recommends **1st Sub. H.J.R. 11**, RESOLUTION REGARDING LEGISLATIVE SPECIAL SESSIONS with the following amendments:

1. Page 2, Line 34:  
After “exceed” delete “seven” and insert “five”
2. Page 2, Line 42:  
After “(b) (i)” delete “seven” and insert “five”

Carlene M. Walker, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 125**, **H.B. 13**, **H.B. 28**, **H.B. 204**, as amended, **S.B. 31**, **1st Sub. S.B. 84**, **S.B. 144**, **H.B. 60**, **H.B. 201**, as amended, **S.B. 131**, **H.B. 93**, **H.J.R. 9**, and **1st Sub. H.J.R. 11**, as amended, were placed on Second Reading Calendar.

\* \* \*

Mr. President: January 31, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 19**, ELECTION CAMPAIGN FUND CHECKOFF AMENDMENTS, by

Representative C. Buttars, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 91**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, by Representative G. Snow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 249**, SALES AND USE TAX – LOCATION OF TRANSACTIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis M. Bramble, Chair; and

Mr. President: January 31, 2002

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 137**, GOVERNMENT RECORDS ACCESS MANAGEMENT ACT – TECHNICAL REVISIONS, by Senator A. Suazo, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 33**, CERTIFICATION AND TESTING OF VOTING EQUIPMENT, by Representative C. Buttars, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Poulton, the committee reports were adopted. **H.B. 19**, **H.B. 91**, **H.B. 249**, **S.B. 137**, and **H.B. 33** were considered read the second time and placed on the Consent Calendar.

**SECOND READING CALENDAR**

On motion of Senator Poulton, under suspension of the rules, **H.J.R. 1**, RESOLUTION REAPPOINTING LEGISLATIVE AUDITOR GENERAL, was considered read the second and third times. Senator Poulton explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell

Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Blackham	Hillyard	Spencer
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**H.J.R. 1** was signed by the President in open session and returned to the House.

\* \* \*

**H.B. 52, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

E. Allen	Blackham	Davis	Hickman
Hillyard	Spencer	Wright	

\* \* \*

**H.B. 221, STATE BOARD OF EDUCATION RULES AND REPORTS**, was read the second time. Senator Suazo explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Dmitrich
Evans	Gladwell	Hale	Hellewell
Jenkins	Julander	Knudson	Mayne

Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

E. Allen	Blackham	Davis	Eastman
Hickman	Hillyard	Spencer	Wright

\* \* \*

**S.B. 135, TOBACCO SETTLEMENT RESTRICTED ACCOUNT,** was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

E. Allen	Blackham	Spencer	Wright
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**H.B. 43, ACCESS TO FLUORIDATE WATER,** was read the second time.

On motion of Senator Suazo, the bill was circled.

\* \* \*

**H.B. 53, TECHNICAL AMENDMENTS TO TOBACCO SETTLEMENT TRUST FUND,** was read the second time.

On motion of Senator Suazo, the bill was circled.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 23, MORTGAGE PRACTICE ACT REVISIONS,** and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

E. Allen                      Spencer

\* \* \*

**H.B. 54, TOBACCO AMENDMENTS**, was read the second time. Senator Knudson explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Evans	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Suazo	Valentine	Waddoups
Walker	Mansell		

**Voting in the negative was:** Senator

Hellewell

**Absent or not voting were:** Senators

E. Allen	Blackham	Eastman	Spencer
Stephenson	Wright		

\* \* \*

**H.B. 55, UNDERAGE POSSESSION OF TOBACCO AMENDMENTS**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Buttars	Dmitrich	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Blackham	Bramble	Davis
Eastman	Spencer	Stephenson	Waddoups

\* \* \*

On motion of Senator Buttars, the Senate voted to recall **H.B. 35** from the House for reconsideration.

\* \* \*

**H.B. 56, GENETIC PRIVACY AND DISCRIMINATION**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Buttars	Davis	Dmitrich
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Walker
Mansell			

**Absent or not voting were:** Senators

E. Allen	Blackham	Bramble	Eastman
Jenkins	Spencer	Waddoups	Wright

\* \* \*

**H.B. 214, EXTENSION OF SUNSET OF TELEHEALTH COMMISSION**, was read the second time. Senator Knudson explained the bill. Senator Hickman commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**

**Voting in the affirmative were:** Senators

R. Allen	Buttars	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Suazo	Valentine	Walker
Wright			

**Voting in the negative were:** Senators

Hickman	Mansell
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**Absent or not voting were:** Senators

E. Allen	Blackham	Bramble	Spencer
Stephenson	Waddoups		

\* \* \*

**S.B. 76, DOMESTIC VIOLENCE IN PRESENCE OF CHILD AMENDMENTS**, was read the second time. Senator Steele explained the bill. Senator Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Suazo
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

E. Allen	Eastman	Spencer	Stephenson
Waddoups			

\* \* \*

**S.B. 77, TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL**, was read the second time. Senator Blackham explained the bill. Senators Walker, Gladwell, Eastman, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Hale	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Suazo
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Bramble	Buttars	Gladwell	Hellewell
Jenkins	Poulton	Stephenson	Valentine

**Absent or not voting was:** Senator

Evans

\* \* \*

**S.B. 59, SALES AND USE TAX – TAXATION OF AMOUNTS PAID TO A TELEPHONE SERVICE PROVIDER OR TELEGRAPH CORPORATION,** was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Evans

\* \* \*

On motion of Senator Buttars, **H.B. 35, EXPUNGEMENT OF JUVENILE RECORDS,** was recalled from the House, and under suspension of the rules, it was placed at the top of the Second Reading Calendar.

**H.B. 35, EXPUNGEMENT OF JUVENILE RECORDS,** was before the Senate.

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

- 1. Page 4, line 116:

After line 116, insert:

“(b) The court may waive the requirements in Subsection (1)(a) if the court finds, and states on the record, the reason why the waiver is appropriate.”

Renumber the remaining subsections accordingly

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Davis
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\* \* \*

On motion of Senator Ed Allen, the circle was removed from **H.B. 53, TECHNICAL AMENDMENTS TO TOBACCO SETTLEMENT TRUST FUND**, and it was before the Senate. Senator Ed Allen 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	Blackham	Bramble
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Buttars	Davis	Dmitrich	Evans
Mayne			

\* \* \*

On motion of Senator Ed Allen, the circle was removed from **H.B. 43**, ACCESS TO FLUORIDATED WATER, and it was before the Senate. Senator Ed Allen explained the bill. Senators Waddoups, Knudson, Spencer, Dmitrich, Mansell, and Hellewell commented. Senator Walker made the motion to circle the bill. The motion failed. The bill passed on the following roll call:

**Yeas, 15; Nays, 11; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Evans	Hale	Hillyard
Julander	Knudson	Mayne	Peterson
Suazo	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Buttars	Eastman	Gladwell
Hellewell	Jenkins	Poulton	Steele
Stephenson	Waddoups	Wright	

**Absent or not voting were:** Senators

Hickman	Spencer	Valentine
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\* \* \*

On motion of Senator Poulton and at 3:40 p.m., the Senate adjourned until 8:00 a.m., Friday, February 1, 2002.

# TWELFTH DAY

## MORNING SESSION

The Senate was called to order at 8:20 a.m., with President Al Mansell presiding.

**Prayer** – Emma Lou Thyne, poet and author

**Pledge of Allegiance** – Senator Alicia Suazo

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

On motion of Senator Peterson, the words of the prayer by Emma Lou Thyne will be spread upon the pages of the Senate Journal.

#### PRAYER BY EMMA LOU THAYNE

Our Father who art in heaven, hallowed be thy name. On this very cold winter morning we thank thee for the right to gather here in this warm, regal building – a symbol of liberty. What a blessing it is for this esteemed Senate to meet with this in mind. To be free to express like and unlike views and have the opportunity, yes, the obligation to listen as much as to talk; to be responsible to each other and to the people of our more and more diverse state; [and] to enact laws that can benefit all for this year and for years to come. May they never cease to revere what someone has called “the ferocious engine of our democracy,” a democracy created to be a function of the people, by the people and for the people. Bless this Senate in their power that they may act always with this in mind, and with that bigness and vision to rise above lines that would divide them, even as they reflect their constituencies who have sent them here. Help this honorable body never to forget the least of those brothers and sisters, families and friends who need – consideration the weak, the poor, the handicapped, the homeless, the afflicted. Give them and us not just tolerance, but acceptance and consideration of difference. In this time of great excitement for the Winter Olympics 2002 in our very own Salt Lake City, help this body in their own contests here in this room to retain the Olympic spirit of sportsmanship under pressure. Help them to try hard, to play fair, and to win or lose with largess, and beyond any legislation of the immediate past, even as we live now in perilous and shifting times. May this year’s bills be offered with peace in mind and heart and actions, and with a unity of purpose as in the glorious moment following the shock of September 11 when their national counterparts, members of the United States Congress, spontaneously sang together on the Capitol steps in

Washington, "God Bless America." We ask Thee now in a time of war, to bless this senate, this state, our communities, ourselves with the capacity not only for action, but for joy, even jubilation as we welcome the world in a giant celebration of peace – the peace that says, "No, this nation under God shall not perish from the earth." For me, in the name of Jesus Christ, and for others by what they believe, Amen.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2002

The Speaker of the House has signed **S.B. 23**, WORKFORCE SERVICES AMENDMENTS, by Senator B. Evans, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 23** was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 31, 2002

The House passed, as amended, **H.B. 37**, PARENT-TIME AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 100**, CRIMINAL CODE DEFINITION AMENDMENT, by Representative G. Adair, and it is transmitted for consideration; and

The House passed **H.B. 119**, ASSESSMENT OF PROPERTY SUBJECT TO A MINIMUM PARCEL SIZE, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 258**, VOTER IDENTIFICATION REQUIREMENTS, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 37**, **H.B. 100**, **H.B. 119**, and **H.B. 258** were read the first time and referred to the Rules Committee.

### INTRODUCTION OF BILLS

#### COAL MINING AND RECLAMATION AMENDMENTS

**S.B. 72** *Mike Dmitrich*

THIS ACT MODIFIES THE MINES AND MINING CODE TO PROVIDE THAT THE DIVISION OF OIL, GAS AND MINING PAY CERTAIN COSTS

RELATING TO THE FILING OF A SURFACE COAL MINING AND RECLAMATION APPLICATION AND PLAN, AND PROVIDING FOR THE REIMBURSEMENT OF CERTAIN COSTS FROM THE COAL OPERATOR TO THE DIVISION, was read for the first time and referred to the Rules Committee.

#### **APPROPRIATION FOR LONG DISTANCE GRADUATE PROGRAM**

**S.B. 73**

*Beverly Ann Evans*

THIS ACT APPROPRIATES \$195,000 FOR FISCAL YEAR 2002-03 AND AS AN ONGOING APPROPRIATION FROM THE GENERAL FUND TO UTAH STATE UNIVERSITY FOR A DISTANCE EDUCATION DOCTORATE PROGRAM. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

#### **CRIMINAL ACTION – DEFENSE TO CIVIL ACTION FOR DAMAGES**

**S.B. 74**

*Parley G. Hellewell*

THIS ACT MODIFIES THE JUDICIAL CODE BY ADDING THAT THE NEXT-OF-KIN OR HEIRS OF A PERSON PROHIBITED FROM BRINGING A CIVIL ACTION UNDER CERTAIN CIRCUMSTANCES ARE ALSO PROHIBITED FROM BRINGING A CIVIL ACTION UNDER THE SAME CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

#### **AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND**

**S.B. 160**

*John W. Hickman*

THIS ACT MODIFIES THE TRANSPORTATION CODE TO CREATE THE AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND FOR CONSTRUCTION OF AIRPORTS. THIS ACT PROVIDES FOR APPLICATION, APPROVAL, AND REPAYMENT OF LOAN FUNDS AND PROVIDES FOR RULEMAKING BY THE TRANSPORTATION COMMISSION. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

#### **LIMITATION ON ALIMONY**

**S.B. 161**

*Terry R. Spencer*

THIS ACT MODIFIES PROVISIONS PERTAINING TO ALIMONY. IT REPEALS ANY JUSTIFICATION FOR CONTINUING ALIMONY FOR

MORE YEARS THAN THE DURATION OF THE MARRIAGE, AND ALLOWS FOR RETROSPECTIVE APPLICATION TO ALL ORDERS CURRENTLY REQUIRING THE PAYMENT OF ALIMONY, was read for the first time and referred to the Rules Committee.

**DEPARTMENT OF HUMAN RESOURCE MANAGEMENT –  
REPORT OF FUNDED VACANT POSITIONS**

**S.B. 162**

*Leonard M. Blackham*

THIS ACT MODIFIES THE STATE OFFICERS AND EMPLOYEES CODE TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF HUMAN RESOURCE MANAGEMENT TO DEVELOP A PROCEDURE BY WHICH STATE AGENCIES WILL IDENTIFY FUNDED VACANT POSITIONS, AND REPORT ALL FUNDED EMPLOYEE POSITIONS IN EACH STATE AGENCY THAT HAVE BEEN VACANT FOR 180 CONSECUTIVE DAYS DURING THE 18-MONTH PERIOD PRIOR TO JULY 1 OF EACH YEAR. THE ACT ALSO MAKES TECHNICAL REVISIONS, was read for the first time and referred to the Rules Committee.

**STRUCTURED SETTLEMENT AGREEMENTS**

**S.B. 163**

*Lyle W. Hillyard*

THIS ACT ENACTS THE STRUCTURED SETTLEMENT PROTECTION ACT. IT PROVIDES GUIDELINES FOR TRANSFERRING STRUCTURED SETTLEMENTS. IT REQUIRES NOTICE AND HEARING REQUIREMENTS AND PROVIDES FOR AGREEMENTS TO BE APPROVED BY A COURT, was read for the first time and referred to the Rules Committee.

**SECURE FACILITIES AMENDMENTS**

**S.B. 164**

*David L. Gladwell*

THIS ACT MODIFIES PROVISIONS RELATED TO SECURITY PROCEDURES AT STATE INSTITUTIONS OF HIGHER EDUCATION BY AUTHORIZING THE STATE BOARD OF REGENTS TO ADOPT AND AUTHORIZE INSTITUTIONS OF HIGHER EDUCATION TO ADOPT RULES TO PROVIDE FOR SECURITY IN OR ABOUT DESIGNATED INSTITUTIONAL HEARING ROOMS OR TO ESTABLISH A SECURE AREA AS PRESCRIBED IN SECTION 76-8-311.1. THE ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**RESOLUTION URGING VEGETATION  
MANAGEMENT PRACTICES ON BLM GROUND**

**S.C.R. 2**

*Leonard M. Blackham*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGES THE FEDERAL BUREAU OF LAND MANAGEMENT TO ALLOW BROAD-BASED VEGETATION MANAGEMENT PRACTICES ON BUREAU OF LAND MANAGEMENT LANDS, was read for the first time and referred to the Rules Committee.

**RESOLUTION SUPPORTING AMERICA'S  
DOMESTIC STEEL INDUSTRY**

**S.J.R. 11**

*Ed P. Mayne*

THIS JOINT RESOLUTION OF THE LEGISLATURE EXPRESSES SUPPORT FOR THE STEEL REVITALIZATION ACT OF 2001 AND THE EMERGENCY MEASURES NEEDED TO SAVE THE AMERICAN STEEL INDUSTRY, was read for the first time and referred to the Rules Committee.

**RESOLUTION URGING FEDERAL GOVERNMENT  
REVIEW OF ALTERNATIVES FOR ATLAS MILL TAILINGS**

**S.J.R. 12**

*Mike Dmitrich*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES THE FEDERAL GOVERNMENT TO EVALUATE ALL LEGITIMATE RELOCATION ALTERNATIVES FOR THE ATLAS MINERALS CORPORATION MOAB URANIUM MILL TAILINGS. THE RESOLUTION ALSO URGES THAT A MILL TAILINGS RELOCATION STUDY BE CONDUCTED BY THE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE DURING THE 2002 LEGISLATIVE INTERIM, was read for the first time and referred to the Rules Committee.

**CONSENT CALENDAR**

**H.B. 15**, REPEAL OF ENVIRONMENTAL QUALITY COORDINATING COMMITTEE, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Davis	Jenkins	Mayne
Spencer	Waddoups		

**H.B. 15** was signed by the President of the Senate in open session and returned to the House.

**CONCURRENCE CALENDAR**

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 26**, SERIOUS YOUTH OFFENDER AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**S.B. 26** was returned to the House.

\* \* \*

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 105**, REPEAL OF EDUCATION MANDATES AND PROGRAMS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Eastman	Evans	Gladwell

Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

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

**Absent or not voting were:** Senators Buttars Davis

**S.B. 105** was returned to the House

### THIRD READING CALENDAR

**2nd Sub. S.B. 48** — PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Suazo	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Hillyard	Poulton	Stephenson	Valentine
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**Absent or not voting were:** Senators Buttars Davis

**2nd Sub. S.B. 48** was transmitted to the House.

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**H.B. 107, OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN DUTIES**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Davis	Evans
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**H.B. 107**, as amended, was returned to the House.

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**1st Sub. S.B. 120**, MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Davis	Evans	Knudson
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**1st Sub. S.B. 120**, as amended, was transmitted to the House.

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**S.B. 124**, TIMELY PAYMENTS OF INSURANCE CLAIMS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Davis	Spencer
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**S.B. 124**, as amended, was transmitted to the House.

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**H.B. 10**, REPEAL OF INVESTMENT ADVISORY COMMITTEE, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Davis	Eastman
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**H.B. 10** was signed by the President of the Senate in open session and returned to the House.

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**1st Sub. H.B. 11**, REPEAL OF UTAH OCCUPATIONAL SAFETY AND HEALTHY ADVISORY COUNCIL, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Evans                      Wright

**1st Sub. H.B. 11**, as substituted, was returned to the House.

\* \* \*

**S.B. 129**, PLANETARIUM BOARD OF DIRECTORS AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Wright

**S.B. 129** was transmitted to the House.

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**S.B. 142**, HIGHER EDUCATION BUDGET AUTHORITY, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

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

**S.B. 142** was transmitted to the House.

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**H.B. 52, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators Hillyard Wright

**H.B. 52** was signed by the President of the Senate in open session and returned to the House.

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

The Senate was called to order at 9:40 a.m., with President Mansell presiding.

\* \* \*

**H.B. 221, STATE BOARD OF EDUCATION RULES AND REPORTS,** was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Bramble	Stephenson	Wright
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**H.B. 221** was signed by the President of the Senate in open session and returned to the House.

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**S.B. 135, TOBACCO SETTLEMENT RESTRICTED ACCOUNT,** was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Stephenson
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**S.B. 135** was transmitted to the House.

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**H.B. 23, MORTGAGE PRACTICES ACT REVISIONS,** was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Stephenson
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**H.B. 23** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 54**, TOBACCO AMENDMENTS, was read the third time, explained by Senator Knudson. Senator Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator

Spencer

**H.B. 54** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 55**, UNDERAGE POSSESSION OF TOBACCO AMENDMENTS, was read the third time, explained by Senator Knudson. Senators Walker, Hillyard, and Hellewell commented.

On motion of Senator Knudson, the bill was circled.

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**H.B. 56, GENETIC PRIVACY AND DISCRIMINATION**, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**H.B. 56** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 214, EXTENSION OF SUNSET ON TELEHEALTH COMMISSION**, was read the third time, explained by Senator Knudson. Senators Buttars, Wright and Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Buttars	Jenkins	Wright
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**Absent or not voting was:** Senator Hellewell

**H.B. 214** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Knudson, the circle was removed from **H.B. 55**, UNDERAGE POSSESSION OF TOBACCO AMENDMENTS. Senators Hillyard, Julander, and Hale commented.

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

1. Page 1, Line 21:  
Delete “(a)”
2. Page 1, Line 24:  
Reinstate “(a)” and delete “(i)”
3. Page 1, Line 25:  
Reinstate “(b)” and delete “(ii)”
4. Page 1, Line 27:  
Delete lines 27 through 33

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**Absent or not voting were:** Senators

Bramble	Evans
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**H.B. 55**, as amended, was returned to the House

\* \* \*

**S.B. 76, DOMESTIC VIOLENCE IN PRESENCE OF CHILD AMENDMENTS**, was read the third time, explained by Senator Steele. Senator Spencer commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**S.B. 76** was transmitted to the House.

\* \* \*

**S.B. 77, TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL**, was read the third time, explained by Senator Blackham, and passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Hale	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Suazo
Valentine	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Bramble	Eastman	Gladwell	Hellewell
Jenkins	Stephenson	Wright	

**Absent or not voting were:** Senators  
Evans                      Poulton

**S.B. 77** was transmitted to the House.

\* \* \*

**S.B. 59**, SALES AND USE TAX – TAXATION OF AMOUNTS PAID TO A TELEPHONE SERVICE PROVIDER OR TELEGRAPH CORPORATION, was read the third time, explained by Senator Bramble. Senator Gladwell commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 35**, EXPUNGEMENT OF JUVENILE RECORDS, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans	Hickman	Poulton
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**H.B. 35**, as amended, was returned to the House.

\* \* \*

**H.B. 53**, TECHNICAL AMENDMENTS TO TOBACCO SETTLEMENT TRUST FUND, was read the third time, explained by Senator Ed Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne

Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans	Hickman	Poulton
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**H.B. 53** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 43, ACCESS TO FLUORIDATED WATER,** was read the third time, explained by Senator Ed Allen.

On motion of Senator Ed Allen, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 59, SALES AND USE TAX – TAXATION OF AMOUNTS PAID TO A TELEPHONE SERVICE PROVIDER OR TELEGRAPH CORPORATION,** and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Evans	Spencer	Steele
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**S.B. 59** was transmitted to the House.

**SECOND READING CALENDAR**

**S.J.R. 10, RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION,** was read the second time. Senator

Valentine explained the bill. Senator Hillyard 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	Bramble
Buttars	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Davis	Evans	Poulton	Steele
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\* \* \*

On motion of Senator Hickman, the circle was removed from **1st Sub. S.J.R. 5, RESOLUTION AUTHORIZING THE CALLING OF SPECIAL SESSIONS BY THE LEGISLATURE**, and it was before the Senate. Senator Hickman explained the bill.

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

1. Page 2, Line 31:  
After “in excess of” insert “: (a)” and after “for” delete “a” and insert “an annual” and after “session” delete the comma and insert a semicolon
2. Page 2, Line 32:  
After “or” insert “(b)(i) ten, for a special session convened by the Legislature under Article VI, Section 34; or (ii)” and after “session” insert “convened by the Governor under Article VII, Section 6”
3. Page 2, Line 39:  
After “than” delete “four” and insert “two”

Senators Stephenson, Hale, Waddoups, Walker, Knudson, Dmitrich, Hillyard, Steele, Ron Allen, and Gladwell commented.

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

1. Page 2, Line 37:  
After “by” delete “a majority” and insert “two-thirds”
2. Page 2, Line 38:  
After “by” delete “the majority” and insert “by two-thirds”

On motion of Senator Bramble, the bill was circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 1, 2002

The House passed **H.C.R. 4**, RESOLUTION RECOGNIZING CONTRIBUTIONS OF CONGRESSMAN JAMES V. HANSEN, by Representative M. Dillree, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 4** was read the first time and referred to the Rules Committee.

On motion of Senator Steele, **H.C.R. 4** was lifted from Rules and placed at the top of the Second Reading Calendar.

\* \* \*

Sandy Tenney read the resolution recognizing the contributions of Congressman James V. Hansen.

On motion of Senator Steele, Congressman James V. Hansen spoke in Committee of the Whole. Senators Hickman, Knudson, Hillyard, Mayne, Blackham, Dmitrich, Valentine, Hellewell, Ed Allen, Poulton, and Mansell commented.

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

### SECOND READING CALENDAR

On motion of Senator Steele, under suspension of the rules, **H.C.R. 4**, RESOLUTION RECOGNIZING CONTRIBUTIONS OF CONGRESSMAN JAMES V. HANSEN, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**H.C.R. 4** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 1, 2002

The House passed, **S.B. 88**, ENVIRONMENTAL SELF-EVALUATION ACT AMENDMENTS, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 89**, SAFE DRINKING WATER ACT – ADMINISTRATIVE PROCEDURE AMENDMENTS, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, DRINKING WATER BOARD LOAN AND GRANT AMENDMENTS, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 88, S.B. 89, and S.B. 90** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 1, 2002

The House passed, as amended, **H.B. 118**, SPECIAL LICENSE PLATES FOR SEARCH AND RESCUE TEAMS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 232**, UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 246**, SUNSET ACT REAUTHORIZATIONS, by Representative S. Mascaro, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 118**, **H.B. 232**, and **H.B. 246** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Poulton and at 12:00 noon, the Senate adjourned until 9:30 a.m., Monday, February 4, 2002.

# FIFTEENTH DAY

## MORNING SESSION

The Senate was called to order at 9:45 a.m., with President ProTem Stephen Poulton presiding.

**Prayer** – Pastor Steve Klemz, Zion Lutheran Church

**Pledge of Allegiance** – Senator David Steele

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2002

The House passed **H.B. 31**, LICENSE PLATE REQUIREMENTS, by Representative B. King, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 83**, IMPOUNDED LIVESTOCK – SALE BY COUNTY, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 109**, GOVERNOR AND LEGISLATURES POWER TO CUT STATE BUDGET, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 197**, OFF-HIGHWAY VEHICLE AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 31**, **H.B. 83**, **1st Sub. H.B. 109**, and **H.B. 197** were read the first time and referred to the Rules Committee.

#### RULES COMMITTEE REPORTS

To the Members of the Senate: February 1, 2002

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

**Energy, Natural Resources and Agriculture**

- S.B. 72** Coal Mining and Reclamation Amendments  
(M. Dmitrich)
- S.B. 159** Environmental Compliance for Minerals Regulatory  
Program (P. Knudson)
- S.J.R. 12** Resolution Urging Federal Government Review of  
Alternatives for Atlas Mill Tailings (M. Dmitrich)
- H.B. 58** Water Forfeiture Amendments (M. Styler)
- H.B. 81** Youth Fishing License Amendments (F. Fife)
- H.B. 223** Hunting License Fee Refund (M. Styler)

**Education**

- S.B. 155** Education Budget Reserve Account (L. Blackham)
- S.B. 156** School Emergency Response Plans for Sports Injuries  
(J. Valentine)
- H.B. 206** New Century Scholarship Program Amendments  
(A. Bradshaw)

**Human Services**

- S.B. 161** Limitation on Alimony (T. Spencer)
- S.B. 162** Department of Human Resource Management – Report of  
Funded Vacant Positions (L. Blackham)
- H.B. 37** Parent–time Amendments (J. Ferrin)
- H.B. 243** Child Immunization Amendments (R. Lockhart)
- H.J.R. 5** Resolution Calling for Support of the Principles of the  
Alliance for Unity (R. Bigelow)

**Judiciary**

- S.B. 74** Criminal Action – Defense to Civil Action for Damages  
(P. Hellewell)
- S.B. 163** Structured Settlement Agreements (L. Hillyard)
- 1st Sub. H.B. 69** Payment for Bailiff and Other Services in Courts of  
Record (J. Seitz)
- H.B. 100** Criminal Code Definition Amendment (G. Adair)

**Quasi–Governmental Entities**

- H.B. 192** Workers’ Compensation Benefits for Volunteer Safety  
Officers (N. Hansen)
- 1st Sub. H.B. 250** Retirement Law Recodification (R. Bigelow)

**Revenue and Taxation**

- H.B. 95** Property Taxes – Notice of Delinquency (M. Dillree)  
**H.B. 119** Assessment of Property Subject to a Minimum Parcel Size (J. Murray)  
**H.B. 185** Reauthorization of Individual Income Tax Credit – Tutoring Disabled Dependents (J. Buffmire)  
**H.B. 193** Redevelopment Agencies Notice Requirements (M. Stephens)  
**2nd Sub. H.B. 212** Special Service District Amendments (E. Anderson)

**State and Local Affairs**

- H.B. 258** Voter Identification Requirements (R. Lockhart)

**Transportation and Public Safety**

- S.B. 164** Secure Facilities Amendments (D. Gladwell)  
**S.J.R. 11** Resolution Supporting America’s Domestic Steel Industry (E. Mayne)  
**H.B. 29** Child Restraint Violations (C. Moss)  
**H.B. 235** Emergency Vehicle Amendments (P. Ray)

Michael Waddoups  
 Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 31, 2002

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 145**, OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES, by Senator T. Spencer, with the following amendments:

1. Page 1, Lines 16–18:  
Delete lines 16–18
2. Page 1, Line 18:  
After line 18 insert:  
“72–7–510, as last amended by Chapter 21, Laws of Utah 1999”
3. Page 1, Lines 21–27:  
Delete lines 21 through 27

4. Page 2, Lines 28–58:  
Delete lines 28 through 58
5. Page 3, Lines 59–89:  
Delete lines 59 through 89
6. Page 4, Lines 90–118:  
Delete lines 90 through 118
7. Page 4, Line 118:  
After line 118 insert:  
“Section 1. Section 72–7–510 is amended to read:  
72–7–510. Existing outdoor advertising not in conformity with part —  
Procedure —Eminent domain — Compensation — Relocation.  
(1) As used in this section, “nonconforming sign” means a sign that has  
been erected in a zone or area other than commercial or industrial or  
where outdoor advertising is not permitted under this part.  
(2) (a) The department may acquire by gift, purchase, agreement,  
exchange, or eminent domain, any existing outdoor advertising and all  
property rights pertaining to the outdoor advertising which were  
lawfully in existence on May 9, 1967, and which by reason of this part  
become nonconforming.  
(b) If the department, or any town, city, county, governmental entity,  
public utility, or any agency or the United States Department of  
Transportation under this part, prevents the maintenance as defined in  
Section 72–7–502, or requires that maintenance of an existing sign be  
discontinued, the sign in question shall be considered acquired by the  
entity and just compensation will become immediately due and  
payable.  
(c) Eminent domain shall be exercised in accordance with the  
provision of Title 78, Chapter 34, Eminent Domain.  
(3) (a) Just compensation shall be paid for outdoor advertising and all  
property rights pertaining to the same, including the right of the  
landowner upon whose land a sign is located, acquired through the  
processes of eminent domain.  
(b) For the purposes of this part, just compensation shall include the  
consideration of damages to remaining properties, contiguous and  
noncontiguous, of an outdoor advertising sign company’s interest,  
which remaining properties, together with the properties actually  
condemned, constituted an economic unit.  
(c) The department is empowered to remove signs found in violation of  
Section 72–7–508 without payment of any compensation.  
(4) Except as specifically provided in this section or Section

72-7-513, this part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this part and in Title 78, Chapter 34, Eminent Domain.

(5) Except as provided in Section 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under 23 U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated and are immediately available to this state.

(6) (a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:

(i) on the same property;

(ii) on adjacent property;

(iii) on the same highway within 5280 feet of the previous location, which may be extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either side of the same highway;

or

(iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

(b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(d) The relocated and remodeled use or structure may be:

(i) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

(ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;

(iii) relocated to a comparable vehicular traffic count.

(7) (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

(8) If an outdoor advertising structure is required to be moved to comply with the requirement of Subsection 54-8c-2(1) with respect to its distance from a high voltage overhead line or to comply with a requirement imposed by the National Electrical Safety Code or any other applicable regulation promulgated by a federal agency, the county or municipality in which the outdoor advertising structure is located:

(a) may not withhold any necessary approval of the move or of the outdoor advertising structure at its location after the move; and

(b) shall, if necessary, accommodate the move by a special exception to its zoning ordinance.

Renumber remaining sections accordingly.

8. Page 5, Lines 149:

Delete "54-8c-2(1)" and insert "54-8c-2"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 80, UNSOLICITED COMMERCIAL EMAIL**, by Representative P. Arent, with the following amendments:

1. Page 1, Lines 7-7a

House Floor Amendments,  
1-25-2002:

Delete "The act provides a criminal penalty for a violation of those requirements."

2. Page 2, Line 33

House Floor Amendments,  
1-25-2002:

After "recipient," delete "and" and insert "or"

3. Page 3, Line 71  
House Floor Amendments,  
1-25-2002:  
After line 71 insert:  
“(4) An email service provider does not violate this section solely by being an intermediary between the sender and recipient in the transmission of an email that violates this section.”
4. Page 3, Lines 72 – 72f  
House Floor Amendments,  
1-25-2002:  
Delete lines 72 through 72f  
Re-number remaining sections accordingly.
5. Page 3, Line 72g  
House Floor Amendments,  
1-25-2002:  
Delete “63D-2-105” and insert “63D-2-104”
6. Page 3, Line 73  
House Floor Amendments,  
1-25-2002:  
Delete “63D-2-105.” and reinstate “63D-2-104.”; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 255**, UTAH HOUSING CORPORATION AMENDMENTS, by Representative R. Bigelow, with the following amendments:

1. Page 15, Line 434  
House Floor Amendments  
1-24-2002:  
Delete “corporation” and insert “Utah Housing Corporation”

Dan R. Eastman, Chair; and

Mr. President:

January 31, 2002

The Education Committee recommends **S.B. 132**, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE, by Senator B. Wright, be replaced and favorably recommends **1st Sub. S.B. 132**, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE with the following amendments:

## 1. Page 1, Line 24:

After “union” insert “or other assignments approved in an open school board meeting”; and

The Education Committee reports a favorable recommendation on **H.B. 274**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative M. Dillree, with the following amendments:

## 1. Page 2, Lines 33–37:

Bracket and delete all of lines 33–37 and insert the following:

“(1)(a) Except as provided in Subsection (1)(b), there is appropriated \$9,000,000 to the State Board of Education as the state’s contribution for the School LAND Trust program for the fiscal year beginning July 1, 2001.

(b) If the amount of money in the Uniform School Fund described in Subsection 53A–16–101.5(2) is less than or greater than \$9,000,000, the appropriation shall be equal to the amount of money in the Uniform School Fund described in Subsection 53A–16–101.5(2).

(2) The State Board of Education shall distribute the money appropriated in Subsection (1) in accordance with Section 53A–16–101.5 and rules established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.”; and

The Education Committee reports a favorable recommendation on **H.B. 275**, STATE BOARD OF EDUCATION BUDGET AUTHORITY, by Representative M. Dillree; and

The Education Committee reports a favorable recommendation on **H.J.R. 15**, RESOLUTION PROMOTING FINANCIAL LITERACY FOR UTAH STUDENTS, by Representative D. Hogue.

Bill Wright, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 145**, as amended, **1st Sub. H.B. 80**, as amended, **H.B. 255**, as amended, **1st Sub. S.B. 132**, as amended, **H.B. 274**, as amended, **H.B. 275**, and **H.J.R. 15** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### TUITION TAX CREDITS AND PAYMENTS TO SCHOOL DISTRICTS

**S.B. 69**

*D. Chris Buttars*

THIS ACT MODIFIES CORPORATE FRANCHISE AND INCOME TAXES AND THE INDIVIDUAL INCOME TAX ACT TO PROVIDE FOR

NONREFUNDABLE TAX CREDITS FOR CONTRIBUTIONS MADE TO A SCHOLARSHIP GRANTING ORGANIZATION TO BE USED FOR TUITION GRANTS FOR A QUALIFYING STUDENT TO ATTEND A PRIVATE SCHOOL, AND NONREFUNDABLE TAX CREDITS FOR AMOUNTS PAID FOR TUITION TO A PRIVATE SCHOOL ON BEHALF OF A QUALIFYING STUDENT. THE ACT PROVIDES DEFINITIONS AND ESTABLISHES PROCEDURES AND REQUIREMENTS FOR ADMINISTERING THE TAX CREDITS. THE ACT REQUIRES PRIVATE SCHOOLS TO MAKE CERTAIN REPORTS TO THE STATE BOARD OF EDUCATION, AUTHORIZES CERTAIN PAYMENTS TO BE MADE BY THE STATE BOARD OF EDUCATION TO A STUDENT'S SCHOOL DISTRICT OF RESIDENCY UNDER CERTAIN CIRCUMSTANCES, AND GRANTS RULEMAKING AUTHORITY TO THE STATE BOARD OF EDUCATION. THIS ACT TAKES EFFECT ON MAY 6, 2002, AND PROVIDES THAT CERTAIN SECTIONS HAVE RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2002, was read for the first time and referred to the Rules Committee.

### **VEHICLE HISTORY INFORMATION**

#### **S.B. 151**

*Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY ALLOWING THE DEPARTMENT OF PUBLIC SAFETY TO DISCLOSE VEHICLE ACCIDENT HISTORY INFORMATION, was read for the first time and referred to the Rules Committee.

### **PAWNBROKER INDUSTRY REVISIONS**

#### **S.B. 165**

*Michael G. Waddoups*

THIS ACT MODIFIES PROVISIONS RELATED TO PAWNSHOPS BY ENACTING A CHAPTER ENTITLED THE UTAH PAWNBROKING ACT AND AMENDING RELATED PROVISIONS OF THE CRIMINAL CODE. THIS ACT REQUIRES REGISTRATION OF PAWNSHOPS WITH THE DEPARTMENT OF FINANCIAL INSTITUTIONS. THIS ACT REGULATES PAWN TRANSACTIONS AND IMPOSES RECORD KEEPING AND REPORTING REQUIREMENTS ON PAWNBROKER BUSINESSES. THE ACT ESTABLISHES PENALTIES FOR A PAWNBROKER'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE CHAPTER. THIS ACT ESTABLISHES AN ELECTRONIC DATABASE OF PAWNSHOP TRANSACTIONS ACCESSIBLE BY LAW ENFORCEMENT OFFICIALS OVER THE INTERNET. THIS ACT PRESCRIBES A PROCEDURE FOR

PERSONS TO RECOVER PROPERTY THAT HAS BEEN MISAPPROPRIATED AND THAT IS IN THE POSSESSION OF A PAWNBROKER. THIS ACT PROVIDES THAT PAWNBROKER RECORDS ARE PROTECTED RECORDS. THIS ACT TAKES EFFECT ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

### **INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME**

**S.B. 166**

*Curtis S. Bramble*

THIS ACT AMENDS THE INDIVIDUAL INCOME TAX ACT TO ALLOW A DEDUCTION FOR CERTAIN INCOME RECEIVED FOR QUALIFYING ACTIVE DUTY MILITARY SERVICE BY A MEMBER OF THE ARMED FORCES, AND TO MAKE TECHNICAL CHANGES. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2002, was read for the first time and referred to the Rules Committee.

### **APPROPRIATIONS ACT**

**S.B. 1**

*Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

### **MINIMUM SCHOOL PROGRAM ACT AMENDMENTS**

**S.B. 3**

*Howard A. Stephenson*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

### **RESIDENTIAL PROPERTY TAX EXEMPTIONS**

**S.B. 70**

*Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

### **EDUCATION CURRICULUM AMENDMENTS**

**S.B. 71**

*Bill Wright*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**SCHOOL COMMUNITY COUNCILS****S.B. 167***Bill Wright*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**VISITATION ENFORCEMENT OFFICE****S.B. 168***D. Edgar Allen*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**PROPERTY TAX – INTEREST ON REFUNDS****S.B. 169***Curtis S. Bramble*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**REAUTHORIZATION OF ADMINISTRATIVE RULES****S.B. 170***Howard A. Stephenson*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**UNIFORM ARBITRATION ACT****S.B. 171***Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**HEALTH INSURANCE PROMPT PAY AMENDMENTS****S.B. 172***Peter C. Knudson*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**MOTOR VEHICLE REGISTRATION FOR FLEETS****S.B. 173***Dan R. Eastman*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**APPROVAL REQUIRED FOR FEDERAL ASSISTANCE PROGRAMS**

**S.B. 174**

*Curtis S. Bramble*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**CHARITABLE SOLICITATIONS ACT AMENDMENTS**

**S.B. 175**

*Parley G. Hellewell*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**NONPROFIT CORPORATION AMENDMENTS**

**S.B. 176**

*Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**JURY TRIAL FOR TERMINATION OF PARENTAL RIGHTS CASES**

**S.B. 177**

*Bill Wright*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**PROTECTING THE UNBORN CHILD**

**S.B. 178**

*L. Steven Poulton*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**TIMELY PAYMENT OF MOTOR VEHICLE INSURANCE CLAIMS**

**S.B. 179**

*Michael G. Waddoups*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**FIREFIGHTERS RETIREMENT**

**S.B. 180**

*Gene Davis*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**HIGHER EDUCATION TECHNOLOGY AMENDMENTS****S.B. 181***Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**TAX PENALTY MODIFICATIONS****S.B. 182***Curtis S. Bramble*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**COSTS ASSESSED FOR WRONGFULLY  
ENJOINING A STATE PROJECT****S.B. 183***Terry R. Spencer*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**FINANCIAL INSTITUTIONS TECHNICAL AMENDMENTS****S.B. 184***John W. Hickman*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX – EXEMPTION FOR CERTAIN COUPONS****S.B. 185***Millie M. Peterson*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**UNEMPLOYMENT BENEFITS –  
EXEMPTION FOR CORPORATE OFFICERS****S.B. 186***Parley G. Hellewell*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**RDA – FOR PARKING STRUCTURE****S.B. 187***Howard A. Stephenson*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**LABOR CODE REVISIONS**

**S.B. 188**

*Terry R. Spencer*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**ESSENTIAL SERVICES AMENDMENTS**

**S.B. 189**

*John L. Valentine*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**TRANSPORTATION AMENDMENTS**

**S.B. 190**

*Dan R. Eastman*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**LAW ENFORCEMENT REVOLVING ACCOUNT**

**S.B. 191**

*Peter C. Knudson*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**AIR QUALITY ACT AMENDMENTS**

**S.B. 192**

*Bill Wright*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**NETWORK MARKETING**

**S.B. 193**

*Parley G. Hellewell*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**CABLE TV REGULATION**

**S.B. 194**

*Curtis S. Bramble*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX AMENDMENTS****S.B. 195***John W. Hickman*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**WASTE AMENDMENTS****S.B. 196***Carlene M. Walker*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**APPROPRIATION FOR STATE FAIR PARK****S.B. 197***Alicia L. Suazo*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**BASIC HUMAN NEEDS REFERENDUM ACT****S.B. 198***Mike Dmitrich*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**JOINT RESOLUTION AUTHORIZING  
APPOINTMENT OF ATTORNEY FOR STATE OFFICERS****S.J.R. 13***John L. Valentine*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**RESOLUTION ON YUCCA MOUNTAIN  
AS NUCLEAR WASTE REPOSITORY****S.J.R. 14***Gene Davis*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**MASTER STUDY RESOLUTION****S.J.R. 15***L. Steven Poulton*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

**CONSENT CALENDAR**

**H.B. 26**, TECHNICAL CORRECTIONS TO COUNTY CODE, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hickman	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Bramble	Buttars	Hellewell	Hillyard
Spencer	Mansell		

**H.B. 26** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 27**, TECHNICAL CORRECTIONS TO MUNICIPAL CODE, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Buttars	Hellewell	Mansell
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**H.B. 27** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 86**, PUBLICATION NOTICE OF CONSTITUTIONAL AMENDMENTS, was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Buttars	Hellewell	Mansell
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**H.B. 86** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Hale, Susan Fuller, teacher from Upland Terrace Elementary School, spoke in Committee of the Whole.

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

### THIRD READING CALENDAR

**S.J.R. 10**, RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION, was read the third time, explained by Senator Valentine. On motion of Senator Valentine, intent language was adopted for **S.J.R. 10**. The bill 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	Hillyard
Jenkins	Julander	Knudson	Mayne

Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Bramble	Hickman	Mansell
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**S.J.R. 10** was transmitted to the House.

\* \* \*

**INTENT LANGUAGE TO S.J.R. 10**

“The Legislature intends S.J.R. 10, Resolution Amending Revenue and Taxation Provisions of Utah Constitution, to be a reorganization, clarification, and simplification of the current provisions of Article XIII of the Utah Constitution. Any differences between the language of S.J.R. 10 and the language of the current provisions of Article XIII result not from an intent to make substantive changes but from an intent to restate more clearly language that is confusing and to omit language that is redundant, archaic, or superfluous.

The only exception to the intent not to make any substantive changes involves language in current Subsection (6) section 11 of Article XIII. That provision states that county boards of equalization are to consist of the “Board of County Commissioners: of the County. For some counties that have adopted an alternate form of government that does not include a county commission, that provision no longer has any meaning. Giving that provision relevance in current times where some counties do and some do not have a county commission form of government requires a minor but substantive change. The new language of S.J.R. 10 provides that county boards of equalization consist of “elected county officials as provided by statute.”

Other than than minor substantive change, the Legislature intends S.J.R. 10 to make no substantive change to the current provisions of Article XIII. The Legislature does not intend to disturb any case law that has developed interpreting current provisions of Article XIII. With respect to those provisions for which case law has not developed, the Legislature intends S.J.R. 10 as a restatement of concepts currently embodied in Article XIII but in more clear, concise, and simplified language.”

\* \* \*

On motion of Senator Valentine, Congressman Jim Matheson spoke in Committee of the Whole. Senator Dmitrich commented.

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

\* \* \*

On motion of Senator Blackham, Ken Norris, National Director of the High School Rodeo Association, spoke in Committee of the Whole.

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

\* \* \*

On motion of Senator Waddoups, the circle was removed from **1st Sub. S.B. 19, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT**, and it was before the Senate.

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

### **UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT**

#### **2nd Sub. S.B. 19**

*Michael Waddoups*

THIS ACT MODIFIES THE COMMERCE AND TRADE PROVISIONS BY ENACTING THE UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT. THE ACT DEFINES CERTAIN TERMS. THE ACT DOES NOT APPLY TO A CONSTRUCTION CONTRACT FOR A RESIDENCE. THE ACT PROVIDES THAT, WITH EXCEPTIONS, THE PROVISIONS OF THIS CHAPTER ARE DEFAULT TERMS WITH RESPECT TO THE MATTERS COVERED IN THE CHAPTER AND ARE SUPERSEDED BY INCONSISTENT PROVISIONS IN A WRITTEN CONSTRUCTION CONTRACT. THE ACT REQUIRES PROGRESS PAYMENTS ON CERTAIN CONSTRUCTION CONTRACTS. THE ACT REQUIRES THE OWNER TO PROMPTLY DISPUTE A BILLING OR ESTIMATE WITH WHICH THE OWNER DOES NOT AGREE AND LIMITS THE AMOUNT THAT AN OWNER CAN WITHHOLD FROM A PROGRESS PAYMENT. THE ACT REQUIRES PROMPT PAYMENT BY THE OWNER UPON COMPLETION OF THE WORK. THE ACT GIVES SUBCONTRACTORS THE RIGHT TO NOTIFICATION OF PROGRESS PAYMENTS. THE ACT REQUIRES PROMPT PAYMENT BY THE CONTRACTOR TO SUBCONTRACTORS AND SUPPLIERS. THE ACT REQUIRES THE WAIVER OF MECHANICS' LIEN RIGHTS BY CONTRACTORS AND SUBCONTRACTORS UPON RECEIPT OF PAYMENT. THE ACT PROVIDES FOR THE INTERRUPTION OF THE WORK ON A CONSTRUCTION CONTRACT WITHOUT PENALTY IN CASES OF AN ENVIRONMENTAL HAZARD. THE ACT PROVIDES FOR

THE INTERRUPTION OF WORK ON A CONSTRUCTION CONTRACT OR THE TERMINATION OF THE CONTRACT IN CASES OF NONPAYMENT. THE ACT PROVIDES FOR INTEREST ON LATE PAYMENTS. THE ACT PROVIDES FOR THE AWARDING OF COSTS AND ATTORNEYS' FEES. THE ACT PROVIDES AN EFFECTIVE DATE.

On motion of Senator Waddoups, the bill was circled.

**SECOND READING CALENDAR**

**S.B. 30, FUNDING FORMULA FOR ALCOHOL RELATED ACTIVITIES OF LOCAL GOVERNMENTS**, was read the second time. Senator Waddoups explained the bill. Senators Hillyard, Julander, Ron Allen, and Walker commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Stephenson	Wright	Mansell
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\* \* \*

Senator Terry Spencer assumed the chair as President ProTem

\* \* \*

**S.B. 66, REVENUES FROM FEDERAL LAND EXCHANGE PARCELS**, was read the second time.

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

1. Page 3, Lines 80–82  
Senate Committee Amendments  
1–31–2002:  
Delete lines 80–82

Senator Dmitrich 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	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Buttars	Hickman	Julander	Wright
Mansell			

\* \* \*

On motion of Senator Poulton, the circle was removed from **S.B. 119, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS**, and it was before the Senate. Senator Poulton explained the bill. 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Buttars	Hillyard	Wright	Mansell
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\* \* \*

On motion of Senator Knudson, the circle was removed from **2nd Sub. S.B. 113, HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE**, and it was before the Senate. Senator Knudson 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	Blackham	Bramble
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Buttars	Dmitrich	Mayne	Wright
Mansell			

\* \* \*

On motion of Senator Poulton, the circle was removed from **1st Sub. S.B. 122, INSURANCE LAW AMENDMENTS**, and it was before the Senate.

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

1. Page 26, Line 775:  
Delete "medial" and insert "medical"
2. Page 41, Line 1237:  
Delete "A" and insert "Beginning on July 1, 2002 and ending on June 30, 2006, a"
3. Page 54, Line 1640:  
After "31A-17-201(2)" delete "(b)"
4. Page 110, Line 3378:  
After "plan" insert "purchased"

Senator Poulton explained the bill. Senator Julander commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander

Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators  
Wright                      Mansell

\* \* \*

On motion of Senator Mayne, a Committee of the Whole was resolved. A commendation honoring the Salt Lake Urban Search and Rescue Team was read by Sandy Tenney.

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

\* \* \*

**1st Sub. S.B. 106, DIVORCE – CHILDREN’S TESTIMONY LIMITED** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. S.B. 111, DIVISION OF HOME IN A DIVORCE,** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 140, REALLOCATION OF JUDGES,** was read the second time. Senator Hickman explained the bill. Senators Evans and Ed Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Hickman, the circle was removed from **1st Sub. S.J.R. 5, RESOLUTION AUTHORIZING THE CALLING OF SPECIAL SESSIONS BY THE LEGISLATURE**, and it was before the Senate. Senator Hickman explained the bill. Senators Steele, Walker, Buttars, Hillyard, and Gladwell commented on the amendment.

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

1. Page 1, Line 8:  
After “into special session” insert “for limited purposes”
2. Page 2, Line 3:  
After “house.” delete “to conduct.” and insert “for the sole purpose of conducting” and after “business” delete “specified by the majority” and insert “related to budget matters”

Senators Ron Allen, Blackham, Knudson, Stephenson, Dmitrich, and Hillyard commented.

The bill failed on the following roll call:

**Yeas, 10; Nays, 18; Absent, 1.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Gladwell
Hickman	Poulton	Valentine	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo		

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

**1st Sub. S.J.R. 5** was filed.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 4, 2002

The House passed **H.B. 182**, TAX REVIEW COMMISSION AMENDMENTS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 266**, HEARING INSTRUMENT SPECIALIST AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed **H.B. 269**, WATER COMMISSIONER ASSESSMENT AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 182**, **H.B. 266**, and **H.B. 269** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Valentine and at 12:15 p.m., the Senate adjourned until 9:30 a.m., Tuesday, February 5, 2002.

# SIXTEENTH DAY

## MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Pro Tem Steven Poulton presiding.

**Prayer** – Senator Paula Julander

**Pledge of Allegiance** – Senator Parley Hellewell

**Roll Call** – All Senators present except Senators Mansell and Jenkins, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 4, 2002

The Speaker of the House has signed **S.B. 26**, SERIOUS YOUTH OFFENDER AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 41**, ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS AMENDMENTS, by Senator M. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 105**, REPEAL OF EDUCATION MANDATES AND PROGRAMS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 107**, UTAH LABOR COMMISSION AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 109**, LICENSING OF GENETIC COUNSELORS TECHNICAL AMENDMENTS, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 1**, RESOLUTION ENCOURAGING RESEARCH AND DEVELOPMENT GRANTS FOR CLEAN COAL ALTERNATIVES, by

Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 26, S.B. 41, S.B. 105, S.B. 107, S.B. 109, and S.J.R. 1** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 4, 2002

The House passed, as substituted, **1st Sub. H.B. 36, CHILD CARE AMENDMENTS**, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 113, INSECT CONTROL ON FEDERAL LANDS**, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 127, COUNTY BALLOT QUESTIONS**, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 131, REPORTING OF DATA TO THE AUTOMATED GEOGRAPHIC REFERENCE CENTER**, by Representative L. Pace, and it is transmitted for consideration; and

The House passed **H.B. 237, SPOUSE ABUSE AMENDMENTS**, by Representative G. Adair, and it is transmitted for consideration; and

The House passed **H.B. 273, DESIGNATION OF I-80**, by Representative D. Bush, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 36, H.B. 113, H.B. 127, H.B. 131, H.B. 237, and H.B. 273** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 4, 2002

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

**Education**

- S.B. 69** Tuition Tax Credits and Payments to School Districts (D. C. Buttars)
- S.B. 138** Charter Schools Amendments (H. Stephenson)

**Energy, Natural Resources and Agriculture**

- S.C.R. 2** Resolution Urging Vegetation Management Practices on BLM Ground (L. Blackham)
- H.B. 83** Impounded Livestock – Sale by County (T. Hatch)

**Health and Environment**

- H.B. 42** Fluoridation of Public Water Systems in an Emergency (A. L. Tyler)

**Revenue and Taxation**

- S.B. 166** Individual Income Tax – Treatment of Certain Military Income (C. Bramble)
- 1st Sub. H.B. 109** Governor and Legislatures Power to Cut State Budget (K. Holdaway)

**Transportation and Public Safety**

- S.B. 160** Aeronautics Construction Revolving Loan Fund (J. Hickman)
- H.B. 118** Special License Plates for Search and Rescue Teams (B. Ferry)
- H.B. 197** Off-highway Vehicle Amendments (B. Goodfellow)
- H.B. 218** Over Weight Vehicle Amendments (T. Hatch)

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

To the Members of the Senate:

February 4, 2002

The Rules Committee recommends the assignment of the following bills to the Second Reading Calendar:

- S.B. 165** Pawnbroker Industry Revisions (M. Waddoups)

**H.B. 246** Sunset Act Reauthorizations (S. Mascaro)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee reports were adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 4, 2002

The Energy, Natural Resources, and Agriculture Committee recommends **S.B. 104, SALE OF MUNICIPAL POWER SYSTEMS**, by Senator J. Hickman, be replaced and favorably recommends **1st Sub. S.B. 104, SALE OF MUNICIPAL POWER SYSTEMS**; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 152, ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF**, by Senator L. Blackham, with the following amendments:

1. Page 6, Line 156:  
After "implements" insert "or has implemented"
2. Page 6, Line 157:  
After "by the" delete "Utah Energy Office" and insert "Utah Public Service Commission"

Terry Spencer, Chair; and

Mr. President: February 4, 2002

The Judiciary Committee recommends **1st Sub. H.B. 39, STATUTE OF LIMITATIONS AMENDMENTS**, by Representative K. Bryson, be replaced and favorably recommends **2nd Sub. H.B. 39, STATUTE OF LIMITATIONS AMENDMENTS**; and

The Judiciary Committee recommends **S.B. 139, DNA EVIDENCE – REMOVING STATUTE OF LIMITATIONS**, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 139, DNA EVIDENCE – REMOVING STATUTE OF LIMITATIONS**; and

The Judiciary Committee reports a favorable recommendation on **H.B. 70, POLITICAL FUNDRAISING RESTRICTIONS ON GOVERNOR**, by Representative N. Hansen; and

The Judiciary Committee reports a favorable recommendation on **H.B. 233**, MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS, by Representative G. Curtis, with the following amendments:

1. Page 1, Line 23:

After "to" insert "the" and after "property" delete "actually taken"

David L. Gladwell, Chair; and

Mr. President:

February 4, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 16**, BLOOD AND BREATH ALCOHOL TESTING, by Representative P. Ray, with the following amendments:

1. Page 2, Line 53:

Delete "at the time of operation or actual physical control"

2. Page 10, Line 281–282:

Delete "at the time of operation or actual physical control"

3. Page 12, Line 361:

Delete "at the time of operation or actual physical control"

4. Page 14, Line 410:

Delete "at the time of operation"

5. Page 17, Line 510:

Delete "at the time of operation"

6. Page 18, Line 526:

Delete "at the time of operation"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 17**, MULTIPLE DRIVING UNDER THE INFLUENCE OFFENSES, by Representative A. L. Tyler; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 187**, DRIVER LICENSE FRAUD AMENDMENTS, by Representative K. Holdaway; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 210**, RECREATIONAL VEHICLE – LENGTH AND WIDTH AMENDMENTS, by Representative D. Bush.

David H. Steele, Chair

On motion of Senator Valentine, the committee reports were adopted. **1st Sub. S.B. 104, S.B. 152**, as amended, **2nd Sub. H.B. 39, 1st Sub. S.B. 139, H.B.**

**70, H.B. 233**, as amended, **H.B. 16**, as amended, **H.B. 17, H.B. 187**, and **H.B. 210** were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 4, 2002

The Judiciary Committee reports a favorable recommendation on **H.B. 190**, CRIMINAL RESTITUTION AMENDMENTS, by Representative S. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

David L. Gladwell, Chair; and

Mr. President: February 4, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 63**, LICENSING AMENDMENTS REGARDING BACKGROUND CHECKS, by Representative A. Bradshaw, and recommends it be considered read for the second time and placed on the Consent Calendar.

David H. Steele, Chair

On motion of Senator Valentine, the committee reports were adopted. **H.B. 190** and **H.B. 63** were considered read the second time and placed on the Consent Calendar.

### CONSENT CALENDAR

**H.B. 19**, ELECTION CAMPAIGN FUND CHECKOFF AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Suazo	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Bramble	Hale	Jenkins	Spencer
Stephenson	Wright	Mansell	

**H.B. 19** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 91, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS**, was read the third time, explained by Senator Evans, and 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	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Suazo	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Jenkins
Spencer	Stephenson	Wright	Mansell

**H.B. 91** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 249, SALES AND USE TAX – LOCATION OF TRANSACTIONS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Bramble	Jenkins	Stephenson
Wright	Mansell		

**H.B. 249** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**S.B. 137, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT – TECHNICAL REVISIONS**, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Jenkins
Wright	Mansell		

**S.B. 137** was transmitted to the House.

\* \* \*

**H.B. 33, CERTIFICATION AND TESTING OF VOTING EQUIPMENT**, was read the third time, explained by Senator Hickman, 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	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Jenkins
Mansell			

**H.B. 33** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, **S.J.R. 9** was lifted from Rules and placed at the top of the Second Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 30**, FUNDING FORMULA FOR ALCOHOL RELATED ACTIVITIES OF LOCAL GOVERNMENTS, was read the third time, explained by Senator Waddoups, 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	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Jenkins
Mansell			

**S.B. 30** was transmitted to the House.

\* \* \*

**S.B. 66**, REVENUES FROM FEDERAL LAND EXCHANGE PARCELS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Evans	Jenkins	Mansell
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**S.B. 66** was transmitted to the House.

\* \* \*

**S.B. 119, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS,** was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**2nd Sub. S.B. 113, HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE,** was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Evans	Jenkins	Spencer
Mansell			

**2nd Sub. S.B. 113** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 122, INSURANCE LAW AMENDMENTS,** was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 140, REALLOCATION OF JUDGES,** was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Evans	Jenkins	Mansell
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**S.B. 140** was transmitted to the House.

**SECOND READING CALENDAR**

On motion of Senator Waddoups, under suspension of the rules, **S.J.R. 9, JOINT AND INTERIM RULES REVISIONS AND RESOLUTION**, was considered read the second time. Senator Waddoups explained the bill. Senator Steele commented. The bill passed, under suspension of the rules, and considered read the third time, on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Suazo
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Stephenson	Valentine
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**Absent or not voting were:** Senators

Blackham	Evans	Jenkins	Mansell
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**S.J.R. 9** was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **2nd Sub. S.B. 19, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT**, and it was before the Senate. Senator Waddoups explained the bill.

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

1. Page 3, Line 74:  
After "in" insert "this"
2. Page 3, Line 74:  
After "(1)" delete "(a), (b), (c), and (d)"
3. Page 3, Line 75:  
After "to a" insert "sub"

Senators Ed Allen, Stephenson, Mayne, and Gladwell commented.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

**S.B. 125, ORGAN DONOR LEAVE FOR STATE EMPLOYEES**, was read the second time. Senator Hale explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright

**Voting in the negative were:** Senators

Gladwell	Waddoups
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Senator Gladwell assumed the chair as President ProTem.

\* \* \*

**S.B. 31, INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	Hickman	Jenkins	Spencer
Steele	Mansell		

\* \* \*

**2nd Sub. S.B. 84, REAL ESTATE APPRAISER AMENDMENTS**, was read the second time.

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

### **REAL ESTATE APPRAISER AMENDMENT**

**3rd Sub. S.B. 84**

*Curtis Bramble*

THIS ACT AMENDS THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT AND THE REVENUE AND TAXATION CODE. THIS ACT EXEMPTS REAL ESTATE BROKERS, REAL ESTATE SALES AGENTS, AND OTHER PERSONS FROM REAL ESTATE APPRAISER LICENSING AND CERTIFICATION REQUIREMENTS WHEN GIVING AN OPINION REGARDING THE VALUE OF REAL ESTATE IN CERTAIN CIRCUMSTANCES. THE ACT MAKES TECHNICAL CHANGES.

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

1. Page 2, Line 32:  
Delete “assessor’s office” and insert “board of equalization”
2. Page 2, Line 33:  
Delete “assessor’s office” and insert “board of equalization”
3. Page 2, Line 46:  
Delete “Assessor’s Office” and insert “Board of Equalization”

Senator Bramble explained the bill. Senators Hillyard, Stephenson, Spencer, 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	Bramble
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Buttars	Dmitrich	Jenkins	Poulton
Mansell			

\* \* \*

**S.B. 144, SALES AND USE TAX – DEFINITION OF REGULARLY RENTED**, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Hickman	Jenkins	Mansell
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\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Poulton, the circle was removed from **1st Sub. S.B. 122**, INSURANCE LAW AMENDMENTS, and it was before the Senate. Senator Poulton explained the bill. On motion of Senator Poulton, intent language was adopted for **1st Sub. S.B. 122**. 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Jenkins	Suazo	Mansell
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**1st Sub. S.B. 122** was transmitted to the House.

### INTENT LANGUAGE TO 1ST SUB. S.B. 122

“It is the intent of the Legislature that the fees designated by this bill as dedicated credits for use by the Department of Insurance for the purpose of developing electronic and other information technology be treated as dedicated credits only until June 30, 2006. Beginning July 1, 2006, the fees designated as electronic commerce use fees, if collected, will be deposited into the General Fund for appropriation by the Legislature. Beginning July 1, 2006, the fees designated as a fees imposed upon renewal or issuance of a license, registration, or certificate of authority will be repealed unless the Legislature takes further action. The Insurance Commissioner has confirmed that the Department of Insurance has agreed to this intent.”

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Davis, the circle was removed from **S.B. 128**, OPEN AND PUBLIC MEETINGS REVISIONS, and it was before the Senate. Senator Davis explained the bill.

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

- 1. Page 1, Line 23:  
Bracket "Written" and insert "Except as provided in Section 52-4-7.5, written"
- 2. Page 2, Line 33c  
Senate Committee Amendments  
1-28-2002:  
After line 33c insert:  
"(6) Written minutes or digital or tape recordings shall be public records pursuant to Title 63, Chapter 2, Government Records Access and Management Act, but only written minutes shall be evidence of the official action taken at such meeting."

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

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

**Absent or not voting were:** Senators

Blackham	Buttars	Jenkins	Mansell
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\* \* \*

**S.B. 131**, PERSONAL USE OF CAMPAIGN FUNDS, was read the second time.

On motion of Senator Hale, the bill was circled.

\* \* \*

**S.B. 145, OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES,** was read the second time.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**1st Sub. S.B. 132, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE,** was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**H.B. 24, REVISIONS TO REDEVELOPMENT AGENCY LAWS,** was read the second time. Senator Valentine explained the bill.

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

1. Page 20, Line 589:  
After “(B)” insert “(I) in counties of the second, third, fourth, fifth, or sixth class.”
2. Page 20, Line 590:  
After “located;” insert “or”
3. Page 20, Line 590:  
After line 590:  
“(II) in counties of the first class, two representatives appointed by the county executive of the county in which the agency is located.”

Senators Buttars, Bramble, and Eastman 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham

Evans

Hickman

Jenkins

Mansell

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, a bill file is authorized to be opened recognizing February 7, 2002 as "Navajo Day."

\* \* \*

On motion of Senator Davis, under suspension of the rules, a bill file is authorized to be opened regarding the issue of divorce proceedings.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 5, 2002

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

**Human Services**

**1st Sub. H.B. 36**

Child Care Amendments (R. Siddoway)

**H.B. 237**

Spouse Abuse Amendments (G. Adair)

Michael Waddoups

Rules Committee Chair

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

\* \* \*

On motion of Senator Valentine, and at 11:45 a.m., the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President ProTem Poulton presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 5, 2002

The House concurred in the Senate amendments and passed **1st Sub. H.B. 11**, UTAH OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL AMENDMENTS, by Representative D. Bush, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 35**, EXPUNGEMENT OF JUVENILE RECORDS, by Representative S. Daniels, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 55**, UNDERAGE POSSESSION OF TOBACCO AMENDMENTS, by Representative C. Saunders, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 107**, OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN DUTIES, by Representative W. Harper, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 11**, **H.B. 35**, **H.B. 55**, and **H.B. 107** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 5, 2002

The House passed, as substituted, **1st Sub. H.B. 12**, USE OF TOBACCO SETTLEMENT INTEREST PROCEEDS, by Representative Karen W. Morgan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 226**, TERMINATION OF PARENTAL RIGHTS AMENDMENTS, by Representative Matt Throckmorton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 12** and **3rd Sub. H.B. 226** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

February 5, 2002

The Human Services Committee reports a favorable recommendation on **S.B. 161**, LIMITATION ON ALIMONY, by Senator T. Spencer, with the following amendments:

1. Page 4, Lines 99–100:  
Delete the brackets and reinstate the deleted language.

2. Page 4, Line 102:

After “order” insert “, unless the court orders otherwise at a hearing held after January 1, 2002, upon the showing of extenuating circumstances. Either party may request a hearing prior to termination”; and

The Human Services Committee reports a favorable recommendation on **S.B. 162**, DEPARTMENT OF HUMAN RESOURCE MANAGEMENT – REPORT OF FUNDED VACANT POSITIONS, by Senator L. Blackham; and

The Human Services Committee reports a favorable recommendation on **H.B. 37**, PARENT-TIME AMENDMENTS, by Representative J. Ferrin; and

The Human Services Committee reports a favorable recommendation on **H.B. 243**, CHILD IMMUNIZATION AMENDMENTS, by Representative R. Lockhart, with the following amendments:

1. Page 1, Line 26:

Before “a” insert “as a test case in Utah County only.”; and

The Human Services Committee reports a favorable recommendation on **H.B. 245**, AMENDMENTS TO SEX OFFENDER REGISTRY, by Representative A. Bradshaw, with the following amendments:

1. Page 1, Line 5–6:

Delete “to require registration for two additional sexual offenses and”

2. Page 1, Line 7:

Delete “This act provides a coordination clause.”; and

The Human Services Committee reports a favorable recommendation on **H.J.R. 5**, RESOLUTION CALLING FOR SUPPORT OF THE PRINCIPLES OF THE ALLIANCE FOR UNITY, by Representative R. Bigelow.

Bill Hickman, Chair; and

Mr. President:

February 5, 2002

The Quasi-Governmental Entities Committee reports a favorable recommendation on **1st Sub. H.B. 250**, RETIREMENT LAW RECODIFICATION, by Representative R. Bigelow.

Beverly Ann Evans, Chair; and

Mr. President:

February 5, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 68**, UTAH PROCUREMENT CODE AMENDMENTS, by Senator M. Dmitrich; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 153, TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE**, by Senator C. Bramble, with the following amendments:

1. Page 1, Line 6:  
After “amends” delete “the Utah Municipal Code,”
2. Page 1, Lines 9:  
After “changes.” delete “This act prescribes the”
3. Page 1, Lines 10–12:  
Delete lines 10 through 12
4. Page 1, Line 13:  
At the beginning of the line delete “facilities, or services.”
5. Page 1, Line 17:  
Delete line 17
6. Page 1, Line 27:  
Delete line 27
7. Pages 2–6, Lines 28–168:  
Delete lines 28 through 168  
Re-number remaining sections accordingly; and

The Revenue and Taxation Committee recommends **S.B. 154, USE OF RAINY DAY FUNDS**, by Senator P. Hellewell, be replaced and favorably recommends **1st Sub. S.B. 154, USE OF RAINY DAY FUNDS**; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 95, PROPERTY TAXES – NOTICE OF DELINQUENCY**, by Representative M. Dillree; and

Curtis S. Bramble, Chair; and

Mr. President:

February 5, 2002

The State and Local Affairs Committee recommends **S.B. 65, COUNTY LAW REVISIONS**, by Senator D. Gladwell, be replaced and favorably recommends **2nd Sub. S.B. 65, COUNTY LAW REVISIONS**; and

The State and Local Affairs Committee recommends **S.B. 143, PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**, by Senator M. Waddoups, be replaced and

favorably recommends **1st Sub. S.B. 143**, PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 115**, TECHNICAL CHANGES TO ELECTION LAW, by Representative L. Pace; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 199**, INTERIM COMMITTEE MEMBERSHIP, by Representative M. Stephens.

Carlene M. Walker, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 161**, as amended, **S.B. 162**, **H.B. 37**, **H.B. 243**, as amended, **H.B. 245**, as amended, **H.J.R. 5**, **1st Sub. H.B. 250**, **S.B. 68**, **S.B. 153**, as amended, **1st Sub. S.B. 154**, **H.B. 95**, **2nd Sub. S.B. 65**, **1st Sub. S.B. 143**, **H.B. 115**, and **H.B. 199** were placed on Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Julander, the circle was removed from **S.B. 91**, SOCIAL WORKER LICENSING ACT AMENDMENTS, and it was before the Senate. Senator Julander explained the bill. Senators Buttars, Evans, Ed Allen, and Hale commented. The bill failed on the following roll call:

**Yeas, 9; Nays, 16; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Dmitrich	Hale
Knudson	Mayne	Peterson	Steele
Suazo			

**Voting in the negative were:** Senators

Blackham	Bramble	Buttars	Davis
Eastman	Evans	Hellewell	Hickman
Hillyard	Julander	Poulton	Stephenson
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Gladwell	Jenkins	Spencer	Mansell
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**S.B. 91** was filed.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 29**, INTERLOCAL COOPERATION ACT AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. Senators Hillyard, Hickman, Valentine, Stephenson, 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Hale	Jenkins	Mansell
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\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 32**, ELECTRIC POWER FACILITIES AMENDMENTS, and it was before the Senate. Senator Blackham 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	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Buttars	Hale	Jenkins	Spencer
Mansell			

\* \* \*

**H.B. 50**, INDIVIDUAL INCOME TAX PERSONAL RETIREMENT EXEMPTION AND DEDUCTION FOR RETIREMENT INCOME –

ELIMINATING MARRIAGE TAX PENALTIES, was read the second time. Senator Bramble explained the bill. Senators Steele and Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Hale
Jenkins	Spencer	Mansell	

On motion of Senator Valentine, **H.B. 50** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**1st Sub. H.B. 51, SALES AND USE TAX – TAXABILITY OF PARTS AND LABOR**, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Dmitrich
Eastman	Gladwell	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Voting in the negative was:** Senator

E. Allen

**Absent or not voting were:** Senators

Buttars	Davis	Evans	Hale
Jenkins	Mansell		

Senator Paula Julander assumed the chair as President ProTem

\* \* \*

**H.B. 84, PROPERTY TAX ASSESSMENTS – EFFECT OF CONSERVATION EASEMENT**, was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hillyard	Julander
Knudson	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	Evans	Hickman	Jenkins
Poulton	Mansell		

\* \* \*

**H.B. 88, SALES AND USE TAX – AGRICULTURE EXEMPTION**, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

E. Allen	Blackham	Buttars	Evans
Jenkins	Mansell		

\* \* \*

**H.J.R. 14, JOINT RESOLUTION – DEBT LIMITS FOR POLITICAL SUBDIVISIONS**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Evans	Jenkins	Mansell
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On motion of Senator Hickman **H.J.R. 14** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 32, OVERSEAS AND MILITARY VOTERS AMENDMENTS**, was read the second time. Senator Stephenson explained the bill. 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	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Evans	Jenkins	Mansell
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\* \* \*

**H.B. 46, ANNUAL REPORTS GIVEN TO THE LEGISLATURE**, was read the second time. Senator Steele explained the bill. 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	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Evans	Jenkins	Mansell
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\* \* \*

**H.B. 75, CEMETERY MAINTENANCE DISTRICT AMENDMENTS**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	Evans	Hillyard	Jenkins
Spencer	Mansell		

\* \* \*

On motion of Senator Valentine and at 3:30 p.m., the Senate adjourned until 9:30 a.m., Wednesday, February 6, 2002.

# SEVENTEENTH DAY

## MORNING SESSION

The Senate was called to order at 9:40 a.m., with President ProTem Peter Knudson presiding.

**Prayer** – Adam Blanch, Student Body President of Logan High School

**Pledge of Allegiance** – Georgianna Knudson

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

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 6, 2002

The House passed, as substituted, **2nd Sub. H.B. 34**, TOURISM AMENDMENTS, by Representative Sheryl L. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 76**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 111**, STATE RESPONSIBILITY FOR REGULATION OF POSTSECONDARY PROPRIETARY SCHOOLS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 122**, HEALTH INSURANCE BENEFIT DESIGN, by Representative Rebecca D. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 259**, USE OF STATE ARMORIES, by Representative C. Beshear, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 34**, **H.B. 76**, **H.B. 111**, **1st Sub. H.B. 122**, and **H.B. 259** were read the first time and referred to the Rules Committee.

#### THIRD READING CALENDAR

**S.B. 125**, ORGAN DONOR LEAVE FOR STATE EMPLOYEES, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Gladwell	Hale
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Eastman	Evans	Hellewell
Hickman	Jenkins	Spencer	Waddoups
Mansell			

**S.B. 125** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 106, DIVORCE – CHILDREN’S TESTIMONY LIMITED,** was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**1st Sub. S.B. 111, DIVISION OF HOME IN A DIVORCE,** was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 31, INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS,** was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**3rd Sub. S.B. 84, REAL ESTATE APPRAISER AMENDMENTS,** was read the third time, explained by Senator Bramble.

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

1. Page 1, Line 20:  
After “Chapter 2b” insert “Real Estate Appraiser Licensing and Certification Act.”

- 2. Page 2, Line 37:  
Delete "62-2-2" and insert "61-2-2"

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Davis	Jenkins	Poulton
Mansell			

**3rd Sub. S.B. 84**, as amended, was transmitted to the House.

\* \* \*

**S.B. 144, SALES AND USE TAX – DEFINITION OF REGULARLY RENTED**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Wright			

**Absent or not voting were:** Senators

Blackham	Jenkins	Walker	Mansell
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**S.B. 144** was transmitted to the House.

\* \* \*

**S.B. 128, OPEN AND PUBLIC MEETINGS REVISIONS**, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Jenkins	Mansell
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**S.B. 128** was transmitted to the House.

\* \* \*

On motion of Senator Spencer, the circle was removed from **1st Sub. S.B. 106, DIVORCE – CHILDREN’S TESTIMONY LIMITED**, and it was before the Senate. Senator Spencer explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Hillyard	Jenkins	Mayne
Wright	Mansell		

**1st Sub. S.B. 106** was transmitted to the House.

\* \* \*

On motion of Senator Spencer, the circle was removed from **1st Sub. S.B. 111, DIVISION OF HOME IN A DIVORCE**, and it was before the Senate. Senator Spencer explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Buttars	Hillyard	Jenkins
Wright	Mansell		

**1st Sub. S.B. 111** was transmitted to the House.

\* \* \*

**H.B. 24, REVISIONS TO REDEVELOPMENT AGENCY LAWS,** was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Hale
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Blackham	Buttars	Gladwell	Hillyard
Jenkins	Wright	Mansell	

**H.B. 24,** as amended, was returned to the House.

\* \* \*

**S.B. 29, INTERLOCAL COOPERATION ACT AMENDMENTS,** was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 32, ELECTRIC POWER FACILITIES AMENDMENTS**, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 51, SALES AND USE TAX – TAXABILITY OF PARTS AND LABOR**, was read the third time,

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 84, PROPERTY TAX ASSESSMENTS – EFFECT OF CONSERVATION EASEMENT**, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 88, SALES AND USE TAX – AGRICULTURAL EXEMPTION**, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Buttars	Hillyard	Jenkins
Mansell			

**H.B. 88**, as amended, was returned to the House.

\* \* \*

**H.B. 32, OVERSEAS AND MILITARY VOTERS AMENDMENTS**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

E. Allen	Blackham	Buttars	Hillyard
Jenkins	Valentine	Mansell	

**H.B. 32** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 46, ANNUAL REPORTS GIVEN TO THE LEGISLATURE**, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

E. Allen	Blackham	Buttars	Hillyard
Jenkins	Valentine	Mansell	

**H.B. 46** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 75, CEMETERY MAINTENANCE DISTRICT AMENDMENTS**, was read the third time.

On motion of Senator Walker, the bill was circled.

\* \* \*

On motion of Senator Poulton **1st Sub. H.B. 122** was lifted from Rules and placed at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

**1st Sub. H.B. 122, HEALTH INSURANCE BENEFIT DESIGN**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 57, FORFEITED WATER RIGHT ALLOCATION**, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 18, COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES**, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich	Hillyard
Jenkins	Spencer	Steele	Mansell

On motion of Senator Hickman, **H.B. 18** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 47**, REPEAL OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION, was read the second time.

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

**EXTENSION OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION**

**1st Sub. H.B. 47**

*David Gladwell*

THIS ACT MODIFIES THE SUNSET ACT, EXTENDING THE SUNSET DATES ON THE OFFICE OF COURT ADMINISTRATOR AND THE ALTERNATIVE DISPUTE RESOLUTION ACT.

Senator Gladwell explained the bill. Senators Waddoups, Valentine commented.

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

- 1. Page 1, Line 16:  
Delete "2012" and insert "2004"
- 1. Page 1, Line 20:  
Delete "2012" and insert "2007"

Under suspension of rules, **1st Sub. H.B. 47** was read the first and second time and passed to the Third Reading Calendar on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Hickman	Hillyard	Jenkins	Mayne
Wright	Mansell		

\* \* \*

On motion of Senator Poulton, the circle was removed from **1st Sub. H.B. 122**, HEALTH INSURANCE BENEFIT DESIGN, and it was before the Senate. Senator Poulton explained the bill. Senators Ron Allen, Valentine, Davis, Julander, Ed Allen, Eastman, Steele and Knudson commented. Under suspension of the rules, **1st Sub. H.B. 122** was read for the second and third time. On motion of Senator Poulton, intent language was adopted for **1st Sub. H.B. 122**. The bill passed on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Eastman	Evans	Hale	Hellewell
Hickman	Hillyard	Knudson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	Mayne	Peterson	Suazo
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**Absent or not voting were:** Senators

R. Allen	Dmitrich	Gladwell	Jenkins
Julander			

**1st Sub. H.B. 122** was signed by the President of the Senate in open session and returned to the House.

**INTENT LANGUAGE TO 1ST SUB. H.B. 122**

“In passing 1st Substitute H.B. 122, Health Insurance Benefit Design, the Legislature intends the following:

To increase health care coverage for eligible individuals without prior health care coverage by combining, when possible, the resources and efforts of government programs with employers and the private market.

To support the Department of Health’s pursuit of the 115 Medicaid waiver and to encourage the Department of Health to use the Medicaid waiver and any

necessary amendments to the waiver to provide primary care services to an eligible individual without prior health care coverage through an individual or small group policy that is subject to Title 31A, Insurance Code, and which may include other health care benefits paid through private funds.”

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 57**, FORFEITED WATER RIGHT ALLOCATION, and it was before the Senate. Senator Blackham explained the bill. Senators Hillyard and Wright commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hale	Hellewell	Hickman
Hillyard	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Gladwell	Jenkins	Julander
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\* \* \*

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 17**, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS, and it was before the Senate.

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

**DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS**

**2nd Sub. S.B. 17**

*D. Chris Buttars*

THIS ACT AMENDS THE HUMAN SERVICES CODE AND THE JUDICIAL CODE. THE ACT ADDS DEFINITIONS OF VARIOUS TERMS USED IN THE MANAGEMENT INFORMATION SYSTEM AND LICENSING INFORMATION SYSTEM PROVISIONS. THE ACT REORGANIZES AND CLARIFIES STATUTES GOVERNING THE DIVISION OF CHILD AND

FAMILY SERVICES' MANAGEMENT INFORMATION SYSTEM. THE ACT PROVIDES THAT WHEN THE DIVISION MAKES A SUPPORTED FINDING OF CERTAIN TYPES OF SEVERE CHILD ABUSE OR NEGLECT THAT FINDING IS REFERRED TO JUVENILE COURT OR A NOTICE IS PERSONALLY SERVED UPON THE ALLEGED PERPETRATOR. THE ACT PROVIDES THAT IN CERTAIN CIRCUMSTANCES THE ALLEGED PERPETRATOR HAS THE RIGHT TO EITHER CONSENT TO ENTRY OF THE ALLEGED PERPETRATOR'S NAME ON THE LICENSING INFORMATION SYSTEM OR TO PETITION FOR A HEARING BEFORE A JUVENILE COURT JUDGE. THE ACT PROVIDES THAT THE JUVENILE COURT WILL MAKE A FINDING OF SUBSTANTIATED, UNSUBSTANTIATED, OR WITHOUT MERIT AND PROVIDE A COPY OF ITS DETERMINATION TO THE DIVISION. THE ACT PROVIDES THAT THE DIVISION REMOVE INFORMATION FROM THE LICENSING INFORMATION SYSTEM AFTER A JUVENILE COURT MAKES A FINDING. THE ACT CLARIFIES THE RIGHT OF JUDICIAL REVIEW OF FINAL AGENCY ACTION. THE ACT PROVIDES AN OPPORTUNITY FOR CERTAIN PERSONS TO PETITION THE JUVENILE COURT TO REMOVE THEIR NAMES FROM THE LICENSING INFORMATION SYSTEM. THE ACT PROVIDES THAT CERTAIN JUVENILE COURT RECORDS AND RELATED APPELLATE COURT RECORDS ARE ACCESSIBLE FOR LICENSING PURPOSES. THE ACT CLARIFIES THAT INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM AND LICENSING INFORMATION SYSTEM IS A PROTECTED RECORD. THE ACT EXPANDS THE JURISDICTION OF THE JUVENILE COURT. THE ACT MAKES TECHNICAL CHANGES.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 165, PAWNBROKER INDUSTRY REVISIONS**, was read the second time.

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

### **PAWNBROKER INDUSTRY REVISIONS**

**1st Sub. S.B. 165**

*Michael Waddoups*

THIS ACT MODIFIES PROVISIONS RELATED TO PAWNSHOPS BY ENACTING A CHAPTER ENTITLED THE UTAH PAWNBROKING ACT

AND AMENDING RELATED PROVISIONS OF THE CRIMINAL CODE. THIS ACT REQUIRES REGISTRATION OF PAWNHOPS WITH THE DEPARTMENT OF FINANCIAL INSTITUTIONS. THIS ACT REGULATES PAWN TRANSACTIONS AND IMPOSES RECORD KEEPING AND REPORTING REQUIREMENTS ON PAWNBROKER BUSINESSES. THE ACT ESTABLISHES PENALTIES FOR A PAWNBROKER’S FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE CHAPTER. THIS ACT ESTABLISHES AN ELECTRONIC DATABASE OF PAWNHOP TRANSACTIONS ACCESSIBLE BY LAW ENFORCEMENT OFFICIALS OVER THE INTERNET. THIS ACT PRESCRIBES A PROCEDURE FOR PERSONS TO RECOVER PROPERTY THAT HAS BEEN MISAPPROPRIATED AND THAT IS IN THE POSSESSION OF A PAWNBROKER. THIS ACT PROVIDES THAT PAWNBROKER RECORDS ARE PROTECTED RECORDS. THIS ACT TAKES EFFECT ON JULY 1, 2002.

Senator Waddoups explained the bill. Senator Ron Allen 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	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Buttars	Evans	Jenkins	Poulton
Steele			

\* \* \*

**1st Sub. S.B. 104, SALE OF MUNICIPAL POWER SYSTEMS**, was read the second time. Senator Hickman explained the bill.

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

1. Page 3, Line 61:  
Delete “20 days” and insert “three consecutive weeks”

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	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Evans	Jenkins	Julander	Steele
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\* \* \*

**S.B. 152, ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF**, was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Jenkins

\* \* \*

**1st Sub. S.B. 139, DNA EVIDENCE – REMOVING STATUTE OF LIMITATIONS**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Evans	Gladwell	Hale

Hellewell	Hickman	Hillyard	Julander
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

R. Allen	Dmitrich	Eastman	Jenkins
Knudson	Steele		

\* \* \*

**S.B. 161**, LIMITATION OF ALIMONY, was read the second time. Senator Spencer explained the bill.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**S.B. 162**, DEPARTMENT OF HUMAN RESOURCE MANAGEMENT – REPORT OF FUNDED VACANT POSITIONS, was read the second time. Senator Blackham explained the bill. 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	Bramble
Davis	Evans	Gladwell	Hale
Hellewell	Hickman	Julander	Mayne
Peterson	Poulton	Spencer	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Eastman	Hillyard
Jenkins	Knudson	Steele	Waddoups

\* \* \*

On motion of Senator Spencer, the circle was removed from **S.B. 161**, LIMITATION OF ALIMONY, and it was before the Senate. Senator Spencer explained the bill. Senators Hillyard and Walker commented. 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative was:** Senator

Hillyard

**Absent or not voting were:** Senators

Buttars	Jenkins	Steele
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\* \* \*

**S.B. 68, UTAH PROCUREMENT CODE AMENDMENTS**, was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Jenkins	Steele
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\* \* \*

**S.B. 153, TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE**, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
 Jenkins                      Steele

\* \* \*

**1st Sub. S.B. 154, USE OF RAINY DAY FUNDS,** was read the second time. Senator Hellewell explained the bill. Senator Ron Allen commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 7; Absent, 5.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Knudson	Poulton	Spencer
Stephenson	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Hale
Mayne	Peterson	Suazo	

**Absent or not voting were:** Senators

Dmitrich	Jenkins	Julander	Steele
Wright			

\* \* \*

On motion of Senator Davis, the circle was removed from **S.B. 79, LAND SURVEYOR AMENDMENTS,** and it was before the Senate. Senator Davis explained the bill. The bill failed on the following roll call:

**Yeas, 9; Nays, 17; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Hale	Mayne	Peterson	Suazo
Mansell			

**Voting in the negative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Knudson	Poulton	Spencer
Stephenson	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Jenkins	Julander	Steele
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**S.B. 79** was filed.

\* \* \*

**2nd Sub. S.B. 65**, COUNTY LAW REVISIONS, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Knudson	Mayne	Peterson	Poulton
Spencer	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hillyard	Jenkins	Julander
Steele	Valentine		

\* \* \*

On motion of Senator Poulton and at 11:55 a.m., the Senate adjourned until 9:30 a.m., Thursday, February 7, 2002.

# EIGHTEENTH DAY

## MORNING SESSION

The Senate was called to order at 9:45 a.m., with President Al Mansell presiding.

**Prayer** – Pastor Roger Anderson, Our Savior’s Lutheran Church

**Pledge of Allegiance** – Senator Curtis Bramble

**Roll Call** – All Senators present except Senators Jenkins, Evans, and Suazo, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2002

The House passed, **S.J.R. 9**, JOINT AND INTERIM RULES REVISIONS RESOLUTION, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.J.R. 9** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 6, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 25**, ADULT PROTECTIVE SERVICES AMENDMENTS, by Representative P. Jones, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 44**, TRUST DEEDS AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 110**, MOTOR VEHICLE INSURANCE AND CREDIT INFORMATION, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 112**, HEALTH CARE MALPRACTICE ACT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, RECONVEYANCE OF TRUST DEED OR RELEASE OF MORTGAGE, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 251**, FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES LEGISLATIVE TASK FORCE, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE NAMES, by Representative N. Hendrickson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 25**, **1st Sub. H.B. 44**, **1st Sub. H.B. 110**, **H.B. 112**, **H.B. 202**, **H.B. 251**, and **H.J.R. 7** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 6, 2002

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

#### **Business, Labor and Economic Development**

**2nd Sub. H.B. 34** Tourism Amendments (S. Allen)

#### **Education**

**S.B. 167** School Community Councils (B. Wright)

**H.B. 111** State Responsibility for Regulation of Postsecondary Proprietary Schools (A. Bradshaw)

**H.B. 207** Licenses for Educators (S. Allen)

#### **Energy, Natural Resources and Agriculture**

**H.B. 113** Insect Control on Federal Lands (S. Urquhart)

**H.B. 269** Water Commissioner Assessment Amendments (D. Ure)

#### **Health and Environment**

**S.B. 192** Air Quality Act Amendments (B. Wright)

#### **Human Services**

**S.B. 168** Parent Visitation Office (D. E. Allen)

**S.B. 178** Protecting the Unborn Child (L. S. Poulton)

**Judiciary****S.B. 171** Uniform Arbitration Act (L. Hillyard)**Revenue and Taxation****H.B. 182** Tax Review Commission Amendments (C. Bennion)**State and Local Affairs****H.B. 127** County Ballot Questions (C. Buttars)**H.B. 131** Reporting of Data to the Automated Geographic Reference Center (L. Pace)**H.B. 259** Use of State Armories (C. Beshear)**Transportation and Public Safety****S.B. 151** Vehicle History Information (D. Eastman)**S.B. 173** Motor Vehicle Registration for Fleets (D. Eastman)**H.B. 273** Designation of I-80 (D. Bush)

Michael Waddoups  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President:

February 6, 2002

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 146**, BUSINESS ENTITY AMENDMENTS, by Senator J. Valentine; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 64**, CONSUMER PROTECTION AMENDMENTS, by Representative A. Bradshaw, with the following amendments:

1. Page 3, Line 57:  
Bracket "or"
2. Page 3, Line 59:  
Bracket the period and insert "or" at the end of the line. After Line 59

insert the following:

“(d) as required by law for a medical purpose.”

Dan R. Eastman, Chair

Mr. President:

February 5, 2002

The Education Committee reports a favorable recommendation on **S.B. 69**, TUITION TAX CREDITS AND PAYMENTS TO SCHOOL DISTRICTS, by Senator D. C. Buttars; and

The Education Committee reports a favorable recommendation on **S.B. 157**, LOCAL SCHOOL BOARD EMPLOYER POWERS, by Senator B. Wright, with the following amendments:

1. Page 5, Line 141:  
After “(1)” delete “(a)”
2. Page 5, Lines 143–145:  
Delete lines 143–145.

Bill Wright, Chair; and

Mr. President:

February 6, 2002

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 72**, COAL MINING AND RECLAMATION AMENDMENTS, by Senator M. Dmitrich; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 136**, STATE VEGETABLE, by Senator B. Wright; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 159**, ENVIRONMENTAL COMPLIANCE FOR MINERALS REGULATORY PROGRAM, by Senator P. Knudson, with the following amendments:

1. Page 8, line 234:  
After “of the” delete “surface coal”
2. Page 10, line 288:  
After “cease” delete “surface coal”; and

The Energy, Natural Resources, and Agriculture Committee recommends **S.J.R. 12**, RESOLUTION URGING FEDERAL GOVERNMENT REVIEW OF

ALTERNATIVES FOR ATLAS MILL TAILINGS, by Senator M. Dmitrich, be replaced and favorably recommends **1st Sub. S.J.R. 12**, RESOLUTION URGING FEDERAL GOVERNMENT REVIEW OF ALTERNATIVES FOR ATLAS MILL TAILINGS; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 58**, WATER FORFEITURE AMENDMENTS, by Representative M. Styler, with the following amendments:

1. Page 5, line 124:  
After "state" insert "agreement"; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 81**, YOUTH FISHING LICENSE AMENDMENTS, by Representative F. Fife; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 223**, HUNTING LICENSE FEE REFUND, by Representative M. Styler.

Parley Hellewell, Acting Chair;  
and

Mr. President:

February 5, 2002

The Health and Environment Committee reports a favorable recommendation on **S.B. 158**, ORAL HEALTH TASK FORCE, by Senator P. Knudson; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 42**, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY, by Representative A. L. Tyler; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 225**, MENTAL HEALTH PROFESSIONAL FINANCIAL ASSISTANCE GRANTS – TECHNICAL AMENDMENTS, by Representative J. Buffmire; and

The Health and Environment Committee reports a favorable recommendation on **2nd Sub. H.B. 231**, PUBLIC HEALTH AUTHORITY AMENDMENTS, by Representative S. Allen.

Peter C. Knudson, Chair; and

Mr. President:

February 6, 2002

The Judiciary Committee recommends **S.B. 141**, PUNITIVE DAMAGE AWARDS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 141**, PUNITIVE DAMAGE AWARDS; and

The Judiciary Committee reports a favorable recommendation on **S.B. 150**, REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS, by Senator L. Hillyard; and

The Judiciary Committee reports a favorable recommendation on **S.B. 163**, STRUCTURED SETTLEMENT AGREEMENTS, by Senator L. Hillyard; and

The Judiciary Committee reports a favorable recommendation on **H.B. 100**, CRIMINAL CODE DEFINITION AMENDMENT, by Representative G. Adair; and

The Judiciary Committee reports a favorable recommendation on **H.B. 48**, LOCAL SUBSTANCE ABUSE AUTHORITY AMENDMENTS, by Representative P. Ray; and

The Judiciary Committee reports a favorable recommendation on **H.B. 72**, PENALTY FOR MISUSE OF LAWFUL SUBSTANCES, by Representative D. Hogue; and

The Judiciary Committee reports a favorable recommendation on **H.B. 77**, CRIMINAL SENTENCING – MITIGATION AMENDMENTS, by Representative D. Hogue; and

The Judiciary Committee reports a favorable recommendation on **H.B. 224**, GIVING FALSE INFORMATION TO POLICE OFFICER, by Representative K. Morgan, with the following amendments:

1. Page 1, Line 19:  
Delete “misleading” and insert “leading”
2. Page 1, Line 20:  
After “officer” delete the rest of the line
3. Page 1, Line 21:  
Delete “intentionally” and insert “to believe that the person is another actual person. he”

4. Page 1, Line 21:  
After "peace officer" insert "acting"

David L. Gladwell, Chair; and

Mr. President: February 6, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 160**, AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND, by Senator J. Hickman; and

The Transportation and Public Safety Committee recommends **S.B. 164**, SECURE FACILITIES AMENDMENTS, by Senator D. Gladwell, be replaced and favorably recommends **1st Sub. S.B. 164**, SECURE FACILITIES AMENDMENTS with the following amendments:

1. Page 1, Lines 6–8:  
Delete "adopt and authorize institutions of higher education to adopt rules to provide for security in or about designated institutional hearing rooms or to"
2. Page 1, Lines 24–25:  
Delete "adopt and authorize higher education institutions to adopt rules to provide for security in or about designated institutional hearing rooms or to"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.J.R. 11**, RESOLUTION SUPPORTING AMERICA'S DOMESTIC STEEL INDUSTRY, by Senator E. Mayne; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 29**, CHILD RESTRAINT VIOLATIONS, by Representative C. Moss; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 235**, EMERGENCY VEHICLE AMENDMENTS, by Representative P. Ray, with the following amendments:

1. Page 2, Line 30:  
Delete "alternately"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 118**, SPECIAL LICENSE PLATES FOR SEARCH AND RESCUE TEAMS, by Representative B. Ferry; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 197**, OFF-HIGHWAY VEHICLE AMENDMENTS, by Representative B. Goodfellow; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 218**, OVER WEIGHT VEHICLE AMENDMENTS, by Representative T. Hatch.

David H. Steele, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 146**, **1st Sub. H.B. 64**, as amended, **S.B. 69**, **S.B. 157**, as amended, **S.B. 72**, **S.B. 136**, **S.B. 159**, as amended, **1st Sub. S.J.R. 12**, **H.B. 58**, as amended, **H.B. 81**, **H.B. 223**, **S.B. 158**, **H.B. 42**, **H.B. 225**, **2nd Sub. H.B. 231**, **1st Sub. S.B. 141**, **S.B. 150**, **S.B. 163**, **H.B. 100**, **H.B. 48**, **H.B. 72**, **H.B. 77**, **H.B. 224**, as amended, **S.B. 160**, **1st Sub. S.B. 164**, as amended, **S.J.R. 11**, **H.B. 29**, **H.B. 235**, as amended, **H.B. 118**, **H.B. 197**, and **H.B. 218** were placed on Second Reading Calendar.

\* \* \*

Mr. President:

February 6, 2002

The Judiciary Committee reports a favorable recommendation on **1st Sub. H.B. 66**, JUDICIARY AMENDMENTS, by Representative P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

On motion of Senator Poulton, the committee report was adopted. **1st Sub. H.B. 66** was considered read the second time and placed on the Consent Calendar.

## INTRODUCTION OF BILLS

### RESOLUTION RECOGNIZING DISCOVER NAVAJO – PEOPLE OF THE FOURTH WORLD DAY

**S.R. 3**

*Mike Dmitrich*

THIS RESOLUTION OF THE SENATE DESIGNATES FEBRUARY 14, 2002, AS DISCOVER NAVAJO – PEOPLE OF THE FOURTH WORLD DAY DURING THE 2002 OLYMPIC WINTER GAMES IN SALT LAKE CITY, UTAH, was read for the first time and referred to the Rules Committee.

## CONSENT CALENDAR

On motion of Senator Poulton, under suspension of rules the Senate moved to consider the first two bills on the Consent Calendar.

**H.B. 190**, CRIMINAL RESTITUTION AMENDMENTS, was read the third time, explained by Senator Spencer, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Eastman	Gladwell	Hale	Hellewell
Hickman	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Dmitrich	Evans
Hillyard	Jenkins	Suazo	Wright

**H.B. 190** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 63**, LICENSING AMENDMENTS REGARDING BACKGROUND CHECKS, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Eastman	Gladwell	Hale
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Davis	Dmitrich	Evans	Hillyard
Jenkins	Suazo		

**H.B. 63** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**THIRD READING CALENDAR**

On motion of Senator Poulton, the circle was removed from **S.B. 119**, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS,

and it was before the Senate. Senator Poulton explained the bill. Senators Waddoups, Mayne, Blackham, Steele, commented. On motion of Senator Poulton, intent language was adopted for **S.B. 119**. Senator Poulton declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 18; Nays, 5; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Hale	Hellewell
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Walker	Mansell		

**Voting in the negative were:** Senators

Blackham	Buttars	Gladwell	Hickman
Waddoups			

**Absent or not voting were:** Senators

Evans	Hillyard	Jenkins	Julander
Suazo	Wright		

**S.B. 119** was transmitted to the House.

### **INTENT LANGUAGE TO S.B. 119**

“In passing S.B. 119, it is the intent of the Legislature that Workers’ Compensation Fund remain Utah’s workers’ compensation carrier of last resort and that the Workers’ Compensation Fund preserve the Federal Income tax exemption associated with its role as carrier of last resort, including compliance with the requirements of Internal Revenue Code 501 (c)(27)(B).

It is the understanding of the Legislature that the Worker’ Compensation Fund has committed to file and maintain Articles of Incorporation containing provisions which support the intent of the Legislature and that those articles will authorize an Executive Branch official to appoint all qualified public directors to serve on the Workers’ Compensation Fund Board of Directors.”

\* \* \*

**1st Sub. H.B. 47**, EXTENSION OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Gladwell
Hale	Hellewell	Hickman	Julander
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Wright			

**Absent or not voting were:** Senators

Dmitrich	Evans	Hillyard	Jenkins
Knudson	Suazo	Walker	Mansell

**1st Sub. H.B. 47**, as amended, was returned to the House.

\* \* \*

**H.B. 57**, FORFEITED WATER RIGHT ALLOCATION, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Dmitrich	Evans	Jenkins	Suazo
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**H.B. 57** was signed by the President of the Senate in open session and returned to the House.

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On motion of Senator Blackham, the circle was removed from **H.B. 84**, PROPERTY TAX ASSESSMENTS– EFFECT OF CONSERVATION EASEMENT. 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	Bramble
Buttars	Davis	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Dmitrich	Evans	Jenkins	Suazo
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**H.B. 84** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Knudson, the circle was removed from **H.B. 75**, CEMETERY MAINTENANCE DISTRICT AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Evans	Hillyard
Jenkins	Suazo		

**H.B. 75** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. S.B. 165**, PAWNBROKER INDUSTRY REVISIONS, was read the third time, explained by Senator Waddoups.

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

- 1. Page 33, line 993:  
After “proposals” reinstate “. Nothing in” and delete “: but”
- 2. Page 33, line 993:  
After “(40)” reinstate “shall” and delete “may not”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Evans	Hale	Jenkins
Suazo			

**1st Sub. S.B. 165**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Knudson, Lane Beattie, State Olympic Officer, spoke in Committee of the Whole. Senator Walker commented.

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 7, 2002

The House passed **H.C.R. 6**, RESOLUTION WELCOMING THE WORLD TO UTAH – 2002 OLYMPIC WINTER GAMES, by Representative B. Ferry, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 6** was read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **H.C.R. 6** was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.C.R. 6, RESOLUTION WELCOMING THE WORLD TO UTAH – 2002 OLYMPIC WINTER GAMES**, 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Evans	Hale	Jenkins
Julander	Suazo		

**H.C.R. 6** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Poulton, and at 10:55 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2002

The House passed **H.B. 61, FUNDS CONSOLIDATION**, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 116**, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS BY LOCAL GOVERNMENT OFFICIALS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 181**, ALLOCATION OF STATE HOSPITAL BEDS, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 253**, RURAL SCHOOLS – EQUITY IN EDUCATION, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, RESOLUTION REGARDING UNITED STATES MINTING OF THE UTAH QUARTER, by Representative N. Hansen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 61, H.B. 116, H.B. 181, H.B. 253, and H.C.R. 1** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**1st Sub. S.B 104**, SALE OF MUNICIPAL POWER SYSTEMS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Dmitrich
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Blackham	Davis	Evans
Jenkins	Julander	Poulton	Suazo
Waddoups			

**1st Sub. S.B. 104** was transmitted to the House.

\* \* \*

**S.B. 152**, ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. S.B. 139**, DNA EVIDENCE – REMOVING STATUTE OF LIMITATIONS, was read the third time, explained by Senator Hillyard. Senator Buttars commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Mayne	Peterson	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Jenkins
Knudson	Poulton	Suazo	

**1st Sub. S.B. 139** was transmitted to the House.

\* \* \*

**S.B. 162**, DEPARTMENT OF HUMAN RESOURCE MANAGEMENT – REPORT OF FUNDED VACANT POSITIONS, was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 161**, LIMITATION ON ALIMONY, was read the third time.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**S.B. 68**, UTAH PROCUREMENT CODE AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Julander	Mayne	Peterson
Poulton	Steele	Stephenson	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Davis	Evans	Hickman
Hillyard	Jenkins	Knudson	Spencer
Suazo	Wright		

**S.B. 68** was transmitted to the House.

\* \* \*

**S.B. 153, TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE**, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**1st Sub. S.B. 154, USE OF RAINY DAY FUND**, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**2nd Sub. S.B. 65, COUNTY LAW REVISIONS**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Mayne	Peterson	Poulton
Steele	Stephenson	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Jenkins	Knudson
Spencer	Suazo	Valentine	Wright

**2nd Sub. S.B. 65** was transmitted to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 153, TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE**, and it was before the Senate.

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

1. Page 1, Line 14:  
After "2002." insert "This act provides a coordination clause."
2. Page 38, Line 1158:  
After line 1158 insert:  
"Section 11. Coordination clause."

If this bill and H.B. 249, Sales and Use Tax -- Location of Transactions, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the database so that Section 59-12-207 shall read:

59-12-207

Report of tax collections -- Point of sale when retailer has no permanent place of business or more than one place of business is determined by rule of commission -- Public utilities -- Mobile telecommunications service.

~~[All]~~ (1) Except as provided in Subsection (5), any sales and use taxes collected under this part shall be reported to the commission on forms [which] that accurately identify the location where the [sale or use] transaction [was] resulting in a tax under this chapter is consummated.

~~[If]~~ (2) Except as provided in Subsection (5), for purposes of this part, the location of where a transaction is consummated:

(a) is determined under rules of the commission if:

- (i) a retailer has no permanent place of business in the state; or
- (ii) ~~has more than one place of business[, the place or places at which the retail sales are consummated for the purposes of this part shall be determined under rules of the commission. In those counties where the taxes herein authorized are imposed, public utilities as defined by Title 54, are not obligated to determine the place or places within any county~~

~~where public utility services are rendered, and the commission shall apportion to cities and towns within the respective counties, revenues arising from such services, on an equitable basis pursuant to an appropriate formula and under rules to be prescribed and adopted by it.]; and~~

(b) is where a purchaser receives the following products or services sold by a public utility, as defined in Section 54-2-1, to that purchaser:

(i) gas;

(ii) electricity; or

(iii) telephone services.

(3) The form required under Subsection (1) shall:

(a) accompany the sales and use tax returns required under this chapter; and

(b) identify the location of any transaction consummated during the return filing period.

(4) Subject to Subsection (5) and in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules regarding the determination of the location of where under Subsection (2)(a) a transaction is consummated.

(5) Notwithstanding Subsections (1) and (2), mobile telecommunications service is subject to the sourcing rules provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.”

Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Julander
Mayne	Peterson	Poulton	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Evans	Hale	Jenkins
Knudson	Spencer	Suazo	

**S.B. 153**, as amended, was transmitted to the House.

## SECOND READING CALENDAR

**H.B. 30, MASTER STATE HIGHWAY AMENDMENTS**, was read the second time. Senator Steele explained the bill. 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	Bramble
Buttars	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Julander
Mayne	Peterson	Poulton	Steele
Stephenson	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Davis	Evans	Hale	Jenkins
Knudson	Spencer	Suazo	Waddoups

\* \* \*

**H.B. 40, PUBLIC SAFETY – DIVISION NAME CHANGE**, was read the second time. Senator Ron Allen explained the bill. Senators Waddoups, and Ed Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Evans	Hale	Jenkins	Knudson
Stephenson	Suazo		

\* \* \*

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 17, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS**, and it was before the Senate. Senator Buttars explained the bill.

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

1. Page 4, Line 108:  
After "Chapter 46a" insert "Utah"
2. Page 7, Line 205:  
After "(2)," insert "and"
3. Page 19, Line 574:  
After "(2)" insert a comma
4. Page 19, Line 580:  
Delete "(7)" and insert "(5)"
5. Page 19, Line 582:  
After "court" delete "a petition"
6. Page 21, Line 616:  
After "has" delete "make" and insert "made"
7. Page 21, Line 639:  
Delete "three years" and insert "one year"
8. Page 22, Line 647:  
After line 647 insert the following:  
"(d) Consent under Subsection (6)(a)(i) by a minor shall be given by the minor's parent or guardian."
9. Page 22, Line 651:  
Delete "Subsection" and insert "Subsections" and after "(i)" insert "and (5)"
10. Page 22, Line 669:  
After "appealed" insert a comma
11. Page 23, Line 700:  
After "of" delete "Section" and insert "Sections" and after "and" delete "Section"
12. Page 23, Line 705:  
After "this" delete "subsection" and insert "Subsection (6)" and after "in" delete "Section" and add "Sections"
13. Page 23, Line 706:  
After "and" delete "Section"

14. Page 27, Line 823:  
Bracket “(3)” and insert “(4)”
15. Page 29, Line 877:  
After line 877 insert the following:  
“(7)(a) An alleged perpetrator may not make a request under Subsection (4) to challenge a supported finding if a court of competent jurisdiction has made a determination, in a proceeding in which the alleged perpetrator was a party, that the alleged perpetrator is substantially responsible for the abuse, neglect, or dependency which was also the subject of the supported finding.  
(b) An adjudicative proceeding under Subsection (5) may be stayed during the time a judicial action on the same matter is pending.”
16. Page 43, Line 1324:  
Bracket “(r)” and insert “(s)”
17. Page 48, Line 1462:  
After “62A-4a-116.6(1)” delete “, whether or not that person has”
18. Page 48, Line 1463:  
Delete “received the notice described in Subsection 62A-4a-116.6(2).” and after “time” insert “, within one year after the notice is sent by the Division of Child and Family Services.”
19. Page 48, Line 1476:  
After line 1476 insert the following:  
“Section 19. Coordination clause.  
If this bill and S.B. 101, Criminal Background Checks for Licensed Providers of Human Services, both pass, it is the intent of the Legislature that Subsection 62A-2-121(3) read as follows:  
(3) The [office] 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 direct access to children and who is listed in the Licensing Information System or has a substantiated finding by a court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2) may provide [child placing services, foster care, youth programs, substitute care, or institutionalized care for children in a facility licensed by the department] services to children.”

Senators Walker, Steele, and Valentine commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Mayne
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

R. Allen	Julander	Peterson
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**Absent or not voting were:** Senators

Evans	Hale	Jenkins	Knudson
Suazo			

\* \* \*

On motion of Senator Hellewell, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Hellewell, the circle was removed from **1st Sub. S.B. 154, USE OF RAINY DAY FUNDS**, and it was before the Senate. Senator Hellewell explained the bill.

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

1. Page 2, line 27:  
Delete "interest earnings and"

Senators Ed Allen, Hillyard, Hickman, Steele, Peterson, Buttars and Hale commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Knudson	Poulton	Spencer	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

Evans	Jenkins	Suazo
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**1st Sub. S.B. 154**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Spencer, the circle was removed from **S.B. 161**, LIMITATION ON ALIMONY, and it was before the Senate. Senator Spencer explained the bill.

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

1. Page 4, Line 102:

After "circumstances." Delete the next sentence and insert: "Alimony may not be terminated until a hearing is held on the issue of alimony."

Senators Hillyard commented. The bill failed on the following roll call:

**Yeas, 12; Nays, 13; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Davis	Eastman
Hellewell	Hickman	Knudson	Poulton
Spencer	Stephenson	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Gladwell
Hale	Hillyard	Julander	Mayne
Peterson	Steele	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Dmitrich	Evans	Jenkins	Suazo
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**S.B. 161** was returned to staff for filing.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 152**, ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF, and it

was before the Senate. Senator Blackham explained the bill. Senators Davis, Waddoups and Hickman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Gladwell	Hale
Hellewell	Hillyard	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

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

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Jenkins
Poulton	Suazo		

**S.B. 152** was transmitted to the House.

\* \* \*

On motion of Senator Bramble, **1st Sub. H.B. 51, SALES AND USE TAX – TAXABILITY OF PARTS AND LABOR**, was uncircled and explained by Senator Bramble.

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

**SALES AND USE TAX MODIFICATIONS**

**3rd Sub. H.B. 51**

*Wayne A. Harper*

THIS ACT AMENDS THE SALES AND USE TAX ACT TO EXEMPT FROM SALES AND USE TAXES SALES OF CERTAIN PARTS. THE ACT EXEMPTS FROM SALES AND USE TAXES CERTAIN AMOUNTS PAID OR CHARGED FOR SERVICES FOR REPAIRS OR RENOVATIONS OF TANGIBLE PERSONAL PROPERTY OR TO INSTALL TANGIBLE PERSONAL PROPERTY IN CONNECTION WITH OTHER TANGIBLE PERSONAL PROPERTY. THE ACT ALSO EXEMPTS FROM SALES AND USE TAXES CERTAIN INTRASTATE TRANSPORTATION OF PASSENGERS BY A HORSE–DRAWN CAB OR A HORSE–DRAWN CARRIAGE, AND

MAKES TECHNICAL CHANGES. THE ACT TAKES EFFECT ON JULY 1, 2002.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Jenkins
Julander	Suazo	Valentine	

**3rd Sub. H.B. 51**, as substituted, was returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 162**, DEPARTMENT OF HUMAN RESOURCE MANAGEMENT – REPORT OF FUNDED VACANT POSITIONS, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Jenkins
Julander	Suazo	Valentine	

**S.B. 162** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Ron Allen, the Senate moved to lift **S.R. 3** from Rules and place it at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Ron Allen, under suspension of the rules, **S.R. 3, RESOLUTION RECOGNIZING DISCOVER NAVAJO – PEOPLE OF THE FOURTH WORLD DAY**, was considered read the second and third times. Senator Ron Allen explained the bill. 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	Bramble
Davis	Eastman	Gladwell	Hale
Hellewell	Hickman	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Evans	Hillyard
Jenkins	Julander	Spencer	Suazo

**S.R. 3** was signed by the President in open session and enrolled.

\* \* \*

**H.B. 74, SAFETY INSPECTIONS REGARDING WINDOW TINTING**, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Eastman	Gladwell	Hale	Hellewell

Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich	Evans
Jenkins	Suazo		

\* \* \*

**H.B. 87, UNMARKED VEHICLE AMENDMENTS**, was read the second time. Senator Knudson explained the bill. Senators Bramble, Waddoups, Eastman, Mansell, and Hellewell commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 8; Absent, 5.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Gladwell	Hale
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Steele	Walker

**Voting in the negative were:** Senators

Blackham	Hellewell	Poulton	Spencer
Stephenson	Waddoups	Wright	Mansell

**Absent or not voting were:** Senators

Dmitrich	Evans	Jenkins	Suazo
Valentine			

\* \* \*

**H.B. 94, SPECIAL FUEL TAX AMENDMENTS**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne

Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans	Jenkins	Suazo
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\* \* \*

**H.B. 198, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS,** was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Evans	Jenkins	Spencer	Suazo
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\* \* \*

**H.B. 13, REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE,** was read the second time.

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

**REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE**

**1st Sub. H.B. 13**

*DeMar Bud Bowman*

THIS ACT MODIFIES THE PERSONNEL MANAGEMENT ACT BY REPEALING THE HUMAN RESOURCE ADVISORY COMMITTEE. THIS ACT MAKES CONFORMING CHANGES CONSISTENT WITH THE REPEAL OF THE COMMITTEE. THIS ACT MODIFIES PROVISIONS GOVERNING POSITION CLASSIFICATION GRIEVANCES.

Senator Ron Allen 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Evans	Jenkins	Spencer	Steele
Suazo			

\* \* \*

**H.B. 28, IMMUNITY FROM LIABILITY IN CHILD WELFARE INVESTIGATIONS**, was read the second time. Senator Wright explained the bill.

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

- Page 1, Line 20:  
After "established" insert "through an administrative due process hearing, as provided by Section 67-19a-406, or a district court proceeding."

Senator Davis commented. The bill, as amended, passed on the following roll call:

**Yeas, 16; Nays, 8; Absent, 5.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Knudson	Poulton	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

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

**Absent or not voting were:** Senators

Evans	Jenkins	Mayne	Spencer
Suazo			

\* \* \*

**H.B. 204**, RESPONSIBILITY OF ATTORNEY GENERAL TO REPRESENT DIVISION OF CHILD AND FAMILY SERVICES, was read the second time. Senator Bramble explained the bill. Senator Gladwell commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Dmitrich
Eastman	Gladwell	Hellewell	Hickman
Hillyard	Knudson	Mayne	Peterson
Poulton	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Hale
Julander			

**Absent or not voting were:** Senators

Evans	Jenkins	Spencer	Steele
Suazo			

\* \* \*

On motion of Senator Waddoups, **1st Sub. S.B. 143** was moved to the top of the Second Reading Calendar.

\* \* \*

**1st Sub S.B. 143**, PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, was read the second time.

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

**PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**

**2nd Sub. S.B. 143**

*Michael G. Waddoups*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT BY MODIFYING PROVISIONS RELATING TO

EMPLOYEE RECORDS. THIS ACT REPEALS CONFLICTING PROVISIONS ENACTED IN 2001. THE SUBSTANTIVE PROVISIONS OF THIS ACT TAKE EFFECT JULY 1, 2003, WHILE THE REPEALERS TAKE EFFECT JULY 1, 2002.

On motion of Senator Waddoups, the bill was circled.

## **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 7, 2002

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

### **Business, Labor and Economic Development**

**S.B. 175** Charitable Solicitations Act Amendments (P. Hellewell)  
**H.B. 202** Reconveyance of Trust Deed or Release of Mortgage  
(T. Hatch)

### **Education**

**H.B. 76** Process for Creation of New School Districts (D. Cox)

### **Health and Environment**

**S.J.R. 14** Resolution on Yucca Mountain as Nuclear Waste  
Repository (G. Davis)  
**1st Sub. H.B. 12** Use of Tobacco Settlement Interest Proceeds (K. Morgan)  
**H.B. 112** Health Care Malpractice Act Amendments (K. Garn)  
**H.B. 251** Funding of State and County Health and Human Services  
Legislative Task Force (J. Seitz)

### **Judiciary**

**S.B. 64** Criminal Code Amendments (A. Suazo)  
**1st Sub. H.B. 44** Trust Deeds Amendments (D. Clark)

### **State and Local Affairs**

**S.B. 75** Statutory Annual Report Requirement (P. Julander)  
**S.B. 198** Basic Human Needs Referendum Act (M. Dmitrich)  
**H.J.R. 7** Joint Rules Resolution – Appropriations Subcommittee  
Names (N. Hendrickson)

**Transportation and Public Safety****S.B. 191** Law Enforcement Revolving Account (P. Knudson)Michael Waddoups  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 7, 2002

The Human Services Committee reports a favorable recommendation on **H.B. 237**, SPOUSE ABUSE AMENDMENTS, by Representative G. Adair, with the following amendments:

1. Page 2, Line 33:  
After “Services” insert “, unless the court finds that there is no licensed program reasonably available”

Bill Hickman, Chair; and

Mr. President: February 7, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 166**, INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 119**, ASSESSMENT OF PROPERTY SUBJECT TO A MINIMUM PARCEL SIZE, by Representative J. Murray; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 185**, REAUTHORIZATION OF INDIVIDUAL INCOME TAX CREDIT – TUTORING DISABLED DEPENDENTS, by Representative J. Buffmire; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 193**, REDEVELOPMENT AGENCIES NOTICE REQUIREMENTS, by Representative M. Stephens.

Curtis S. Bramble, Chair

On motion of Senator Poulton, the committee reports were adopted. **H.B. 237**, as amended, **S.B. 166**, **H.B. 119**, **H.B. 185**, and **H.B. 193** were placed on Second Reading Calendar.

\* \* \*

Mr. President:

February 7, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 212**, SPECIAL SERVICE DISTRICT AMENDMENTS, by Representative E. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Poulton, the committee report was adopted. **2nd Sub. H.B. 212** was considered read the second time and placed on the Consent Calendar.

\* \* \*

On motion of Senator Poulton and at 1:10 p.m., the Senate adjourned until 8:00 a.m., Monday, February 25, 2002.

# THIRTY-SIXTH DAY

## MORNING SESSION

The Senate was called to order at 9:25 a.m., with President Al Mansell presiding.

**Prayer** – Senator Parley Hellewell

**Pledge of Allegiance** – Senator Terry Spencer

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 7, 2002

The House passed, as substituted, **1st Sub. H.B. 252**, GENERAL OBLIGATION BONDS FOR ENGINEERING BUILDINGS, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 256**, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 257**, PROOF OF AGE UNDER THE ALCOHOLIC BEVERAGE CODE, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed **H.J.R. 17**, RESOLUTION CLOSING COURT FACILITY, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 252**, **H.B. 256**, **H.B. 257**, and **H.J.R. 17** were read the first time and referred to the Rules Committee.

#### CONSENT CALENDAR

**1st Sub. H.B. 66**, JUDICIARY AMENDMENT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	Evans	Wright
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**1st Sub. H.B. 66** was signed by the President in open session and returned to the House.

\* \* \*

**2nd Sub. H.B. 212, SPECIAL SERVICE DISTRICT AMENDMENTS,** was read the third time.

On motion of Senator Mayne, the bill was circled.

**THIRD READING CALENDAR**

**H.B. 30, MASTER STATE HIGHWAY AMENDMENTS,** was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Blackham

**H.B. 30** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 40, PUBLIC SAFETY – DIVISION NAME CHANGE**, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**H.B. 40** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**2nd Sub. S.B. 17, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS**, was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**H.B. 74, SAFETY INSPECTIONS REGARDING WINDOW TINTING**, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**H.B. 74** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 87, UNMARKED VEHICLE AMENDMENTS**, was read the third time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**H.B. 94, SPECIAL FUEL TAX AMENDMENTS**, was read the third time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

On motion of Senator Mayne, under suspension of the rules, the Senate voted to move to Consent Calendar.

### CONSENT CALENDAR

On motion of Senator Mayne, the circle was removed from **2nd Sub. H.B. 212, SPECIAL SERVICE DISTRICT AMENDMENTS**. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**2nd Sub. H.B. 212** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 198**, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**H.B. 198** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 13**, REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE, was read the third time, explained by Senator Ron Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**1st Sub. H.B. 13**, as amended, was returned to the House.

\* \* \*

**H.B. 28**, IMMUNITY FROM LIABILITY IN CHILD WELFARE INVESTIGATIONS, was read the third time, explained by Senator Wright. Senator Steele commented.

On motion of Senator Steele, the bill was circled.

\* \* \*

**H.B. 204**, RESPONSIBILITY OF ATTORNEY GENERAL TO REPRESENT DIVISION OF CHILD AND FAMILY SERVICES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

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

**H.B. 204**, as amended, was returned to the House.

\* \* \*

On motion of Senator Knudson, the circle was removed from **H.B. 87**, UNMARKED VEHICLE AMENDMENTS. Senators Hickman, Spencer, Blackham, and Bramble commented and the bill failed on the following roll call:

**Yeas, 14; Nays, 15; Absent, 0.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Eastman
Gladwell	Hale	Hillyard	Julander
Knudson	Peterson	Steele	Suazo
Valentine	Walker		

**Voting in the negative were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Evans	Hellewell	Hickman	Jenkins
Mayne	Poulton	Spencer	Stephenson
Waddoups	Wright	Mansell	

**H.B. 87** was returned to the House for filing.

\* \* \*

On motion of Senator Hickman, a bill file was opened for the purpose of highway funding.

**SECOND READING CALENDAR**

**S.B. 146**, BUSINESS ENTITY AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

\* \* \*

Senator Ed Allen assumed the chair as President ProTem

\* \* \*

On motion of Senator Spencer, the circle was removed from **S.B. 145**, OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES, and it was before the Senate.

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

**OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES**

**1st Sub. S.B. 145**

*Terry Spencer*

THIS ACT MODIFIES OUTDOOR ADVERTISING PROVISIONS TO REQUIRE COUNTIES AND MUNICIPALITIES TO ACCOMMODATE A MOVE OF AN OUTDOOR ADVERTISING STRUCTURE TO COMPLY WITH

REQUIREMENTS RELATING TO DISTANCE FROM HIGH VOLTAGE OVERHEAD LINES. THE ACT PROVIDES AN EFFECTIVE DATE.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**S.B. 69**, TUITION TAX CREDITS AND PAYMENTS TO SCHOOL DISTRICTS, was read the second time.

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

**TUITION TAX CREDITS AND PAYMENTS TO SCHOOL DISTRICTS**

**1st Sub. S.B. 69**

*D. Chris Buttars*

THIS ACT MODIFIES CORPORATE FRANCHISE AND INCOME TAXES AND THE INDIVIDUAL INCOME TAX ACT TO PROVIDE FOR NONREFUNDABLE TAX CREDITS FOR CONTRIBUTIONS MADE TO A SCHOLARSHIP GRANTING ORGANIZATION TO BE USED FOR TUITION GRANTS FOR A QUALIFYING STUDENT TO ATTEND A PRIVATE SCHOOL, OR NONREFUNDABLE TAX CREDITS FOR AMOUNTS PAID FOR TUITION TO A PRIVATE SCHOOL ON BEHALF OF A QUALIFYING STUDENT. THE ACT PROVIDES DEFINITIONS AND ESTABLISHES PROCEDURES AND REQUIREMENTS FOR ADMINISTERING THE TAX CREDITS. THE ACT ESTABLISHES DUTIES OF SCHOLARSHIP GRANTING ORGANIZATIONS AND PROVIDES PENALTIES. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2002.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 157**, LOCAL SCHOOL BOARD EMPLOYER POWERS, was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**S.B. 72**, COAL MINING AND RECLAMATION AMENDMENTS, was read the second time. Senator Dmitrich explained the bill. Senator Dmitrich declared a conflict. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars                      Mansell

\* \* \*

**S.B. 136, STATE VEGETABLE,** was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

On motion of Senator Wright, the circle was removed from **S.B. 157, LOCAL SCHOOL BOARD EMPLOYER POWERS,** and it was before the Senate. Senator Wright explained the bill. Senators Ron Allen, Spencer, Hillyard, Hale, Steele, Bramble, Stephenson, and Valentine commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Poulton	Spencer
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

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

**Absent or not voting was:** Senator

Steele

\* \* \*

On motion of Senator Peterson, and at 10:45 a.m., the Senate sauntered.

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

\* \* \*

On motion of Senator Waddoups, the circle was removed from **2nd Sub. S.B. 143, PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS**, and it was before the Senate. Senator Waddoups explained the bill. Senator Walker 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Evans	Spencer	Steele	Valentine
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\* \* \*.

**S.B. 159, ENVIRONMENTAL COMPLIANCE FOR MINERALS REGULATORY PROGRAM**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Gladwell                      Poulton                      Spencer                      Steele

\* \* \*

**1st Sub. S.J.R. 12, RESOLUTION URGING FEDERAL GOVERNMENT REVIEW OF ALTERNATIVES FOR ATLAS MILL TAILINGS**, was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Spencer                      Stephenson

\* \* \*

**S.B. 158, ORAL HEALTH TASK FORCE**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Dmitrich                      Spencer

\* \* \*

**1st Sub. S.B. 141, PUNITIVE DAMAGE AWARDS**, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Steele
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\* \* \*

**S.B. 150, REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Steele
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\* \* \*

**S.B. 163, STRUCTURED SETTLEMENT AGREEMENTS**, was read the second time. Senator Hillyard explained the bill.

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

- 1. Page 3, line 82:  
 After line 82, insert:  
“(5) Notwithstanding anything to the contrary in this Section, subsections (4)(n) and (o) shall only be effective to security interests created on or after May 6, 2002.”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Evans, a bill file was authorized to be opened for the purpose of drafting a resolution recognizing Mitt Romney.

\* \* \*

On motion of Senator Wright, the circle was removed from **1st Sub. S.B. 132, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE**, and it was before the Senate.

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

**EDUCATION ASSOCIATION LEAVE**

**2nd Sub. S.B. 132**

*Bill Wright*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY PROVIDING A DEFINITION OF ASSOCIATION LEAVE AND

REQUIRING A SCHOOL DISTRICT TO ADOPT A POLICY THAT GOVERNS PAID AND UNPAID ASSOCIATION LEAVE BEFORE THEY MAY BE USED BY A SCHOOL DISTRICT EMPLOYEE. THIS ACT SPECIFIES THE PROCEDURES AND CONTROLS THAT SHALL BE CONTAINED IN A SCHOOL DISTRICT'S PAID ASSOCIATION LEAVE POLICY.

On motion of Senator Wright, the bill was circled.

\* \* \*

On motion of Senator Wright, the circle was removed from **S.B. 136**, STATE VEGETABLE, and it was before the Senate. Senator Wright explained the bill. Senators Bramble, Ed Allen, Ron Allen, and Knudson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Knudson	Mayne	Peterson	Poulton
Suazo	Valentine	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

R. Allen	Blackham	Bramble	Davis
Hale	Hillyard	Stephenson	Waddoups

**Absent or not voting were:** Senators

Buttars	Julander	Spencer	Steele
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\* \* \*

**S.B. 160**, AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND, was read the second time. Senator Hickman explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman

Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Spencer	Steele
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\* \* \*

**1st Sub. S.B. 164**, SECURE FACILITIES AMENDMENTS, was read the second time.

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

**SECURE FACILITIES AMENDMENTS**

**2nd Sub. S.B. 164**

*David Gladwell*

THIS ACT MODIFIES PROVISIONS RELATED TO SECURITY PROCEDURES AT STATE INSTITUTIONS OF HIGHER EDUCATION BY ALLOWING THE STATE BOARD OF REGENTS TO AUTHORIZE INSTITUTIONS OF HIGHER EDUCATION TO ESTABLISH NO MORE THAN ONE HEARING ROOM AT EACH INSTITUTION AS SECURE AREAS AS PRESCRIBED IN SECTION 76-8-311.1. THE ACT MAKES TECHNICAL CHANGES AND PROVIDES AN EFFECTIVE DATE.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Spencer
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\* \* \*

**S.J.R. 11**, RESOLUTION SUPPORTING AMERICA'S DOMESTIC STEEL INDUSTRY, was read the second time. Senator Mayne explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard	Spencer
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\* \* \*

**S.B. 166**, INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Spencer
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### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2002

The House concurred in the Senate amendments and passed **H.B. 24**, REVISIONS TO REDEVELOPMENT AGENCY LAWS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 88**, SALES AND USE TAX – AGRICULTURAL EXEMPTION, by Representative E. Anderson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 24** and **H.B. 88** were signed by the President returned to the House.

\* \* \*

Mr. President:

February 25, 2002

The House passed, **S.B. 13**, ALCOHOLIC BEVERAGE SERVICE – WARNING REQUIRED, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 86**, FUNDING OF THE CONTROLLED SUBSTANCES DATABASE, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 95**, UNINCORPORATED COUNTY AMENDMENTS, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 108**, PETE SUAZO PROFESSIONAL ATHLETIC COMMISSION AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 115**, MOBILE HOME PARK RESIDENCY TECHNICAL REVISIONS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 123**, VENUE FOR CONSUMER TRANSACTIONS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 142**, 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

**S.B. 13**, **S.B. 86**, **S.B. 95**, **S.B. 108**, **S.B. 115**, **S.B. 123**, and **S.B. 142** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 7, 2002

The House passed, as amended, **H.B. 196**, DIVORCE AND PARENT-TIME REVISIONS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 254**, FIREMEN'S CIVIL SERVICE COUNCIL AMENDMENTS, by Representative J. M. Philpot, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 276**, ASSESSMENT ON TITLE INSURERS, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.B. 280**, PLANETARIUM BOARD AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 291**, OBLIGATIONS RELATED TO MORTGAGE LOAN RESERVE ACCOUNTS, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, RESOLUTION SUPPORTING BUSINESSES, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 10**, RESOLUTION URGING FEDERAL CONSTITUTIONAL AMENDMENT TO PROTECT THE LIFE OF THE UNBORN, by Representative G. Way, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 196**, **H.B. 254**, **H.B. 276**, **H.B. 280**, **H.B. 291**, **H.C.R. 2**, and **H.J.R. 10** were read the first time and referred to the Rules Committee.

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:40 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2002

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 47**, EXTENSION OF SUNSET DATES ON OFFICE OF COURT

ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION, by Representative G. Way, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Gladwell, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 47**. President Mansell appointed a conference committee consisting of Senators Gladwell, Spencer and Davis to meet with a like committee from the House.

\* \* \*

Mr. President:

February 25, 2002

The House passed **H.B. 62**, LEGISLATIVE AREA OF STATE CAPITOL, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 103**, INDIVIDUAL INCOME TAX DEDUCTION FOR NET CAPITAL GAIN, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 132**, SALE OF STATE LANDS AT DEVELOPMENTAL CENTER, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed **H.B. 264**, FUNDS CONSOLIDATION, BUDGET PROCEDURES, AND FUND RECLASSIFICATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 7**, RESOLUTION APPROVING LANDFILL FOR CONSTRUCTION AND DEMOLITION DEBRIS, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.J.R. 22**, RESOLUTION OPPOSING INCREASED VIOLENCE IN SPORTS AGAINST SPORTS OFFICIALS, by Representative D. Hogue, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 62**, **H.B. 103**, **1st Sub. H.B. 132**, **H.B. 264**, **H.C.R. 7**, and **H.J.R. 22** were read the first time and referred to the Rules Committee.

### RULES COMMITTEE REPORTS

To the Members of the Senate:

February 25, 2002

The Rules Committee substituted **S.B. 186**, Unemployment Benefits – Exemption for Corporate Officers with **1st Sub. S.B. 186**, Unemployment

Benefits – Exemption for Corporate Officers, by Sen. Hellewell and recommends assignment of the following bills and resolutions to standing committees:

### **Business, Labor and Economic Development**

- S.B. 176** Utah Revised Nonprofit Corporation Act Amendments (L. Hillyard)
- 1 Sub S.B. 186** Unemployment Benefits – Exemption for Corporate Officers (P. Hellewell)
- H.B. 61** Funds Consolidation (J. Alexander)
- H.C.R. 1** Resolution Regarding United States Minting of the Utah Quarter (N. Hansen)

### **Education**

- S.B. 181** Higher Education Technology Amendments (L. Hillyard)
- 1st Sub. H.B. 252** General Obligation Bonds for Engineering Buildings (G. Adair)
- H.B. 253** Rural Schools – Equity in Education (B. Johnson)

### **Health and Environment**

- S.B. 172** Health Insurance Prompt Pay Amendments (P. Knudson)
- H.B. 266** Hearing Instrument Specialist Amendments (A. Bradshaw)

### **Human Services**

- 1st Sub. H.B. 25** Adult Protective Services Amendments (P. Jones)
- H.B. 181** Allocation of State Hospital Beds (J. Seitz)
- H.J.R. 4** Resolution Encouraging Cultural Competency in the Delivery of Health Care (J. Buffmire)

### **Judiciary**

- S.B. 149** Ethics Amendments (L. S. Poulton)
- S.B. 177** Jury Trial for Termination of Parental Rights Cases (B. Wright)
- 3rd Sub. H.B. 226** Termination of Parental Rights Amendments (M. Throckmorton)
- H.J.R. 17** Resolution Closing Court Facility (C. Bennion)

### **Revenue and Taxation**

- S.B. 185** Sales and Use Tax – Exemption for Certain Coupons (M. Peterson)
- S.B. 195** Sales and Use Tax Amendments (J. Hickman)

**State and Local Affairs**

**H.B. 116** Attendance At Local Government Meetings by Local Government Officials (M. Thompson)

**Transportation and Public Safety**

**H.B. 256** Constitutional Defense Council Amendments (S. Urquhart)

**H.B. 257** Proof of Age Under the Alcoholic Beverage Code (D. Bourdeaux)

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

To the Members of the Senate: February 25, 2002

The Rules Committee substituted **H.B. 4**, Motorboat Driver Licensing and Boating under the Influence Provisions, by Rep. Pace with **1st Sub. H.B. 4**, Motorboating and Boating under the Influence Provisions; and

The Rules Committee requests the return of **H.B. 258**, Voter Identification Requirements, by Rep. Lockhart, from the State and Local Affairs Standing Committee to the Rules Committee.

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee reports were adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 25, 2002

The Business, Labor, and Economic Development Committee recommends **S.B. 102**, BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS, by Senator H. Stephenson, be replaced and favorably recommends **2nd Sub. S.B. 102**, BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **2nd Sub. H.B. 34**, TOURISM AMENDMENTS, by Representative S. Allen; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 202**, RECONVEYANCE OF TRUST DEED OR RELEASE OF MORTGAGE, by Representative T. Hatch.

Dan R. Eastman, Chair

Mr. President: February 25, 2002

The Education Committee reports a favorable recommendation on **S.B. 167**, SCHOOL COMMUNITY COUNCILS, by Senator B. Wright.

Bill Wright, Chair

Mr. President: February 25, 2002

The Health and Environment Committee recommends **S.J.R. 14**, RESOLUTION ON YUCCA MOUNTAIN AS NUCLEAR WASTE REPOSITORY, by Senator G. Davis, be replaced and favorably recommends **2nd Sub. S.J.R. 14**, RESOLUTION ON YUCCA MOUNTAIN AS NUCLEAR WASTE REPOSITORY; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 112**, HEALTH CARE MALPRACTICE ACT AMENDMENTS, by Representative K. Garn; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 251**, FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES LEGISLATIVE TASK FORCE, by Representative J. Seitz.

Peter Knudson, Chair

On motion of Senator Knudson, the committee reports were adopted. **2nd Sub. S.B. 102**, **2nd Sub. H.B. 34**, **H.B. 202**, **S.B. 167**, **2nd Sub. S.J.R. 14**, **H.B. 112**, and **H.B. 251** were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 25, 2002

The Business, Labor, and Economic Development Committee has returned **S.B. 175**, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Senator P. Hellewell, to the Secretary of the Senate.

Dan R. Eastman, Chair

## SECOND READING CALENDAR

On motion of Senator Spencer, the circle was removed from **1st Sub. S.B. 145**, OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES, and

it was before the Senate. Senator Spencer explained the bill. Senators Waddoups and Ed Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hillyard
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\* \* \*

**H.B. 60, INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT,** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 201, PROPERTY TAX – JUDGMENT LEVY,** was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 93, MUNICIPAL ANNEXATION AMENDMENTS,** was read the second time.

On motion of Senator Ron Allen, the bill was circled.

\* \* \*

**H.J.R. 9, JOINT RESOLUTION – REJECTING RECOMMENDED SALARY INCREASE FOR LEGISLATORS,** was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hickman
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\* \* \*

On motion of Senator Wright, the circle was removed from **H.B. 93**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate. Senator Wright explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.****Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Blackham
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\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman

Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
 Blackham                      Spencer

\* \* \*

**1st Sub. H.J.R. 11**, RESOLUTION REGARDING LEGISLATIVE SPECIAL SESSIONS, was read the second time. Senator Waddoups explained the bill. Senators Ron Allen, Steele, Ed Allen, Walker, Dmitrich, and Hickman commented. The bill failed on the following roll call:

**Yeas, 11; Nays, 14; Absent, 4.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Eastman	Gladwell
Hellewell	Hickman	Jenkins	Poulton
Stephenson	Walker	Wright	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Hale	Hillyard	Julander	Knudson
Mayne	Peterson	Steele	Suazo
Valentine	Waddoups		

**Absent or not voting were:** Senators

Buttars	Evans	Spencer	Mansell
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**1st Sub. H.J.R. 11** was returned to the House for filing.

\* \* \*

**1st Sub. H.B. 80**, UNSOLICITED COMMERCIAL EMAIL, was read the second time. Senator Steele explained the bill.

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

1. Page 2, Line 53:  
 Senate Committee Amendments,  
 2-4-2002: After "including" delete the colon

2. Page 2, Line 54  
Senate Committee Amendments,  
2-4-2002: At the beginning of line 54 delete “(i)”
3. Page 2, Lines 55-56  
Senate Committee Amendments,  
2-4-2002: Delete lines 55 and 56
4. Page 3, Line 57  
Senate Committee Amendments,  
2-4-2002: After “notice that” delete the colon
5. Page 3, Line 58  
Senate Committee Amendments,  
2-4-2002: At the beginning of line 58 delete “(i)”
6. Page 3, Line 59  
Senate Committee Amendments,  
2-4-2002: After “sender” delete “; and” and insert a period
7. Page 3, Lines 60-61  
Senate Committee Amendments,  
2-4-2002: Delete lines 60, 60a, and 61

Senators Valentine, Bramble, Stephenson, Walker, Hickman, and Spencer commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker		

**Voting in the negative were:** Senators

Evans	Hellewell	Hickman	Spencer
Wright			

**Absent or not voting were:** Senators

Poulton	Mansell
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\* \* \*

**H.B. 255**, UTAH HOUSING CORPORATION AMENDMENTS, was read the second time. Senator Evans explained the bill. 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	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Knudson	Poulton	Mansell
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\* \* \*

**H.B. 274**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Knudson	Peterson	Spencer	Mansell
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On motion of Senator Hickman, **H.B. 274** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 275**, STATE BOARD OF EDUCATION BUDGET AUTHORITY, was read the second time. Senator Stephenson 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Gladwell	Knudson	Peterson	Spencer
Mansell			

On motion of Senator Hickman, **H.B. 275** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Waddoups, the Senate voted to reconsider its action on **1st Sub. H.J.R. 11**. Senators Walker, Dmitrich, Knudson and Ed Allen commented.

**1st Sub. H.J.R. 11**, RESOLUTION REGARDING LEGISLATIVE SPECIAL SESSIONS, was before the Senate.

On motion of Senator Waddoups, **1st Sub. H.J.R. 11** was replaced with the original bill.

## **RESOLUTION REGARDING LEGISLATIVE SPECIAL SESSION**

**H.J.R. 11**

*Stephen Urquhart*

THIS JOINT RESOLUTION OF THE LEGISLATURE PROPOSES TO AMEND THE UTAH CONSTITUTION TO REQUIRE ADVANCE NOTICE OF LEGISLATIVE BUSINESS IN A SPECIAL SESSION, WITH CERTAIN EXCEPTIONS. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE.

On motion of Senator Waddoups, the bill was circled to clarify a procedural question.

\* \* \*

On motion of Senator Poulton and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 26, 2002.

# THIRTY-SEVENTH DAY

## MORNING SESSION

The Senate was called to order at 9:25 a.m., with President Al Mansell presiding.

**Prayer** – Dr. James Williams, President of Holladay South Stake

**Pledge of Allegiance** – Senator Bill Wright

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 85**, WATER DEVELOPMENT AND CONSERVATION TASK FORCE, by Representative G. Way, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 97**, RETIREMENT COST-OF-LIVING ADJUSTMENT FOR PUBLIC SAFETY, by Representative Paul Ray, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 99**, CONSECUTIVE SENTENCING, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed **H.B. 128**, CONTROLLED SUBSTANCES ACT AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 133**, NATURAL GAS TECHNICIAN CERTIFICATION, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 184**, IMPACT FEES ACT AMENDMENTS, by Representative G. Way, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 186**, STATE RETIREMENT CONVERSION WINDOW, by Representative Brad King, and it is transmitted for consideration; and

The House passed **H.B. 230**, RETIREMENT OF PUBLIC SAFETY OFFICIALS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 240**, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, by Representative David Cox, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 263**, MOBILE HOME PARK RESIDENCY ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 85**, **1st Sub. H.B. 97**, **1st Sub. H.B. 99**, **H.B. 128**, **H.B. 133**, **3rd Sub. H.B. 184**, **2nd Sub. H.B. 186**, **H.B. 230**, **1st Sub. H.B. 240**, and **2nd Sub. H.B. 263** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 26, 2002

The Speaker of the House has appointed a Conference Committee consisting of Representatives Ray, Bryson, and Hendrickson to meet with a like committee from the Senate to consider or amend **1st Sub. H.B. 47**, EXTENSION OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION, by Representative G. Way.

Carole E. Peterson, Chief Clerk

Communications filed.

## INTRODUCTION OF BILLS

### PRIVACY PROTECTIONS IN DIVORCE PROCEEDINGS

**S.B. 199**

*Gene Davis*

THIS ACT MODIFIES PROVISIONS RELATING TO DIVORCE. IT REQUIRES THAT PERSONAL INFORMATION BE REMOVED FROM DIVORCE DOCUMENTS MADE AVAILABLE TO THE PUBLIC, was read for the first time and referred to the Rules Committee.

### THIRD READING CALENDAR

On motion of Senator Ed Allen, the circle was removed from **H.B. 43**, ACCESS TO FLUORIDATED WATER. Senators Valentine and Mansell commented.

On motion of Senator Ed Allen, the bill was circled.

\* \* \*

**S.B. 146**, BUSINESS ENTITY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Davis
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**S.B. 146** was transmitted to the House.

\* \* \*

**S.B. 72**, COAL MINING AND RECLAMATION AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Blackham

**S.B. 72** was transmitted to the House.

\* \* \*

**S.B. 157, LOCAL SCHOOL BOARD EMPLOYER POWERS**, was read the third time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**2nd Sub. S.B. 143, PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**2nd Sub. S.B. 143** was transmitted to the House.

\* \* \*

**S.B. 159, ENVIRONMENTAL COMPLIANCE FOR MINERALS REGULATORY PROGRAM**, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**S.B. 159** was transmitted to the House.

\* \* \*

**1st Sub. S.J.R. 12**, RESOLUTION URGING FEDERAL GOVERNMENT REVIEW OF ALTERNATIVES FOR ATLAS MILL TAILINGS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators  
Blackham                  Bramble

**1st Sub. S.J.R. 12** was transmitted to the House.

\* \* \*

**S.B. 158**, ORAL HEALTH TASK FORCE, was read the third time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**1st Sub. S.B. 141**, PUNITIVE DAMAGE AWARDS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 150**, REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS, was read the third time and explained by Senator Hillyard. Senator Buttars commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Julander
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**S.B. 150** was transmitted to the House.

\* \* \*

**S.B. 163, STRUCTURED SETTLEMENT AGREEMENTS,** was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**S.B. 163** was transmitted to the House.

\* \* \*

**S.B. 136, STATE VEGETABLE,** was read the third time and explained by Senator Wright. Senators Bramble, Waddoups, and Knudson commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 9; Absent, 4.**

**Voting in the affirmative were:** Senators

Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Knudson
Mayne	Poulton	Spencer	Suazo
Valentine	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Hale	Peterson	Steele
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Julander	Stephenson
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**S.B. 136** was transmitted to the House.

\* \* \*

**S.B. 160**, AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND, was read the third time and explained by Senator Hickman. Senator Peterson commented and 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	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Julander
Knudson	Mayne	Peterson	Poulton
Stephenson	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Evans	Hillyard	Jenkins
Spencer	Steele	Valentine	Wright

**S.B. 160** was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 164**, SECURE FACILITIES AMENDMENTS, was read the third time and explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Gladwell	Hale	Hellewell
Hickman	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Eastman	Evans
Hillyard	Jenkins	Spencer	Wright

**2nd Sub. S.B. 164** was transmitted to the House.

\* \* \*

**S.J.R. 11, RESOLUTION SUPPORTING AMERICA'S DOMESTIC STEEL INDUSTRY,** was read the third time.

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

**RESOLUTION SUPPORTING AMERICA'S DOMESTIC STEEL INDUSTRY**

**1st Sub. S.J.R. 11**

*Ed P. Mayne*

THIS JOINT RESOLUTION OF THE LEGISLATURE EXPRESSES SUPPORT FOR EMERGENCY MEASURES NEEDED TO SAVE THE AMERICAN STEEL INDUSTRY.

Senators Ed Allen and Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham                      Gladwell                      Wright

**1st Sub. S.J.R. 11**, as substituted, was transmitted to the House.

\* \* \*

**S.B. 166**, INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Gladwell                      Julander                      Wright

**S.B. 166** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 145**, OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES, was read the third time, explained by Senator Spencer, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators  
Gladwell                      Wright

**1st Sub. S.B. 145** was transmitted to the House.

\* \* \*

**H.J.R. 9, JOINT RESOLUTION – REJECTING RECOMMENDED SALARY INCREASE FOR LEGISLATORS**, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators  
Davis                      Gladwell                      Hillyard

**H.J.R. 9** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 93, MUNICIPAL ANNEXATION AMENDMENTS**, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Hale
Hellewell	Hickman	Jenkins	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
Davis                      Evans                      Gladwell                      Hillyard  
Julander                      Mayne

**H.B. 93** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 201, PROPERTY TAX – JUDGMENT LEVY**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Davis	Gladwell	Hillyard	Mayne
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**H.B. 201**, as amended, was returned to the House.

\* \* \*

**1st Sub. H.B. 80, UNSOLICITED COMMERCIAL EMAIL**, was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**H.B. 255, UTAH HOUSING CORPORATION AMENDMENTS**, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Davis Gladwell Hillyard

**H.B. 255**, as amended, was returned to the House.

\* \* \*

On motion of Senator Knudson, the circle was removed from **H.B. 94**, SPECIAL FUEL TAX AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hale	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Gladwell Jenkins

**H.B. 94** was signed by the President of the Senate in open session and returned to the House.

**SECOND READING CALENDAR**

**H.J.R. 15**, RESOLUTION PROMOTING FINANCIAL LITERACY FOR UTAH STUDENTS, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.J.R. 11, RESOLUTION REGARDING LEGISLATIVE SPECIAL SESSIONS**, and it was before the Senate. Senator Waddoups explained the bill.

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

**RESOLUTION REQUIRING PUBLIC NOTICE  
PRIOR TO SPECIAL SESSIONS**

**2nd Sub. H.J.R. 11**

*Stephen H. Urquhart*

THIS JOINT RESOLUTION OF THE LEGISLATURE PROPOSES TO AMEND THE UTAH CONSTITUTION TO REQUIRE ADVANCE NOTICE OF LEGISLATIVE BUSINESS IN A SPECIAL SESSION, WITH CERTAIN EXCEPTIONS. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE.

Senator Hickman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

On motion of Senator Hickman, **2nd Sub. H.J.R. 11** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 246, SUNSET ACT REAUTHORIZATIONS**, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Waddoups
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\* \* \*

**2nd Sub. H.B. 39**, STATUTE OF LIMITATIONS AMENDMENTS, was read the second time. Senator Gladwell explained the bill. Senator Jenkins 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	Bramble	Buttars
Dmitrich	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Steele	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Eastman	Mayne
Spencer	Stephenson	Valentine	Wright

On motion of Senator Hickman, **2nd Sub. H.B. 39** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 70**, POLITICAL FUNDRAISING RESTRICTIONS ON GOVERNOR, was read the second time.

On motion of Senator Peterson, the bill was circled.

\* \* \*

**H.B. 233, MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS**, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**H.B. 16, BLOOD AND BREATH ALCOHOL TESTING**, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Spencer
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\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 233, MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS**, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		



On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 17, MULTIPLE DRIVING UNDER THE INFLUENCE OFFENSES,** was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Gladwell	Peterson	Spencer
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\* \* \*

**H.B. 187, DRIVER LICENSE FRAUD AMENDMENTS,** was read the second time. Senator Hale explained the bill. Senator Wright 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	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Peterson	Spencer
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\* \* \*

**H.B. 210, RECREATIONAL VEHICLE – LENGTH AND WIDTH AMENDMENTS,** was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Peterson	Spencer
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\* \* \*

**H.B. 37, PARENT-TIME AMENDMENTS**, was read the second time. Senator Spencer explained the bill. Senator Waddoups 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	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Peterson
Poulton			

On motion of Senator Hickman, **H.B. 37** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 243, CHILD IMMUNIZATION AMENDMENTS**, was read the second time. Senator Wright explained the bill. Senators Ed Allen, Julander, Spencer, and Knudson commented.

On motion of Senator Wright, the bill was circled.

\* \* \*

**H.B. 245**, AMENDMENTS TO SEX OFFENDERS REGISTRY, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**H.J.R. 5**, RESOLUTION CALLING FOR SUPPORT FOR THE PRINCIPLES OF THE ALLIANCE FOR UNITY, was read the second time. Senator Hickman explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Stephenson
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\* \* \*

On motion of Senator Evans, the circle was removed from **S.C.R. 3**, CONCURRENT RESOLUTION RECOGNIZING THE SALT LAKE OLYMPIC ORGANIZING COMMITTEE, MITT ROMNEY, OLYMPIC VOLUNTEERS, AND PUBLIC SAFETY, and it was before the Senate.

On motion of Senator Evans, under suspension of the rules, **S.C.R. 3**, CONCURRENT RESOLUTION RECOGNIZING THE SALT LAKE OLYMPIC ORGANIZING COMMITTEE, MITT ROMNEY, OLYMPIC VOLUNTEERS, AND PUBLIC SAFETY, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**S.C.R. 3** was transmitted to the House.

\* \* \*

On motion of Senator Evans, Mitt Romney, President of the Salt Lake Olympic Organizing Committee, spoke in Committee of the Whole.

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

\* \* \*

On motion of Senator Poulton, and at 11:40 a.m., the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President ProTem Valentine presiding.

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 26, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 101, RACIAL PROFILING**, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 143, RESTRICTIONS ON SEXUALLY EXPLICIT EMAIL**, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 166, PUBLIC REVIEW OF MUNICIPAL APPROPRIATIONS AND RESOURCES**, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.B. 167, POWERSPORT VEHICLE FRANCHISE ACT**, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed **H.B. 248, CLASSIFICATION OF STATE EMPLOYEES FOR INSURANCE PURPOSES**, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed **H.B. 289**, INDEPENDENT ENTITY PRIVATIZATION AMENDMENTS, by Representative M. Stephens, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 101, H.B. 143, H.B. 166, H.B. 167, H.B. 248, and H.B. 289** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 26, 2002

The House passed, **S.C.R. 3**, CONCURRENT RESOLUTION RECOGNIZING THE SALT LAKE OLYMPIC ORGANIZING COMMITTEE, MITT ROMNEY, OLYMPIC VOLUNTEERS, AND PUBLIC SAFETY, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.C.R. 3** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 26, 2002

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

#### **Energy, Natural Resources and Agriculture**

**H.B. 125** Endangerment of Child or Elder Person with Controlled Substance or Precursor (T. Beck)

**H.B. 133** Natural Gas Technician Certification (G. Snow)

**3rd Sub. H.B. 184** Impact Fees Act Amendments (G. Way)

#### **Human Services**

**S.B. 199** Privacy Protections in Divorce Proceedings (G. Davis)

**H.B. 196** Divorce and Parent-time Revisions (C. Bennion)

#### **Quasi-Governmental Entities**

**1st Sub. H.B. 97** Retirement Cost-of-living Adjustment for Public Safety (P. Ray)

**2nd Sub. H.B. 186** State Retirement Conversion Window (B. King)

**H.B. 230** Retirement of Public Safety Officials (R. Bigelow)

**H.B. 254** Firemen's Civil Service Council Amendments  
(J. M. Philpot)

**Revenue and Taxation**

**S.B. 169** Property Tax Modifications (C. Bramble)  
**H.B. 129** Sales and Use Taxes – Exemption for Certain Sales of  
Electricity (L. Shurtliff)  
**2nd Sub. H.B. 263** Mobile Home Park Residency Act Amendments  
(W. Harper)  
**H.B. 291** Obligations Related to Mortgage Loan Reserve Accounts  
(J. Swallow)  
**H.C.R. 2** Resolution Supporting Businesses (G. Curtis)  
**H.J.R. 10** Resolution Urging Federal Constitutional Amendment to  
Protect the Life of the Unborn (G. Way)

**State and Local Affairs**

**1st Sub. H.B. 240** Public Education Capital Outlay Act Amendments  
(D. Cox)  
**H.B. 276** Assessment on Title Insurers and Title Insurance  
Agencies (T. Hatch)  
**H.B. 280** Planetarium Board Amendments (M. Newbold)

**Transportation and Public Safety**

**S.B. 190** Special 2002 Highway General Obligation Bonds  
(D. Eastman)  
**1st Sub. H.B. 4** Motorboating and Boating Under the Influence Provisions  
(L. Pace)  
**1st Sub. H.B. 110** Motor Vehicle Insurance and Credit Information  
(P. Wallace)  
**H.B. 128** Controlled Substances Act Amendments (E. Anderson)

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

To the Members of the Senate:

February 26, 2002

The Rules Committee recommends assignment of the following bill to standing committee:

**State and Local Affairs****S.B. 196** Waste Amendments (C. Walker)Michael Waddoups  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 25, 2002

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.C.R. 2**, RESOLUTION URGING VEGETATION MANAGEMENT PRACTICES ON BLM GROUND, by Senator L. Blackham; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 83**, IMPOUNDED LIVESTOCK – SALE BY COUNTY, by Representative T. Hatch; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 113**, INSECT CONTROL ON FEDERAL LANDS, by Representative S. Urquhart; and

The Energy, Natural Resources, and Agriculture Committee recommends **H.B. 208**, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE, by Representative B. Johnson, be replaced and favorably recommends **1st Sub. H.B. 208**, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 269**, WATER COMMISSIONER ASSESSMENT AMENDMENTS, by Representative D. Ure.

Terry R. Spencer, Chair

Mr. President: February 26, 2002

The Human Services Committee recommends **S.B. 168**, PARENT VISITATION OFFICE, by Senator D. E. Allen, be replaced and favorably recommends **1st Sub. S.B. 168**, PARENT VISITATION OFFICE.

Bill Hickman, Chair

Mr. President: February 25, 2002

The Judiciary Committee reports a favorable recommendation on **S.B. 74**, CRIMINAL ACTION – DEFENSE TO CIVIL ACTION FOR DAMAGES, by Senator P. Hellewell; and

The Judiciary Committee reports a favorable recommendation on **S.B. 171**, UNIFORM ARBITRATION ACT, by Senator L. Hillyard; and

The Judiciary Committee reports a favorable recommendation on **H.B. 45**, PRISONER ESCAPE AMENDMENT, by Representative K. Morgan

David L. Gladwell, Chair

Mr. President: February 26, 2002

The State and Local Affairs Committee reports a favorable recommendation on **H.J.R. 7**, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE NAMES, by Representative N. Hendrickson.

Carlene M. Walker, Chair

Mr. President: February 25, 2002

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 151**, VEHICLE HISTORY INFORMATION, by Senator D. Eastman; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 173**, MOTOR VEHICLE REGISTRATION FOR FLEETS, by Senator D. Eastman.

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 273**, DESIGNATION OF I-80, by Representative D. Bush; and

David H. Steele, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.C.R. 2, H.B. 83, H.B. 113, 1st Sub. H.B. 208, H.B. 269, 1st Sub. S.B. 168,**

**S.B. 74, S.B. 171, H.B. 45, H.J.R. 7, S.B. 151, S.B. 173, and H.B. 273** were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 26, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 182, TAX REVIEW COMMISSION AMENDMENTS**, by Representative C. Bennion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 182** was considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President: February 26, 2002

The State and Local Affairs Committee has returned **S.B. 75, STATUTORY ANNUAL REPORT REQUIREMENT**, by Senator P. Julander, to the Secretary of the Senate.

Carlene M. Walker, Chair

**S.B. 75** was returned to the Secretary of the Senate.

### SECOND READING CALENDAR

**1st Sub. H.B. 250, RETIREMENT LAW RECODIFICATION**, was read the second time. Senator Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Buttars	Hillyard	Mayne
Wright	Mansell		

\* \* \*

**H.B. 95, PROPERTY TAXES – NOTICE OF DELINQUENCY**, was read the second time. Senator Steele explained the bill. Senator Dmitrich commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Knudson	Peterson
Poulton	Spencer	Steele	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Dmitrich	Julander	Stephenson
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**Absent or not voting were:** Senators

Blackham	Eastman	Evans	Hickman
Mayne			

\* \* \*

President Mansell assumed the chair.

\* \* \*

**H.B. 115, TECHNICAL CHANGES TO ELECTION LAW**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Davis	Eastman	Evans
Hickman	Mayne		

\* \* \*

**H.B. 199**, INTERIM COMMITTEE MEMBERSHIP, was read the second time. Senator Waddoups explained the bill. Senator Ron Allen 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hickman	Mayne	Stephenson
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\* \* \*

**1st Sub. H.B. 64**, CONSUMER PROTECTION AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senators Spencer, Ron Allen, and Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

Buttars	Gladwell	Mansell
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**Absent or not voting were:** Senators

Blackham	Mayne	Poulton	Stephenson
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\* \* \*

**H.B. 58**, WATER FORFEITURE AMENDMENTS, was read the second time.



\* \* \*

**H.B. 42**, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY, was read the second time.

On motion of Senator Ed Allen, the bill was circled.

\* \* \*

**H.B. 225**, MENTAL HEALTH PROFESSIONAL FINANCIAL ASSISTANCE GRANTS – TECHNICAL AMENDMENTS, was read the second time. Senator Julander explained the bill. 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	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Eastman	Evans	Mayne
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\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 58**, WATER FORFEITURE AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. Senators Waddoups, Jenkins, Hillyard, and Hellewell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans
Hale	Hellewell	Hickman	Jenkins
Knudson	Peterson	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hillyard                      Valentine

**Absent or not voting were:** Senators

Eastman                      Gladwell                      Julander                      Mayne  
Poulton

\* \* \*

**2nd Sub. H.B. 231, PUBLIC HEALTH AUTHORITY AMENDMENTS,** was read the second time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**H.B. 100, CRIMINAL CODE DEFINITION AMENDMENT,** was read the second time. Senator Suazo explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen                      Blackham                      Bramble                      Buttars  
Dmitrich                      Eastman                      Evans                      Hellewell  
Hickman                      Hillyard                      Jenkins                      Knudson  
Peterson                      Spencer                      Steele                      Stephenson  
Suazo                      Valentine                      Waddoups                      Walker  
Wright                      Mansell

**Voting in the negative were:** Senators

Davis                      Hale

**Absent or not voting were:** Senators

E. Allen                      Gladwell                      Julander                      Mayne  
Poulton

\* \* \*

On motion of Senator Blackham, the circle was removed from **2nd Sub. H.B. 231, PUBLIC HEALTH AUTHORITY AMENDMENTS,** and it was before the Senate. Senator Blackham explained the bill. Senator Spencer commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Spencer                      Mansell

**Absent or not voting was:** Senator

Mayne

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 245**, AMENDMENTS TO SEX OFFENDER REGISTRY, and it was before the Senate. Senator Valentine explained the bill. Senator Walker commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman                      Evans                      Hillyard

\* \* \*

**H.B. 48**, LOCAL SUBSTANCE ABUSE AUTHORITY AMENDMENTS, was read the second time. Senator Walker explained the bill. Senators Evans commented.

On motion of Senator Walker, the bill was circled.

\* \* \*

On motion of Senator Bramble, under suspension of rules, **2nd Sub. S.B. 102**, was moved to the top of the Second Reading Calendar.

\* \* \*

**2nd Sub. S.B. 102**, BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS, was read the second time.

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

**BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS**

**3rd Sub. S.B. 102**

*Howard A. Stephenson*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE, THE COUNTY CODE, THE STATE SYSTEM OF PUBLIC EDUCATION CODE, THE TRANSPORTATION CODE, AND THE SPECIAL DISTRICTS CODE TO REQUIRE THAT GOVERNMENT ENTITIES BID OUT CERTAIN CONSTRUCTION PROJECTS. THE ACT DEFINES WHICH TYPES OF IMPROVEMENTS AND CONSTRUCTION PROJECTS MUST BE BID AND PROVIDES FOR ATTORNEY’S FEES IN A CIVIL SUIT FOR VIOLATION OF THE BIDDING REQUIREMENTS. THE ACT PROVIDES FOR INFLATION INDEXING OF BID LIMITS.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 72**, PENALTY FOR MISUSE OF LAWFUL SUBSTANCES, was read the second time. Senator Poulton explained the bill. Senators Buttars, Ron Allen, and Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Mayne
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\* \* \*

**H.B. 77, CRIMINAL SENTENCING – MITIGATION AMENDMENTS,** was read the second time. Senator Spencer 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	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Davis	Poulton
Steele			

\* \* \*

On motion of Senator Ed Allen, the circle was removed from **H.B. 42, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY,** and it was before the Senate.

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

- Page 1, Line 23a  
House Floor  
Amendments 1–22–2002: After line 23a insert  
“(4) (a) A resident of an affected area that does not wish to receive fluoridated water during an emergency may contact the public water system to have delivery of fluoridated water to their residence or business terminated.  
(b) The resident shall determine when to resume delivery of water and

shall contact the public water system to have delivery of water resumed.”

Senator Ed Allen explained the bill. The bill passed on the following roll call:

**Yeas, 16; Nays, 10; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Evans	Hale	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Suazo	Valentine	Waddoups	Walker

**Voting in the negative were:** Senators

Bramble	Eastman	Hellewell	Hickman
Hillyard	Jenkins	Poulton	Stephenson
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Gladwell
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\* \* \*

On motion of Senator Walker, the circle was removed from **H.B. 48**, LOCAL SUBSTANCE ABUSE AUTHORITY AMENDMENTS, and it was before the Senate. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Davis
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\* \* \*

On motion of Senator Waddoups, **S.B. 181** was lifted from the Education Committee and assigned to the Human Services Committee.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Waddoups, the circle was removed from **2nd Sub. S.B. 19**, UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT, and it was before the Senate.

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

### **UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT**

#### **3rd Sub. S.B. 19**

*Michael G. Waddoups*

THIS ACT MODIFIES THE COMMERCE AND TRADE PROVISIONS BY ENACTING THE UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT. THE ACT DEFINES CERTAIN TERMS. IT REQUIRES PROGRESS PAYMENTS ON CERTAIN CONSTRUCTION CONTRACTS. THE ACT REQUIRES THE OWNER TO PROMPTLY DISPUTE A BILLING OR ESTIMATE WITH WHICH THE OWNER DOES NOT AGREE AND LIMITS THE AMOUNT THAT AN OWNER CAN WITHHOLD FROM A PROGRESS PAYMENT. THE ACT REQUIRES PROMPT PAYMENT BY THE OWNER UPON COMPLETION OF THE WORK. THE ACT PROVIDES FOR INTEREST ON LATE PAYMENTS. THE ACT GIVES SUBCONTRACTORS THE RIGHT TO NOTIFICATION OF PROGRESS PAYMENTS. THE ACT PROVIDES FOR THE AWARDING OF COSTS AND ATTORNEYS' FEES. THE ACT REQUIRES PROMPT PAYMENT BY THE CONTRACTOR TO SUBCONTRACTORS AND SUPPLIERS. THE ACT REQUIRES THE WAIVER OF MECHANICS' LIEN RIGHTS BY CONTRACTORS AND SUBCONTRACTORS UPON RECEIPT OF PAYMENT. THE ACT PROVIDES FOR THE INTERRUPTION OF THE WORK ON A CONSTRUCTION CONTRACT WITHOUT PENALTY IN CASES OF AN ENVIRONMENTAL HAZARD. THE ACT PROVIDES FOR THE INTERRUPTION OF WORK ON A CONSTRUCTION CONTRACT OR THE TERMINATION OF THE CONTRACT IN CASES OF NONPAYMENT. THE ACT PROVIDES AN EFFECTIVE DATE.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Ed Allen, the circle was removed from **H.B. 43**, ACCESS TO FLUORIDATED WATER, and it was before the Senate.

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

- 1. Page 1, Line 14:  
After “system” insert “in a county of the First or Second Class”
- 2.. Page 1, Line 15:  
Delete “an adjacent” and insert “a” and delete “or county” and insert “that is located in two counties, one that has approved fluoridation and one”

Senator Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Hellewell	Jenkins	Poulton
Wright			

**Absent or not voting was:** Senator

Buttars

**H.B. 43**, as amended, was returned to the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 26, 2002

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

**Energy, Natural Resources and Agriculture**

**H.B. 102** Criminal History Background Information  
(D. Bourdeaux)

**Revenue and Taxation****S.B. 182** Tax Penalty Modifications (C. Bramble)**State and Local Affairs****H.B. 143** Restrictions on Sexually Explicit Email (B. Winn)

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

On motion of Senator Poulton and at 4:10 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 27, 2002.

**THIRTY-EIGHTH DAY**  
**MORNING SESSION**

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

**Prayer**– Pastor Carolyn Holdsworth, Granger Community Church  
**Pledge of Allegiance**– Senator Howard Stephenson  
**Roll Call** – All Senators present

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 134)**

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 25, 2002

The House passed, as substituted, **1st Sub. H.B. 236**, INDECENT PUBLIC DISPLAY AMENDMENTS, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 342**, RECOVERY OF DAMAGES FOR LOSS OF USE OF A MOTOR VEHICLE, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 236** and **1st Sub. H.B. 342** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Valentine, **H.B. 201** was recalled for the purpose of making technical corrections.

**ADVISE AND CONSENT**

Mr. President: February 6, 2002

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

**STATE ENGINEER**

Jerry D. Olds appointed to fill the unexpired term of Bob Morgan as the State Engineer, a term to expire March 1, 2005. Section 73–2–1, Utah Code Annotated 1953, as amended.

**BOARD OF PARDONS AND PAROLE**

Curtis L. Garner reappointed as a full time member of the Board of Pardons and Parole for a term to expire February 28, 2007. Section 77-27-2, Utah Code Annotated 1953, as amended.

R. Kent Archibald reappointed as a pro tempore member of the Board of Pardons and Parole for a term to expire February 28, 2007. Section 77-27-2, Utah Code Annotated 1953, as amended.

**UTAH HOUSING CORPORATION BOARD OF TRUSTEES**

A. Lynn Snow reappointed as a member of the Utah Housing Corporation Board of Trustees for a term to expire June 1, 2005. Section 9-4-904, Utah Code Annotated 1953, as amended. Mr. Snow is a republican.

Debbie Andersen appointed to replace Roger C. Reese on the Utah Housing Corporation Board of Trustees for a term to expire June 1, 2005. Section 9-4-904, Utah Code Annotated 1953, as amended. Ms. Andersen is a republican.

Leona K. Hawks appointed to replace Kathy K. Hale on the Utah Housing Corporation Board of Trustees for a term to expire June 1, 2005. Section 9-4-904, Utah Code Annotated 1953, as amended. Ms. Hawks is a democrat.

**WEBER BASIN WATER CONSERVANCY  
DISTRICT BOARD OF DIRECTORS**

Wayne B. Gibson reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Stephen Osguthorpe reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Scott F. Peterson reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Charlene McConkie appointed to replace Max B. Rigby as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

**JORDAN VALLEY WATER CONSERVANCY  
DISTRICT BOARD OF DIRECTORS**

Thomas W. Forsgren reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 2, 2006 . Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Royce A. Gibson reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Lyle C. Summers reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Gary C. Swensen reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Dale F. Gardiner reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 5, 2004. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Steve Taggart appointed to replace Gerald Maloney on the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 5, 2004. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

#### **GRAND COUNTY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS**

Rex Tanner reappointed as a member of the Grand County Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Gary Wilson reappointed as a member of the Grand County Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

#### **UPPER SEVIER WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS**

Layne Blood reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Chris Fullmer reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Paul R. Swalburg reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

**BOARD OF BUSINESS AND ECONOMIC DEVELOPMENT**

Ted D. Smith reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2005. Section 9-2-203, Utah Code Annotated 1953, as amended. Mr. Smith is an independent.

**QUALITY GROWTH COMMISSION**

Robert L. Morgan appointed to fill the unexpired term of Kathleen Clarke on the Quality Growth Commission, a term to expire April 15, 2003. Section 11-38-201, Utah Code Annotated 1953, as amended.

**UTAH SPORTS AUTHORITY BOARD**

Jim Holland reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Mr. Holland is non-partisan.

Heidi Voelker reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Ms. Voelker is non-partisan.

**UTAH TELEHEALTH COMMISSION**

Janica Husbands reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2004. Section 26-9f-103, Utah Code Annotated 1953, as amended.

Marta J. Petersen reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2004. Section 26-9f-103, Utah Code Annotated 1953, as amended.

Pam Morrison Lyman appointed to replace J. Randal Johnson on the Utah Telehealth Commission for a term to expire October 1, 2004. Section 26-9f-103, Utah Code Annotated 1953, as amended.

**PERMANENT COMMUNITY IMPACT FUND BOARD**

Sharon P. Walters appointed to fill the unexpired term of John Mathis on the Permanent Community Impact Fund Board, a term to expire July 1, 2002. Section 9-4-304, Utah Code Annotated 1953, as amended.

**RURAL DEVELOPMENT FUND BOARD**

Janet Oldham appointed to replace Jon Lee Torgerson on the Rural Development Fund Board for a term to expire January 1, 2006. Section 9-14-103, Utah Code Annotated 1953, as amended.

Sherwood Albrecht appointed to replace Milton Taft, Jr. on the Rural Development Fund Board for a term to expire January 1, 2006. Section 9-14-103, Utah Code Annotated 1953, as amended.

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

**Michael O. Leavitt**

Governor

Communication filed. Senator Hillyard moved to consent to the appointments as read by Sandy Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

E. Allen	Eastman	Jenkins	Spencer
Valentine			

### **THIRD READING CALENDAR**

On motion of Senator Peterson, the circle was removed from **S.B. 14, DRIVER LICENSE REPORTING**, and it was before the Senate. Senator Peterson explained the bill. Senator Peterson made a motion to amend the bill. The motion failed on the following roll call:

**Yeas, 9; Nays, 17; Absent, 3.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Hale	Julander	Mayne	Peterson
Suazo			

**Voting in the negative were:** Senators

Bramble	Buttars	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Poulton	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen                      Eastman                      Spencer

Senator Peterson moved to strike the enacting clause on **S.B. 14** and it was returned to the Secretary of the Senate.

\* \* \*

**H.J.R. 15**, RESOLUTION PROMOTING FINANCIAL LITERACY FOR UTAH STUDENTS, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham                      Spencer

**H.J.R. 15** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 246**, SUNSET ACT REAUTHORIZATIONS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Julander
Spencer	Valentine		

**H.B. 246** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 16**, BLOOD AND BREATH ALCOHOL TESTING, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Spencer
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**H.B. 16**, as amended, was returned to the House.

\* \* \*

**H.B. 233**, MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham                      Hickman                      Spencer

**H.B. 233**, as amended, was returned to the House.

\* \* \*

**H.B. 17**, MULTIPLE DRIVING UNDER THE INFLUENCE OFFENSES, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham                      Hickman                      Spencer

**H.B. 17** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 187**, DRIVER LICENSE FRAUD AMENDMENTS, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham                      Hickman                      Knudson                      Spencer

**H.B. 187** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 210, RECREATIONAL VEHICLE – LENGTH AND WIDTH AMENDMENTS**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham                      Hickman                      Spencer                      Valentine

**H.B. 210** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.J.R. 5, RESOLUTION CALLING FOR SUPPORT OF THE PRINCIPLES OF ALLIANCE FOR UNITY**, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**1st Sub. H.B. 250, RETIREMENT LAW RECODIFICATION**, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell

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

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Spencer
Suazo			

**1st Sub. H.B. 250** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 95, PROPERTY TAXES – NOTICE OF DELINQUENCY**, was read the third time, explained by Senator Steele. Senator Dmitrich commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Knudson	Mayne	Peterson
Steele	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Poulton	Stephenson
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**Absent or not voting were:** Senators

Blackham	Hickman	Julander	Spencer
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**H.B. 95** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 31, INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS**, and it was before the Senate.

Senator Bramble moved to strike the enacting clause on **S.B. 31** and it was returned to the Secretary of the Senate.

\* \* \*

**H.B. 115**, TECHNICAL CHANGES TO ELECTION LAW, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hickman	Spencer	Wright
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**H.B. 115** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 199**, INTERIM COMMITTEE MEMBERSHIP, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	Hale
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**Absent or not voting were:** Senators

Blackham	Hickman	Julander	Spencer
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**H.B. 199** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 64, CONSUMER PROTECTION AMENDMENTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hickman	Spencer
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**1st Sub. H.B. 64**, as amended, was returned to the House.

\* \* \*

**H.B. 223, HUNTING LICENSE FEE REFUND**, was read the third time, explained by Senator Evans. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hickman	Poulton	Spencer
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**H.B. 223** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Wright, the circle was removed from **H.B. 28, IMMUNITY FROM LIABILITY IN CHILD WELFARE INVESTIGATIONS.**

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

1. Page 1, Line 1–2:  
Delete lines 1 through 2 and insert “GOVERNMENTAL IMMUNITY AMENDMENTS”
2. Page 1, Line 6:  
After “Code” insert “and the Utah Governmental Immunity Act”
3. Page 1, Line 8:  
After “perjury.” insert “The act clarifies provisions regarding the exception to employee immunity for driving under the influence of alcohol. The act provides an exception to the immunity of a governmental employee for perjury.”
4. Page 1, Line 11:  
After line 11 insert:  
“63–30–4, as last amended by Chapter 76, Laws of Utah 1991  
63–30–36, as last amended by Chapter 76, Laws of Utah 1991”
5. Page 1, Line 20:  
After “employee” delete the remainder of line 20 and lines 20a through 25. At the end of line 25, insert “except as provided in Title 63, Chapter 30, Utah Governmental Immunity Act.”
6. Page 1, Line 25:  
After line 25 insert:  
“Section 2. Section 63–30–34 is amended to read: 63–30–Act provisions not construed as admission or denial of liability — Effect of waiver of immunity — Exclusive remedy — Joinder of employee — Limitations on personal liability. (1) (a) Nothing contained in this chapter, unless specifically provided, may be construed as an admission or denial of liability or responsibility by or for governmental entities or their employees.  
(b) If immunity from suit is waived by this chapter, consent to be sued is granted, and liability of the entity shall be determined as if the entity were a private person.  
(c) No cause of action or basis of liability is created by any waiver of

immunity in this chapter, nor may any provision of this chapter be construed as imposing strict liability or absolute liability.

(2) Nothing in this chapter may be construed as adversely affecting any immunity from suit that a governmental entity or employee may otherwise assert under state or federal law.

(3) (a) Except as provided in Subsection (3)(b), an action under this chapter against a governmental entity or its employee for an injury caused by an act or omission that occurs during the performance of the employee's duties, within the scope of employment, or under color of authority is a plaintiff's exclusive remedy.

(b) A plaintiff may not bring or pursue any other civil action or proceeding based upon the same subject matter against the employee or the estate of the employee whose act or omission gave rise to the claim, unless:

(i) the employee acted or failed to act through fraud or malice; [or]

(ii) the injury or damage resulted from the conditions set forth in Subsection 63-30-36 (3)(c)[-]; or

(iii) in a judicial or administrative proceeding the employee intentionally or knowingly gave, upon a lawful oath or in any form allowed by law as a substitute for an oath, false testimony material to the issue or matter of inquiry under this section.

(4) An employee may be joined in an action against a governmental entity in a representative capacity if the act or omission complained of is one for which the governmental entity may be liable, but no employee may be held personally liable for acts or omissions occurring during the performance of the employee's duties, within the scope of employment, or under color of authority, unless it is established that:

(a) the employee acted or failed to act due to fraud or malice[-];

(b) the injury or damage resulted from the conditions set forth in Subsection 63-30-36(3)(c); or

(c) in a judicial or administrative proceeding the employee intentionally or knowingly gave, upon a lawful oath or in any form allowed by law as a substitute for an oath, false testimony material to the issue or matter of inquiry under this section.

Section 3. Section 63-30-36

63-30-36 Defending government employee -- Request -- Cooperation -- Payment of judgment. (1) Except as provided in Subsections (2) and (3), a governmental entity shall defend any action brought against its employee arising from an act or omission occurring:

(a) during the performance of the employee's duties;

(b) within the scope of the employee's employment; or

(c) under color of authority.

(2) (a) Before a governmental entity may defend its employee against a claim, the employee shall make a written request to the governmental entity to defend him:

- (i) within ten days after service of process upon him; or
- (ii) within a longer period that would not prejudice the governmental entity in maintaining a defense on his behalf; or
- (iii) within a period that would not conflict with notice requirements imposed on the entity in connection with insurance carried by the entity relating to the risk involved.

(b) If the employee fails to make a request, or fails to reasonably cooperate in the defense, the governmental entity need not defend or continue to defend the employee, nor pay any judgment, compromise, or settlement against the employee in respect to the claim.

(3) The governmental entity may decline to defend, or subject to any court rule or order, decline to continue to defend, an action against an employee if it determines:

(a) that the act or omission in question did not occur:

- (i) during the performance of the employee's duties;
- (ii) within the scope of his employment; or
- (iii) under color of authority;

(b) that the injury or damage resulted from the fraud or malice of the employee; or

(c) that the injury or damage on which the claim was based resulted from:

(i) the employee driving a vehicle, or being in actual physical control of a vehicle:

(A) with a blood alcohol content equal to or greater by weight than the established legal limit;

(B) while under the influence of alcohol or any drug to a degree that rendered the person incapable of safely driving the vehicle; or

(C) while under the combined influence of alcohol and any drug to a degree that rendered the person incapable of safely driving the vehicle; or

(ii) the employee being physically or mentally impaired so as to be unable to reasonably perform his job function because of the use of alcohol, because of the nonprescribed use of a controlled substance as defined in Section 58-37-4, or because of the combined influence of alcohol and a nonprescribed controlled substance as defined by Section 58-37-4[-]; or

(d) that in a judicial or administrative proceeding the employee

intentionally or knowingly gave, upon a lawful oath or in any form allowed by law as a substitute for an oath, false testimony to the issue or matter of inquiry under this section.

(4) (a) Within ten days of receiving a written request to defend an employee, the governmental entity shall inform the employee whether or not it shall provide a defense, and, if it refuses to provide a defense, the basis for its refusal.

(b) A refusal by the entity to provide a defense is not admissible for any purpose in the action in which the employee is a defendant.

(5) Except as provided in Subsection (6), if a governmental entity conducts the defense of an employee, the governmental entity shall pay any judgment based upon the claim.

(6) A governmental entity may conduct the defense of an employee under a reservation of rights under which the governmental entity reserves the right not to pay a judgment, if the conditions set forth in Subsection (3) are established.

(7) (a) Nothing in this section or Section 63–30–37 affects the obligation of a governmental entity to provide insurance coverage according to the requirements of Subsection 41–12a–301 (3) and Section 63–30–29.5.

(b) When a governmental entity declines to defend, or declines to continue to defend, an action against its employee under the conditions set forth in Subsection (3), it shall still provide coverage up to the amount specified in Sections 31A–22–304 and 63–30–29.5.”

Senator Ed Allen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Poulton	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hale	Julander	Peterson	Suazo
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**Absent or not voting were:** Senators

Blackham	Hickman	Spencer
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**H.B. 28**, as amended, was returned to the House.

\* \* \*

On motion of Senator Knudson, the circle was removed from **S.B. 158**, ORAL HEALTH TASK FORCE, and it was before the Senate.

Senator Knudson moved to strike the enacting clause on **S.B. 158** and it was returned to the Secretary of the Senate.

\* \* \*

**H.B. 225**, MENTAL HEALTH PROFESSIONAL FINANCIAL ASSISTANCE GRANTS, was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Hickman	Hillyard	Jenkins
Wright			

**H.B. 225** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 58**, WATER FORFEITURE AMENDMENTS, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**H.B. 100**, CRIMINAL CODE DEFINITION AMENDMENT, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	Hickman	Hillyard
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**H.B. 100** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**2nd Sub. H.B. 231**, PUBLIC HEALTH AUTHORITY AMENDMENTS, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 245**, AMENDMENTS TO SEX OFFENDER REGISTRY, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Hillyard
Suazo			

**H.B. 245**, as amended, was returned to the House.

\* \* \*

**H.B. 72**, PENALTY FOR MISUSE OF LAWFUL SUBSTANCES was read the third time, explained by Senator Poulton.

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

- 1. Page 1, Line 24:  
Delete “or believing”
- 2. Page 2, Line 54:  
House Floor Amendments  
Delete “or believing”

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Hillyard
Suazo	Valentine		

**H.B. 72**, as amended, was returned to the House.

\* \* \*

**H.B. 77, CRIMINAL SENTENCING – MITIGATION AMENDMENTS**, was read the third time, explained by Senator Spencer, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Hillyard
Suazo	Valentine		

**H.B. 77** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Steele, the circle was removed from **1st Sub. H.B. 80**, UNSOLICITED COMMERCIAL EMAIL.

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

### UNSOLICITED COMMERCIAL EMAIL

#### 2nd Sub. H.B. 80

*Patrice M. Arent*

THIS ACT ENACTS PROVISIONS IMPOSING REQUIREMENTS ON PERSONS WHO SEND UNSOLICITED COMMERCIAL EMAIL. THE ACT PROVIDES FOR A CAUSE OF ACTION IN FAVOR OF THOSE WHO RECEIVE AN UNSOLICITED COMMERCIAL EMAIL THAT VIOLATES THOSE REQUIREMENTS.

On motion of Senator Steele, the bill was circled.

\* \* \*

**H.B. 42**, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY, was read the third time, explained by Senator Ed Allen.

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

1. Page 1, Line 15  
Senate 2nd Reading  
Amendments 2–26–2002: Before line 15 insert “(1)”
2. Page 1, Line 19  
Senate 2nd Reading  
Amendments 2–26–2002: Delete “(1)” and insert “(a)”
3. Page 1, Line 21  
Senate 2nd Reading  
Amendments 2–26–2002: Delete “(2)” and insert “(b)”
4. Page 1, Line 23a  
Senate 2nd Reading  
Amendments 2–26–2002: Delete “(3)” and insert “(c)”

- 5. Page 1, Line 23b  
Senate 2nd Reading  
Amendments 2–26–2002: Delete “(4)” and insert “(2)”

Senators Poulton, Spencer, and Jenkins commented.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 48, LOCAL SUBSTANCE ABUSE AUTHORITY AMENDMENTS,** was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Valentine
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**H.B. 48** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **3rd Sub. S.B. 19, UTAH CONSTRUCTION CONTRACT PROMPT PAYMENT ACT,** and it was before the Senate. Senator Waddoups explained the bill. Senators Steele, Walker, Bramble, Mayne, and Jenkins commented. The bill failed on the following roll call:

**Yeas, 14; Nays, 11; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Suazo	Waddoups		

**Voting in the negative were:** Senators

Bramble	Buttars	Eastman	Evans
Gladwell	Poulton	Steele	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hickman	Spencer	Stephenson
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**3rd Sub. S.B. 19** was returned to the staff for filing.

**SECOND READING CALENDAR**

**H.B. 224, GIVING FALSE INFORMATION TO POLICE OFFICER,** was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hickman	Hillyard
Mayne	Stephenson		

\* \* \*

**H.B. 29, CHILD RESTRAINT VIOLATIONS,** was read the second time. Senator Hale explained the bill. The bill passed on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Hale	Hickman
Hillyard	Jenkins	Julander	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Walker	Mansell	

**Voting in the negative were:** Senators

Gladwell	Hellewell	Spencer	Waddoups
Wright			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Evans	Knudson
Mayne			

\* \* \*

**H.B. 235, EMERGENCY VEHICLE AMENDMENTS**, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Evans	Mayne
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\* \* \*

**H.B. 118, SPECIAL LICENSE PLATES FOR SEARCH AND RESCUE TEAMS**, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Eastman	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Knudson	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

E. Allen	Dmitrich	Evans	Jenkins
Mayne	Steele	Waddoups	

On motion of Senator Hickman, **H.B. 118** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 197, OFF-HIGHWAY VEHICLE AMENDMENTS**, was read the second time. Senator Ron Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Stephenson	Suazo
Valentine	Walker	Mansell	

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

**Absent or not voting were:** Senators

Dmitrich	Evans	Mayne	Steele
Waddoups			

\* \* \*

**H.B. 218, OVER WEIGHT VEHICLE AMENDMENTS**, was read the second time. Senator Wright explained the bill. Senators Mayne and Hickman commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 6; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Spencer	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

R. Allen	Davis	Hale	Julander
Mayne	Suazo		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Evans	Peterson
Poulton	Steele		

\* \* \*

**H.B. 237, SPOUSE ABUSE AMENDMENTS**, was read the second time. Senator Hillyard explained the bill.

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

1. Page 2, Line 33a:  
Senate Committee Amendments  
After "available" insert "or that the treatment or therapy is not necessary"

Senator Ron Allen 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	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Dmitrich	Mayne	Peterson
Walker			

\* \* \*

**H.B. 119, ASSESSMENT OF PROPERTY SUBJECT TO A MINIMUM PARCEL SIZE**, was read the second time. Senator Gladwell explained the bill. Senators Jenkins and Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell

Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Mayne
Peterson	Suazo		

\* \* \*

**H.B. 185, REAUTHORIZATION OF INDIVIDUAL INCOME TAX CREDIT – TUTORING DISABLED DEPENDENTS**, was read the second time. Senator Stephenson explained the bill. Senators Waddoups and Bramble 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	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Hillyard
Peterson			

\* \* \*

**H.B. 193, REDEVELOPMENT AGENCIES NOTICE REQUIREMENTS**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Peterson
Steele	Stephenson		

\* \* \*

**2nd Sub. H.B. 34, TOURISM AMENDMENTS,** was read the second time. Senator Evans 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	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Peterson
Steele			

\* \* \*

**H.B. 202, RECONVEYANCE OF TRUST DEED OR RELEASE OF MORTGAGE,** was read the second time. Senator Waddoups 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	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Hillyard
Steele			

\* \* \*

**S.B. 167, SCHOOL COMMUNITY COUNCILS,** was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**2nd Sub. S.J.R. 14, RESOLUTION ON YUCCA MOUNTAIN AS NUCLEAR WASTE REPOSITORY,** was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**H.B. 112, HEALTH CARE MALPRACTICE ACT AMENDMENTS,** was read the second time. Senator Waddoups explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Suazo	Waddoups	Walker
Wright			

**Voting in the negative were:** Senators

Hillyard	Spencer	Stephenson	Valentine
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman
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\* \* \*

**H.B. 251, FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES LEGISLATIVE TASK FORCE,** was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander

Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

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

**Absent or not voting were:** Senators

R. Allen	Blackham	Buttars	Hickman
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On motion of Senator Steele, **H.B. 251** was placed on Third Reading Table due to fiscal impact.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 27, 2002

The House passed, **S.B. 94**, AGRICULTURAL PROTECTION ACT AMENDMENTS, 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. 114**, REVISOR’S STATUTE, by Senator M. Waddoups, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 129**, PLANETARIUM BOARD OF DIRECTORS AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 94, S.B. 114, and S.B. 129** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 27, 2002

The House passed, as amended, **S.B. 92**, BEAR RIVER DEVELOPMENT PROJECTS, by Senator M. Waddoups, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 98**, OUTDOOR ADVERTISING AMENDMENTS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the bills were placed on the Concurrence Calendar.

Mr. President: February 27, 2002

The House passed, as amended, **H.B. 172**, VEHICLE SAFETY INSPECTION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 183**, FIREARM CRIMINAL BACKGROUND CHECK AMENDMENTS, by Representative J. M. Philpot, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 172** and **H.B. 183** were read the first time and referred to the Rules Committee.

### RULES COMMITTEE REPORTS

To the Members of the Senate: February 27, 2002

The Rules Committee recommends assignment of the following bill to standing committee:

#### **Revenue and Taxation**

**1st Sub. H.B. 132** Sale of State Lands At Developmental Center  
(M. Dayton)

Michael Waddoups  
Rules Committee Chair

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

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 27, 2002

The House passed, **S.B. 9**, AMENDMENTS TO DRIVING UNDER THE INFLUENCE, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 28**, TAX CREDITS – REMOVAL OF TAX CREDIT FROM TAX FORM AND PROHIBITION ON CLAIMING OR CARRYING FORWARD TAX CREDIT, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 46**, INDIAN AFFAIRS RELATED AMENDMENTS, 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. 47**, PROCUREMENT CODE AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 49**, UTAH EXEMPTION ACT AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 50**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, by Senator D. E. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 52**, LEFT LANE RESTRICTION AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 9, S.B. 28, 1st Sub. S.B. 46, S.B. 47, S.B. 49, S.B. 50, and S.B. 52** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 27, 2002

The House passed, as amended, **S.B. 93**, CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 99**, CORE CURRICULUM AMENDMENTS, by Senator D. Gladwell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President: February 27, 2002

The House transmits **H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, by Representative W. Harper, for further consideration.

Carole E. Peterson, Chief Clerk

**H.B. 201** was placed at the top of the Third Reading Calendar.

**SECOND READING CALENDAR**

**S.C.R. 2**, RESOLUTION URGING VEGETATION MANAGEMENT PRACTICES ON BLM GROUND, was read the second time. Senator explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Evans	Gladwell	Hale	Mayne
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\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Blackham, the circle was removed from **H.B. 58**, WATER FORFEITURE AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen	Gladwell	Hale	Mayne
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**H.B. 58**, as amended, was returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **2nd Sub. H.B. 231**, PUBLIC HEALTH AUTHORITY AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Hale	Mayne
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**2nd Sub. H.B. 231** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Wright, the circle was removed from **S.B. 157**, LOCAL SCHOOL BOARD EMPLOYER POWERS, and it was before the Senate. Senator Wright explained the bill. Senators Gladwell, Bramble, and Steele commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 11; Absent, 2.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Poulton	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	Davis	Dmitrich	Eastman
Evans	Hale	Julander	Mayne
Peterson	Steele	Suazo	

**Absent or not voting were:** Senators

R. Allen	Spencer
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**S.B. 157** was transmitted to the House.

\* \* \*

**H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, was before the Senate, explained by Senator Bramble.

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

- Page 7, Line 201  
Senate Committee Amendments  
1-31-2002: After “county” delete “legislative body, court, or” and insert “board of equalization.”
- Page 7, Line 201a  
Senate Committee Amendments  
1-31-2002: After “commission” insert “, or a court of competent jurisdiction”
- Page 8, Line 235  
Senate Committee Amendments  
1-31-2002: After “issued by a” insert “county” and after “equalization.” delete “court, or”
- Page 8, Line 235a  
Senate Committee Amendments  
1-31-2002: After “commission” insert “, or a court of competent jurisdiction”

- 5. Page 8, Line 240  
Senate Committee Amendments  
1-31-2002: After "If" bracket "the commission" and delete the comma and insert "a county" and after "equalization" insert "the commission."

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

R. Allen	Hillyard	Spencer
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**H.B. 201**, as amended, was returned to the House.

\* \* \*

On motion of Senator Hickman, the circle was removed from **H.J.R. 5**, RESOLUTION CALLING FOR SUPPORT OF THE PRINCIPLES OF THE ALLIANCE FOR UNITY. Senator Walker commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

R. Allen	Hillyard
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**H.J.R. 5** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Ed Allen, the circle was removed from **H.B. 42**, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY.

Senators Poulton and Spencer commented and the bill passed on the following roll call:

**Yeas, 17; Nays, 11; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Davis	Dmitrich
Hale	Hillyard	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Bramble	Buttars	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Poulton	Stephenson	Wright	

**Absent or not voting was:** Senator

R. Allen

**H.B. 42**, as amended, was returned to the House.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

## SECOND READING CALENDAR

**H.B. 83**, IMPOUNDED LIVESTOCK – SALE BY COUNTY, was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell

Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Davis	Waddoups
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\* \* \*

On motion of Senator Wright, the circle was removed from **S.B. 167, SCHOOL COMMUNITY COUNCILS**, and it was before the Senate. Senator Wright explained the bill.

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

1. Page 3, Line 87:  
After “shall be” insert “:(i)”
2. Page 3, Line 88:  
At the end of line 88 remove the period and insert the following:  
“; and (ii) implemented by the school’s teachers and other appropriate school staff.”
3. Page 4, Line 108:  
After line 108 insert the following:  
“(e) In developing or reviewing a reading achievement plan, a school community council or subcommittee or task force of a school community council may not have access to data that reveal the identity of students.”
4. Page 6, Line 155:  
After “ex officio member” insert “with full voting privileges”
5. Page 6, Line 175:  
After line 175 insert the following:  
“(e)(i)If a parent or guardian position on a school community council remains unfilled after an election is held, the local school board, after conferring with the chair of the school community council, shall appoint a parent or guardian who meets the qualifications of this section to fill the position.  
(ii) A parent or guardian appointed to a school community council pursuant to Subsection (4)(e)(i) shall serve a two–year term beginning July 1.”

- 6. Page 6, Line 176:  
Reinstate “(f)” and delete “(e)”
- 7. Page 6, Line 182:  
Delete “(f)” and insert “(g)”
- 8. Page 7, Lines 183–186:  
Delete lines 183–186 and insert the following:  
“(h)(i) Each school community council shall elect a chair and vice chair from its parent or guardian members and elected employee members.  
(ii) No more than one parent or guardian member or elected employee member may at the same time serve as an officer specified in Subsection (4)(h)(i).”
- 9. Page 7, Line 197:  
After “(1)” insert “(a)”
- 1. Page 7, Line 198:  
After line 198 insert the following:  
“(b) In evaluating U-PASS test results and developing a school improvement plan, a school community council may not have access to data that reveal the identity of students.”

Senators Ron Allen, Buttars, Evans, and Peterson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Steele	Mansell
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\* \* \*

**H.B. 113, INSECT CONTROL ON FEDERAL LANDS,** was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Eastman	Steele	Mansell
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**1st Sub. H.B. 208, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE**, was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Hale	Hickman	Mansell
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\* \* \*

**H.B. 269, WATER COMMISSIONER ASSESSMENT AMENDMENTS**, was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans

Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Eastman	Gladwell	Hale	Hillyard
Stephenson	Mansell		

\* \* \*

**1st Sub. S.B. 168, PARENT VISITATION OFFICE**, was read the second time. Senator Ed Allen explained the bill. Senators Hickman and Buttars commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 6; Absent, 6.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Waddoups			

**Voting in the negative were:** Senators

Bramble	Buttars	Evans	Stephenson
Valentine	Walker		

**Absent or not voting were:** Senators

Blackham	Eastman	Hale	Suazo
Wright	Mansell		

\* \* \*

**S.B. 74, CRIMINAL ACTION – DEFENSE TO CIVIL ACTION FOR DAMAGES**, was read the second time. Senator Hellewell explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

E. Allen	Bramble	Davis	Dmitrich
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

R. Allen	Blackham	Buttars	Eastman
Hale	Mansell		

\* \* \*

**S.B. 171**, UNIFORM ARBITRATION ACT, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	Hale	Hellewell	Peterson
Valentine	Mansell		

\* \* \*

**H.B. 45**, PRISON ESCAPE AMENDMENT, was read the second time. Senator Walker explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Suazo
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hellewell	Hickman	Peterson
Valentine	Waddoups		

\* \* \*

**H.J.R. 7, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE NAMES**, was read the second time. Senator Peterson explained the bill. Senators Waddoups and Knudson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

**S.B. 151, VEHICLE HISTORY INFORMATION**, was read the second time. Senator Eastman explained the bill.

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

1. Page 2, Line 50:  
After “information” insert “in bulk electronic form”
2. Page 2, Line 51:  
After “of” delete “each” and insert “a”
3. Page 2, Line 52:  
Delete “the” and insert “an”

Senator Waddoups 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	Bramble
Buttars	Dmitrich	Eastman	Evans

Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Peterson	Poulton	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Davis	Julander	Spencer	Steele
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\* \* \*

**S.B. 173, MOTOR VEHICLE REGISTRATION FOR FLEETS,** was read the second time. Senator Eastman explained the bill.

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

1. Page 2, Line 31:  
Delete "500" and insert "101"

Senator Hillyard, Waddoups, and Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Wright	Mansell	

**Absent or not voting were:** Senators

Davis	Walker
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\* \* \*

On motion of Senator Bramble, the circle was removed from **3rd Sub. S.B. 102, BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS,** and it was before the Senate. Senator Bramble explained the bill. Senators Steele and Mayne commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator

Waddoups

\* \* \*

On motion of Senator Poulton and at 4:15 p.m., the Senate adjourned until 9:00 a.m., Thursday, February 28, 2002.

# THIRTY-NINTH DAY

## MORNING SESSION

The Senate was called to order at 9:20 a.m., with President Al Mansell presiding.

**Prayer** – Reverend Michael J. Imperiale, First Presbyterian Church

**Pledge of Allegiance** – Senator Ron Allen

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2002

The House passed, **S.B. 38**, LEGISLATIVE COMMITTEE NAMES REVISIONS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 57**, CORPORATE FRANCHISE AND INCOME TAXES – TREATMENT OF CERTAIN COOPERATIVES, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 59**, SALES AND USE TAX – TAXATION OF AMOUNTS PAID TO A TELEPHONE SERVICE PROVIDER OR TELEGRAPH CORPORATION, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 61**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT – RECORDS RELATED TO EXPLOSIVES, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 62**, TAX COMMISSION CRIMINAL INVESTIGATORS DESIGNATION AS SPECIAL FUNCTION OFFICERS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 76**, DOMESTIC VIOLENCE IN PRESENCE OF CHILD 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. 80**, ADJUSTMENTS OF COUNTY BOUNDARIES, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 97**, FORENSIC MENTAL HEALTH COORDINATING COUNCIL, by Senator K. Hale, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 120**, MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION REQUIREMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 135**, TOBACCO SETTLEMENT RESTRICTED ACCOUNT, 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, **2nd Sub. S.J.R. 6**, JOINT RESOLUTION URGING A STUDY OF CERTAIN EXEMPTIONS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 38, S.B. 57, S.B. 59, S.B. 61, S.B. 62, S.B. 76, S.B. 80, S.B. 97, 1st Sub. S.B. 120, S.B. 135, and 2nd Sub. S.J.R. 6** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 28, 2002

The House concurred in the Senate amendments and passed **1st Sub. H.B. 13**, REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE, by Representative D. Bowman, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 51**, SALES AND USE TAX MODIFICATIONS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 204**, RESPONSIBILITY OF ATTORNEY GENERAL TO REPRESENT DIVISION

OF CHILD AND FAMILY SERVICES, by Representative M. Throckmorton, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 13, 3rd Sub. H.B. 51, and H.B. 204** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

February 27, 2002

The House substituted, amended, and passed, **1st Sub. S.B. 87, VISITATION RIGHTS OF GRANDPARENTS**, by Senator T. Spencer, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 101, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES**, by Senator L. Blackham, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Poulton, the bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 27, 2002

The House passed, as substituted, **1st Sub. H.B. 90, TRUTH IN ADVERTISING AMENDMENTS**, by Representative S. Daniels, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 136, JUDICIAL CONDUCT COMMISSION AMENDMENTS**, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 137, LIMITED PURPOSE LOCAL GOVERNMENT AGENCIES AMENDMENTS**, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 241, COUNTY HEALTH DEPARTMENTS – OPERATIONAL STRUCTURE**, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 284**, ELECTION LAW AMENDMENTS – DISABLED VOTERS, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed **H.B. 297**, RETIREMENT OFFICE AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 19**, JOINT RULES RESOLUTION REQUIRING CERTAIN SPECIAL SESSION PROCEDURES, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 90**, **1st Sub. H.B. 136**, **2nd Sub. H.B. 137**, **3rd Sub. H.B. 241**, **H.B. 284**, **H.B. 297**, and **H.J.R. 19** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: February 27, 2002

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 176**, UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS, by Senator L. Hillyard.

Dan R. Eastman, Chair

Mr. President: February 27, 2002

The Education Committee recommends **S.B. 138**, CHARTER SCHOOLS AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 138**, CHARTER SCHOOLS AMENDMENTS with the following amendments:

1. Page 1, Line 23:  
Delete "12" and insert "16"; and

The Education Committee reports a favorable recommendation on **S.B. 156**, SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES, by Senator J. Valentine; and

The Education Committee reports a favorable recommendation on **H.B. 76**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, by Representative D. Cox; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 79**, SCHOOL DISPLAY OF MOTTO OF THE UNITED STATES, by Representative R. Siddoway.

Bill Wright, Chair

Mr. President:

February 27, 2002

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 125**, ENDANGERMENT OF CHILD OR ELDER PERSON WITH CONTROLLED SUBSTANCE OR PRECURSOR, by Representative T. Beck; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 133**, NATURAL GAS TECHNICIAN CERTIFICATION, by Representative G. Snow, with the following amendments:

1. Page 11, line 310a:  
After "division" delete "may" and insert "shall"; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **3rd Sub. H.B. 184**, IMPACT FEES ACT AMENDMENTS, by Representative G. Way.

Terry R. Spencer, Chair

Mr. President:

February 27, 2002

The Health and Environment Committee reports a favorable recommendation on **S.B. 172**, HEALTH INSURANCE PROMPT PAY AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 2, Line 32:  
After "(d)" delete "(i)" and after "means" insert ":(i)"

Peter C. Knudson, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 176**, **1st Sub. S.B. 138**, as amended, **S.B. 156**, **H.B. 76**, **1st Sub. H.B. 79**, **H.B. 125**, **H.B. 133**, as amended, **3rd Sub. H.B. 184**, and **S.B. 172**, as amended, were placed on Second Reading Calendar.

Mr. President: February 28, 2002  
 The Education Committee reports a favorable recommendation on **H.B. 207**, LICENSES FOR EDUCATORS, by Representative S. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Bill Wright, Chair

Mr. President: February 27, 2002  
 The Health and Environment Committee reports a favorable recommendation on **H.B. 266**, HEARING INSTRUMENT SPECIALIST AMENDMENTS, by Representative A. Bradshaw, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Poulton, the committee reports were adopted. **H.B. 207** and **H.B. 266** were considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President: February 27, 2002  
 The Business, Labor, and Economic Development Committee has returned **1st Sub. S.B. 186**, UNEMPLOYMENT BENEFITS – EXEMPTION FOR CORPORATE OFFICERS, by Senator P. Hellewell, to the Secretary of the Senate.

Dan R. Eastman, Chair

**1st Sub. S.B. 186** was returned to the Secretary of the Senate.

### CONCURRENCE CALENDAR

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 92**, BEAR RIVER DEVELOPMENT PROJECTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne

Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Walker
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**S.B. 92** was returned to the House.

\* \* \*

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **1st Sub. S.B. 98, OUTDOOR ADVERTISING AMENDMENTS**. Senator Hale commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator

Hale

**Absent or not voting was:** Senator

Blackham

**1st Sub. S.B. 98** was returned to the House.

\* \* \*

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 93, CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS**. Senator Steele commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell

Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Mayne
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**S.B. 93** was returned to the House.

\* \* \*

On motion of Senator Gladwell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 99**, CORE CURRICULUM AMENDMENTS. Senators Ed Allen, Bill Wright, Eastman, Steele, and Buttars commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bramble	Buttars	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Poulton	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Hale	Julander	Mayne
Peterson	Spencer	Steele	Suazo

**Absent or not voting was:** Senator

Blackham

**1st Sub. S.B. 99** was returned to the House.

### THIRD READING CALENDAR

On motion of Senator Hellewell, **H.B. 81** was lifted from the Third Reading Table and placed at the bottom of the Third Reading Calendar.

\* \* \*

**H.B. 224**, GIVING FALSE INFORMATION TO POLICE OFFICER, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Peterson
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**H.B. 224**, as amended, was returned to the House.

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On motion of Senator Steele, Bill Schuffenhauer, silver medalist in the bobsled in the 2002 Salt Lake Olympics, spoke in Committee of the Whole.

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 28, 2002

The House passed **H.J.R. 24**, RESOLUTION HONORING PRINCESS AISHA BINT AL HUSSEIN, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 24** was read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups, **H.J.R. 24**, RESOLUTION HONORING PRINCESS AISHA BINT AL HUSSEIN, was lifted from Rules and placed at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Walker, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Walker, under suspension of the rules, **H.J.R. 24**, RESOLUTION HONORING PRINCESS AISHA BINT AL HUSSEIN, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hickman
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**H.J.R. 24** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Walker, Princess Aisha Bint Al Hussein of Jordan spoke in Committee of the Whole. Senator Hellewell commented.

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

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

## THIRD READING CALENDAR

**H.B. 29**, CHILD RESTRAINT VIOLATIONS, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Eastman	Evans	Gladwell	Hale

Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Wright	Mansell	

**Absent or not voting were:** Senators

E. Allen	Blackham	Dmitrich	Hickman
Peterson	Walker		

**H.B. 29** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 235, EMERGENCY VEHICLE AMENDMENTS,** was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Hickman
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**H.B. 235,** as amended, was returned to the House.

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**H.B. 197, OFF-HIGHWAY VEHICLE AMENDMENTS,** was read the third time, explained by Senator Ron Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hillyard	Jenkins

Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Hickman	Knudson
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**H.B. 197** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 218, OVER WEIGHT VEHICLE AMENDMENTS**, was read the third time, explained by Senator Wright. Senators Mayne, Waddoups, and Buttars commented and the bill failed on the following roll call:

**Yeas, 13; Nays, 16; Absent, 0.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Eastman	Evans
Gladwell	Hellewell	Poulton	Spencer
Stephenson	Valentine	Waddoups	Wright
Mansell			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Hale	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Steele	Suazo	Walker

**H.B. 218** was returned to the House.

\* \* \*

On motion of Senator Blackham, a bill file was authorized to be opened for sales and use tax reduction.

\* \* \*

**H.B. 237, SPOUSE ABUSE AMENDMENTS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Evans	Gladwell
Hale	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Hellewell	Waddoups
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**H.B. 237**, as amended, was returned to the House.

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**H.B. 119**, ASSESSMENT OF PROPERTY SUBJECT TO A MINIMUM PARCEL SIZE, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 185**, REAUTHORIZATION OF INDIVIDUAL INCOME TAX CREDIT – TUTORING DISABLED DEPENDENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Buttars	Hillyard	Waddoups
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**H.B. 185** was signed by the President of the Senate in open session and returned to the House.

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**H.B. 193**, REDEVELOPMENT OF TRUST DEED OR RELEASE OF MORTGAGE, was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**2nd Sub. H.B. 34**, TOURISM AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Buttars	Waddoups	Mansell
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**2nd Sub. H.B. 34** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 202**, RECONVEYANCE OF TRUST DEED OR RELEASE OF MORTGAGE, was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 112**, HEALTH CARE MALPRACTICE ACT AMENDMENTS, was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.C.R. 2**, RESOLUTION URGING VEGETATION MANAGEMENT PRACTICES ON BLM GROUND, was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 119**, ASSESSMENT OF PROPERTY SUBJECT TO MINIMUM PARCEL SIZE. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Knudson	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Hellewell
Mayne	Spencer	Mansell	

**H.B. 119** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Peterson, and at 11:15 a.m., the Senate sauntered.

The Senate was called to order at 11:30 a.m. with President ProTem Hickman presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 28, 2002

The House passed **H.B. 179**, DESIGNATION OF STATE BUILDING, by Representative G. Way, and it is transmitted for consideration; and

The House passed **H.B. 311**, STATE CAPITOL PRESERVATION BOARD – CHAIR, by Representative G. Adair, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 179** and **H.B. 311** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 202**, RECONVEYANCE OF TRUST DEED OR RELEASE OF MORTGAGE. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hickman	Hillyard	Jenkins	Julander
Knudson	Peterson	Spencer	Suazo
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Hellewell
Mayne	Poulton	Steele	Stephenson
Mansell			

**H.B. 202** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 112**, HEALTH CARE MALPRACTICE ACT AMENDMENTS. Senators Valentine, Bramble, Spencer, Ed Allen, and Julander commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars
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**H.B. 112** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Steele, the circle was removed from **2nd Sub. H.B. 80, UNSOLICITED COMMERCIAL EMAIL.**

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

**UNSOLICITED COMMERCIAL EMAIL**

**3rd Sub. H.B. 80**

*Patrice M. Arent*

THIS ACT ENACTS PROVISIONS IMPOSING REQUIREMENTS ON PERSONS WHO SEND UNSOLICITED COMMERCIAL EMAIL. THE ACT PROVIDES FOR A CAUSE OF ACTION IN FAVOR OF THOSE WHO RECEIVE AN UNSOLICITED COMMERCIAL EMAIL THAT VIOLATES THOSE REQUIREMENTS AND PROVIDES A DEFENSE TO AN ACTION.

On motion of Senator Steele, the bill was circled.

\* \* \*

**H.B. 83, IMPOUNDED LIVESTOCK – SALE BY COUNTY,** was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.B. 167, SCHOOL COMMUNITY COUNCILS,** was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**Absent or not voting were:** Senators  
Blackham                      Buttars                      Spencer                      Mansell

**S.B. 167** was transmitted to the House.

\* \* \*

**H.B. 113, INSECT CONTROL ON FEDERAL LANDS,** was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**1st Sub. H.B. 208, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE,** was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**H.B. 269, WATER COMMISSIONER ASSESSMENT AMENDMENTS,** was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**1st Sub. S.B. 168, PARENT VISITATION OFFICE,** was read the third time and explained by Senator Ed Allen. Senators Jenkins and Valentine commented and passed on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Suazo
Valentine	Walker	Wright	

**Voting in the negative were:** Senators

Bramble	Buttars	Eastman	Evans
Hillyard	Poulton	Stephenson	Waddoups

**Absent or not voting were:** Senators  
Blackham                      Mansell

**1st Sub. S.B. 168** was transmitted to the House.

\* \* \*

**S.B. 74, CRIMINAL ACTION – DEFENSE TO CIVIL ACTION FOR DAMAGES**, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Walker

**Absent or not voting were:** Senators

Blackham	Valentine	Waddoups	Wright
Mansell			

**S.B. 74** was transmitted to the House.

\* \* \*

**S.B. 171, UNIFORM ARBITRATION ACT**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Davis	Valentine	Mansell
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**S.B. 171** was transmitted to the House.

\* \* \*

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

## AFTERNOON SESSION

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

### RULES COMMITTEE REPORTS

To the Members of the Senate: February 28, 2002

The Rules committee reports a favorable recommendation on **S.B. 183**, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT, by Senator T. Spencer, with the following amendments:

1. Page 2, Line 33–34:  
Delete lines 33–34

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted. **S.B. 183**, as amended, was placed on the Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 28, 2002

The Human Services Committee reports a favorable recommendation on **S.B. 178**, PROTECTING THE UNBORN CHILD, by Senator L. S. Poulton; and

The Human Services Committee reports a favorable recommendation on **S.B. 181**, HIGHER EDUCATION TECHNOLOGY AMENDMENTS, by Senator L. Hillyard; and

The Human Services Committee recommends **S.B. 199**, PRIVACY PROTECTIONS IN DIVORCE PROCEEDINGS, by Senator G. Davis, be replaced and favorably recommends **1st Sub. S.B. 199**, PRIVACY PROTECTIONS IN DIVORCE PROCEEDINGS; and

The Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 25**, ADULT PROTECTIVE SERVICES AMENDMENTS, by Representative P. Jones; and

The Human Services Committee reports a favorable recommendation on **H.B. 181**, ALLOCATION OF STATE HOSPITAL BEDS, by Representative J. Seitz; and

The Human Services Committee reports a favorable recommendation on **H.B. 196**, DIVORCE AND PARENT-TIME REVISIONS, by Representative C. Bennion; and

The Human Services Committee reports a favorable recommendation on **H.J.R. 4**, RESOLUTION ENCOURAGING CULTURAL COMPETENCY IN THE DELIVERY OF HEALTH CARE, by Representative J. Buffmire.

Bill Hickman, Chair

Mr. President: February 27, 2002

The Judiciary Committee recommends **S.B. 149**, ETHICS AMENDMENTS, by Senator L. S. Poulton, be replaced and favorably recommends **2nd Sub. S.B. 149**, ETHICS AMENDMENTS.

David L. Gladwell, Chair

Mr. President: February 28, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 169**, PROPERTY TAX MODIFICATIONS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 182**, PENALTY AND INTEREST MODIFICATIONS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 195**, SALES AND USE TAX AMENDMENTS, by Senator J. Hickman; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 132**, SALE OF STATE LANDS AT DEVELOPMENTAL CENTER, by Representative M. Dayton, with the following amendments:

1. Page 3, Line 62:

After “before” delete “making the” and insert “offering the land or water rights for” and after “lease” insert “.” and after “land” delete “or”

2. Page 3, Line 63:  
Delete line 63.

Curtis S. Bramble, Chair

Mr. President: February 28, 2002  
The State and Local Affairs Committee recommends **S.B. 196**, WASTE AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 196**, WASTE AMENDMENTS; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 116**, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS BY LOCAL GOVERNMENT OFFICIALS, by Representative M. Thompson; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 127**, COUNTY BALLOT QUESTIONS, by Representative C. Buttars; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 131**, REPORTING OF DATA TO THE AUTOMATED GEOGRAPHIC REFERENCE CENTER, by Representative L. Pace; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 143**, RESTRICTIONS ON SEXUALLY EXPLICIT EMAIL, by Representative B. Winn; and

The State and Local Affairs Committee reports a favorable recommendation on **1st Sub. H.B. 240**, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, by Representative D. Cox; and

The State and Local Affairs Committee recommends **H.B. 259**, USE OF STATE ARMORIES, by Representative C. Beshear, be replaced and favorably recommends **1st Sub. H.B. 259**, USE OF STATE ARMORIES; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 276**, ASSESSMENT ON TITLE INSURERS AND TITLE INSURANCE AGENCIES, by Representative T. Hatch, with the following amendment:

1. Page 2, Line 42  
House Committee Amendments  
2-4-2002: After “[\$150]” insert “up to”; and

The State and Local Affairs Committee recommends **1st Sub. H.J.R. 13**, RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF

INTO SPECIAL SESSION, by Representative C. Bennion, be replaced and favorably recommends **3rd Sub. H.J.R. 13**, RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE.

Carlene M. Walker, Chair

Mr. President:

February 27, 2002

The Transportation and Public Safety Committee recommends **S.B. 191**, LAW ENFORCEMENT REVOLVING ACCOUNT, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 191**, LAW ENFORCEMENT REVOLVING ACCOUNT; and

The Transportation and Public Safety Committee reports a favorable recommendation on **1st Sub. H.B. 4**, MOTORBOATING AND BOATING UNDER THE INFLUENCE PROVISIONS, by Representative L. Pace, with the following amendments:

1. Page 3, Line 80:  
After line 80 insert "and"
2. Page 23, Line 690:  
After "under the" insert "on-board and"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **1st Sub. H.B. 110**, MOTOR VEHICLE INSURANCE AND CREDIT INFORMATION, by Representative P. Wallace; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 128**, CONTROLLED SUBSTANCES ACT AMENDMENTS, by Representative E. Anderson; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 256**, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, by Representative S. Urquhart; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 257**, PROOF OF AGE UNDER THE ALCOHOLIC BEVERAGE CODE, by Representative D. Bourdeaux, with the following amendments:

1. Page 11, Line 333:  
Bracket "the legality of"

David H. Steele, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 178, S.B. 181, 1st Sub. S.B. 199, 1st Sub. H.B. 25, H.B. 181, H.B. 196, H.J.R. 4,**

**2nd. Sub. S.B. 149, S.B. 169, S.B. 182, S.B. 195, 1st Sub. H.B. 132, as amended, 1st Sub. S.B. 196, H.B. 116, H.B. 127, H.B. 131, H.B. 143, 1st Sub. H.B. 240, 1st Sub. H.B. 259, H.B. 276, as amended, 3rd Sub. H.J.R. 13, 1st Sub. S.B.191, 1st Sub. H.B. 4, as amended, 1st Sub. H.B. 110, H.B. 128, H.B. 256, and H.B. 257 as amended, were placed on Second Reading Calendar.**

\* \* \*

Mr. President:

February 28, 2002

The Revenue and Taxation Committee reports a favorable recommendation on **H.C.R. 2, RESOLUTION SUPPORTING BUSINESSES**, by Representative G. Curtis, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 26:

After “commerce” insert “and other business organizations”

Curtis S. Bramble, Chair

On motion of Senator Valentine, the committee report was adopted. **H.C.R. 2** was considered read the second time and placed on the Consent Calendar.

### THIRD READING CALENDAR

**H.B. 45, PRISONER ESCAPE AMENDMENT**, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Davis	Hickman	Hillyard
Stephenson	Wright		

**H.B. 45** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.J.R. 7, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEES NAMES**, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Hillyard	Wright
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**H.J.R. 7** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**S.B. 151, VEHICLE HISTORY INFORMATION**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Hillyard	Wright
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**S.B. 151** was transmitted to the House.

\* \* \*

**S.B. 173, MOTOR VEHICLE REGISTRATION FOR FLEETS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Wright
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**S.B. 173** was transmitted to the House.

\* \* \*

**3rd Sub. S.B. 102, BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS**, was read the third time, explained by Senator Stephenson.

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

- Page 3, Line 62:  
After "\$40,000," insert "as adjusted for inflation in accordance with Subsection (6)."
- Page 4, Line 94:  
Delete "shall" and insert "may"
- Page 6, Line 165:  
Delete "shall" and insert "may"
- Page 8, Line 238:  
Delete "shall" and insert "may"

Senators Waddoups, Bramble, Gladwell, and Mayne commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 1; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Walker
Mansell			

**Voting in the negative was:** Senator

Waddoups

**Absent or not voting were:** Senators

Blackham	Buttars	Gladwell	Hickman
Spencer	Valentine	Wright	

**3rd Sub. S.B. 102**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 141**, PUNITIVE DAMAGE AWARDS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hickman	Valentine	Wright
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**1st Sub. S.B. 141** was transmitted to the House.

\* \* \*

**H.B. 81**, YOUTH FISHING LICENSE AMENDMENTS, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Hickman	Valentine	Waddoups
Wright			

**H.B. 81** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 193**, REDEVELOPMENT AGENCIES NOTICE REQUIREMENTS. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Hickman	Hillyard	Valentine	Wright
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**H.B. 193** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 29**, INTERLOCAL COOPERATION ACT AMENDMENTS, and it was before the Senate.

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

**INTERLOCAL COOPERATION ACT AND  
ELECTRIC POWER FACILITIES AMENDMENTS**

**1st Sub. S.B. 29**

*Leonard M. Blackham*

THIS ACT MODIFIES THE INTERLOCAL COOPERATION ACT AND PUBLIC UTILITIES PROVISIONS. THE ACT AUTHORIZES THE CREATION OF NEW POLITICAL SUBDIVISIONS OF THE STATE BY UTAH PUBLIC AGENCIES AND OUT-OF-STATE PUBLIC AGENCIES TO PARTICIPATE IN THE UNDERTAKING AND FINANCING OF ELECTRIC GENERATION FACILITIES ADJACENT TO AN EXISTING GENERATION AND TRANSMISSION PROJECT OR TO CONDUCT OTHER ACTIVITIES RELATING TO THE GENERATION, TRANSMISSION, MANAGEMENT, AND DISTRIBUTION OF ELECTRICITY. THE ACT AUTHORIZES AN EXISTING UTAH INTERLOCAL ENTITY TO REORGANIZE WITH OUT-OF-STATE PUBLIC AGENCIES AS AN ELECTRIC INTERLOCAL ENTITY. THE ACT PROVIDES FOR THE POWERS AND DUTIES OF NEW INTERLOCAL ENTITIES, MODIFIES POWERS FOR EXISTING INTERLOCAL ENTITIES, AND PROVIDES FOR ADDITIONAL POWERS FOR CERTAIN INTERLOCAL ENTITIES. THE ACT MODIFIES PROVISIONS RELATING TO THE LENGTH OF TIME THAT AN INTERLOCAL ENTITY MAY REMAIN IN EXISTENCE. THE ACT MODIFIES PROVISIONS REQUIRED TO BE INCLUDED IN AN AGREEMENT CREATING AN INTERLOCAL ENTITY. THE ACT MODIFIES PROVISIONS RELATING TO THE SALES AND USE TAX OBLIGATION OF PROJECT ENTITIES. THE ACT REPEALS PROVISIONS REQUIRING APPROVAL OF AGREEMENTS BY AN ATTORNEY. THE ACT MODIFIES PROVISIONS RELATING TO GENERATION OUTPUT FROM A GENERATION AND TRANSMISSION PROJECT AND REQUIRES A MAJORITY OF GENERATION OUTPUT FROM FACILITIES PROVIDING ADDITIONAL PROJECT CAPACITY TO BE MADE AVAILABLE TO AND ACQUIRED BY PURCHASERS IN THE STATE. THE ACT ENACTS PROVISIONS RELATING TO IMPACT ALLEVIATION, GROSS RECEIPTS TAX, FEE IN LIEU OF PROPERTY TAX, SALES AND USE TAX, PRIVILEGE TAX, AND OTHER MATTERS WITH RESPECT TO FACILITIES PROVIDING ADDITIONAL PROJECT CAPACITY. THE ACT MODIFIES PROVISIONS RELATING TO AGREEMENTS BETWEEN STATE AND FEDERAL AGENCIES. THE ACT ELIMINATES A REQUIREMENT THAT APPLIES IF AN INTERLOCAL COOPERATION ENTITY CONSTRUCTS OR ACQUIRES FACILITIES TO PROVIDE SERVICES THAT EXCEED THOSE

NEEDED TO MEET THE REQUIREMENTS OF THE PARTICIPATING PUBLIC AGENCIES. THE ACT MODIFIES A PROVISION DEFINING PROJECTS THAT ARE SUBJECT TO A REQUIREMENT TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM THE PUBLIC SERVICE COMMISSION. THIS ACT MODIFIES PROVISIONS RELATING TO THERMAL POWER FACILITIES AND MAKES THEM APPLY INSTEAD TO ELECTRIC POWER FACILITIES. THE ACT EXPANDS APPLICATION OF THOSE PROVISIONS TO INCLUDE INTERLOCAL ENTITIES AND MODIFIES PROVISIONS RELATING TO THE REQUIREMENTS FOR AGREEMENTS FOR COMMON FACILITIES, THE FINANCING OF COMMON FACILITIES, AND THE LIABILITY OF PUBLIC POWER ENTITIES AND POWER UTILITIES. THE ACT REPEALS LEGISLATIVE PURPOSE LANGUAGE. THE ACT CLARIFIES THE TAXES, FEES, AND EXEMPTIONS RELATING TO PUBLIC AGENCIES UNDER CERTAIN CIRCUMSTANCES. THE ACT MODIFIES DEFINITIONS, ADDS NEW DEFINITIONS, AND MAKES CONFORMING AND TECHNICAL CHANGES. THE ACT PROVIDES A COORDINATION CLAUSE.

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Blackham, the Senate voted to return **S.B. 32** to the Rules Committee.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.C.R. 2, RESOLUTION URGING VEGETATION MANAGEMENT PRACTICES ON BLM GROUND**, and it was before the Senate. Senator Blackham explained the bill. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Hickman                      Hillyard                      Valentine                      Wright

**S.C.R. 2** was transmitted to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 83**, IMPOUNDED LIVESTOCK – SALE BY COUNTY. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Hickman                      Hillyard                      Julander                      Wright

**H.B. 83** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 113**, INSECT CONTROL ON FEDERAL LANDS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Walker	Mansell		

**Absent or not voting were:** Senators

Hillyard                      Waddoups                      Wright

**H.B. 113** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **1st Sub. H.B. 208**, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE. Senators Walker and Ron Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard                      Steele                      Wright

**1st Sub. H.B. 208** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 269**, WATER COMMISSIONER ASSESSMENT AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators  
Hillyard                      Wright

**H.B. 269** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Gladwell, **H.J.R. 14** and **2nd Sub. H.J.R. 11** were lifted from the Third Reading Table and placed on the Third Reading Calendar.

\* \* \*

**H.J.R. 14**, JOINT RESOLUTION – DEBT LIMITS FOR POLITICAL SUBDIVISIONS, was read the third time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**2nd Sub. H.J.R. 11**, RESOLUTION REQUIRING PUBLIC NOTICE PRIOR TO SPECIAL SESSIONS, was read the third time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Poulton, the 24-hour rule was suspended for all bills considered on Second Reading Calendar for the remainder of today.

\* \* \*

On motion of Senator Hale, the circle was removed from **S.B. 131**, PERSONAL USE OF CAMPAIGN FUNDS, and it was before the Senate.

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

**PERSONAL USE OF CAMPAIGN FUNDS**

**1st Sub. S.B. 131**

*Karen Hale*

THIS ACT MODIFIES THE ELECTION CODE TO ADDRESS THE USE AND DISPOSITION OF CAMPAIGN FUNDS, PROVIDES A CIVIL PENALTY FOR CERTAIN VIOLATIONS, AND MAKES TECHNICAL CORRECTIONS.

On motion of Senator Hale, the bill was circled.

\* \* \*

**H.B. 273**, DESIGNATION OF I-80, was read the second time. Senator Ron Allen explained the bill. Senators Valentine and Hillyard 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	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Mansell

**Absent or not voting were:** Senators

Bramble	Hellewell	Mayne	Waddoups
Wright			

\* \* \*

**S.B. 176**, UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Peterson	Poulton	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Mayne	Spencer	Steele	Wright
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\* \* \*

**1st Sub. S.B. 138**, CHARTER SCHOOLS AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senators Dmitrich and Ron

Allen commented. Senator Steele declared a conflict of interest. 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Spencer	Wright
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\* \* \*

**S.B. 156, SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES,** was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Davis	Spencer	Wright
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\* \* \*

**S.B. 172, HEALTH INSURANCE PROMPT PAY AMENDMENTS,** was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 183, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT,** was read the second time.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**S.B. 178, PROTECTING THE UNBORN CHILD,** was read the second time. Senator Poulton explained the bill. 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	Bramble
Buttars	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Davis	Gladwell	Steele	Wright
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\* \* \*

**S.B. 181, HIGHER EDUCATION TECHNOLOGY AMENDMENTS,** was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Evans	Gladwell	Wright
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\* \* \*

**1st Sub. S.B. 199**, PRIVACY PROJECTIONS IN DIVORCE PROCEEDINGS, was read the second time. Senator Davis explained the bill. Senators Spencer and Valentine commented. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting was:** Senator Wright

\* \* \*

**2nd Sub. S.B. 149**, ETHICS AMENDMENTS, was read the second time. Senator Poulton explained the bill. Senators Waddoups, Steele, Hillyard, Walker, and Mansell commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Valentine	Waddoups
Walker	Mansell		

**Voting in the negative were:** Senators

Davis	Dmitrich	Stephenson	Suazo
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**Absent or not voting were:** Senators

Blackham	Evans	Wright
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\* \* \*

**S.B. 169**, PROPERTY TAX MODIFICATIONS, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Evans	Hale
Spencer	Suazo	Wright	

\* \* \*

**S.B. 182, PENALTY AND INTEREST MODIFICATIONS,** was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Hale
Hickman	Hillyard	Spencer	Wright

\* \* \*

**S.B. 195, SALES AND USE TAX AMENDMENTS,** was read the second time.

On motion of Senator Evans, the bill was circled.

\* \* \*

**1st Sub. S.B. 196, WASTE AMENDMENTS,** was read the second time. Senator Walker explained the bill. Senators Valentine, Mayne, Dmitrich, Buttars, Bramble, Mansell, Evans, and Eastman commented.

On motion of Senator Walker, the bill was circled.

\* \* \*

On motion of Senator Hickman, the circle was removed from **S.B. 195**, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Hickman explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Spencer
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\* \* \*

On motion of Senator Wright, the circle was removed from **2nd Sub. S.B. 132**, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE, and it was before the Senate. Senator Wright explained the bill. Senator Steele commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Poulton
Steele	Stephenson	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Julander	Mayne	Peterson	Suazo

**Absent or not voting were:** Senators

Hale	Spencer	Valentine
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\* \* \*

**1st Sub. S.B. 191**, LAW ENFORCEMENT REVOLVING ACCOUNT, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Spencer
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### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2002

The House passed, as amended, **H.B. 262**, STUDENT EDUCATION PLANS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.C.R. 5**, RESOLUTION RECOGNIZING MILITARY, PRESIDENT, AND CONGRESS' ROLE IN WAR ON TERRORISM, by Representative J. Swallow, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 262** and **H.C.R. 5** were read the first time and referred to the Rules Committee.

\* \* \*

The following bills received no committee action and are returned to the Secretary of the Senate.

### STANDING COMMITTEE REPORTS

Mr. President: February 28, 2002

The Business, Labor, and Economic Development Standing Committee held its last scheduled meeting and returns the following bills to the Secretary of the Senate without action:

**S.B. 126** Optional County Affordable Housing Funds Act (K. Hale)  
**H.B. 49** Municipal Plan for Moderate Income Housing (P. Ray)  
**H.B. 61** Funds Consolidation (J. Alexander)  
**H.C.R. 1** Resolution Regarding United States Minting of the Utah  
Quarter (N. Hansen)

**S.B. 43** Uniform Trust Act (L. Hillyard)  
**S.B. 60** Utah Consumer Credit Reporting Act (G. Davis); and

Mr. President: February 28, 2002  
The Business, Labor, and Economic Development Standing Committee held its last scheduled meeting and returns **S.B. 56**, Age Discrimination in Employment, by Sen. E. Mayne, to the Secretary of the Senate, having failed in committee with the following amendment.

- 1. Page 1, Line 1:  
Delete "Age"

Dan R. Eastman, Chair

Mr. President: February 28, 2002  
The Energy, Natural Resources, and Agriculture Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate without action:

**H.B. 102** Criminal History Background Information  
(D. Bourdeaux)

Terry Spencer, Chair

Mr. President: February 28, 2002  
The Education Committee has held its last scheduled meeting and returns the following bills to the Secretary of the Senate without action:

**S.B. 155** Education Budget Reserve Account (L. Blackham)  
**H.B. 111** State Responsibility for Regulation of Postsecondary  
Proprietary Schools (A. Bradshaw)  
**H.B. 206** New Century Scholarship Program Amendments  
(A. Bradshaw)  
**1st Sub. H.B. 252** General Obligation Bonds for Engineering Buildings  
(G. Adair)

**H.B. 253** Rural Schools – Equity in Education (B. Johnson)

Bill Wright, Chair

Mr. President: February 28, 2002

The Health and Environment Committee held its last scheduled meeting and returns the following bill to the Secretary of the Senate as amended:

**S.B. 58** Health Care Access Reform (D. C. Buttars)

1. Page 3, Line 87:  
After “(b)” delete “Beginning July 1, 2002, the” and insert “The”
2. Page 3, Line 88:  
After “shall be” delete “annually”; and

The Health and Environment Committee held its last scheduled meeting and returns the following bill to the Secretary of the Senate with the following amendments:

**S.B. 112** Insurance Coverage of Contraceptives (L. S. Poulton)

1. Page 3, Line 61:  
Delete “also offer to” and after “cover” insert “to the same extent and” and after “terms” delete “and any additional”
2. Page 3, Line 62:  
Delete “premiums”
3. Page 3, Line 64:  
After “for” insert “establishing, fitting, adjusting, or maintaining the use of”
4. Page 3, Line 77:  
After “nature” insert “that can be obtained without a prescription, or”
5. Page 3, Line 78:  
After line 78 insert “(d) An insurer offering contraceptive coverage in compliance with Subsection (7)(a) is not required by this section to offer, develop, or maintain coverage that excludes the contraceptive coverage described in Subsection (7)(a).”; and

The Health and Environment Committee held its last scheduled meeting and returns the following bills to the Secretary of the Senate without action.

- S.B. 192** Air Quality Amendments (B. Wright)  
**H.B. 215** Department of Health Collection of Information (D. Hogue)  
**S.B. 54** Women's Health Care Parity (P. Julander)  
**1st Sub S.B. 127** Appointments to City and County Health Boards (G. Davis)  
**1st Sub H.B. 12** Use of Tobacco Settlement Interest Proceeds (K. Morgan)

Peter Knudson, Chair

Mr. President: February 28, 2002

The Human Services Standing Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate without action:

- 1st Sub. H.B. 36** Child Care Amendments (R. Siddoway)

Bill Hickman, Chair

Mr. President: February 28, 2002

The Judiciary Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate without action:

- S.B. 177** Jury Trial for Termination of Parental Rights Cases (B. Wright)  
**1st Sub. H.B. 44** Trust Deeds Amendments (D. Clark)  
**1st Sub. H.B. 69** Payment for Bailiff and Other Services in Courts of Record (J. Seitz)  
**3rd Sub. H.B. 226** Termination of Parental Rights Amendments (M. Throckmorton)  
**H.J.R. 17** Resolution Closing Court Facility (C. Bennion)  
**S.B. 64** Criminal Code Amendments (A. Suazo)

David Gladwell, Chair

Mr. President: February 28, 2002

The Revenue and Taxation Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate having been amended and failed:

**S.B. 185** Sales and Use Tax – Exemption for Certain Coupons  
(M. Peterson)

The bill was amended as follows:

Throughout the bill, the year “2002” was deleted and replaced with “2003”;  
and

Mr. President: February 28, 2002

The Revenue and Taxation Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate without action:

**H.B. 129** Sales and Use Taxes – Exemption for Certain Sales of  
Electricity (L. Shurtliff)  
**2nd Sub. H.B. 263** Mobile Home Park Residency Act Amendments  
(W. Harper)  
**H.B. 291** Obligations Related to Mortgage Loan Reserve Accounts  
(J. Swallow)  
**H.J.R. 10** Resolution Urging Federal Constitutional Amendment to  
Protect the Life of the Unborn (G. Way)  
**1st Sub. H.B. 109** Governor and Legislatures Power to Cut State Budget  
(K. Holdaway)

Curtis S. Bramble, Chair

Mr. President: February 28, 2002

The State and Local Affairs Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate without action:

**S.B. 63** Attorney General Amendments (B. Wright)  
**S.B. 147** Restriction of Funding on State Entity whose Policy,  
Rule, or Action Contrary to Law (M. Waddoups)  
**H.B. 20** Prohibiting Residential Lots from Crossing County Lines  
(D. Hogue)  
**H.B.280** Planetarium Board Amendments (Merlyn T. Newbold)  
**S.B. 198** Basic Human Needs Referendum Act (M. Dmitrich)

Carlene M. Walker, Chair

Mr. President: February 28, 2002

The Transportation and Public Safety Committee has held its last scheduled meeting and returns the following bill to the Secretary of the Senate without action:

**S.B. 133** Application for Driver License Amendments (B. Wright)

**S.B. 190**

Special 2002 Highway General Obligation Bonds  
(D. Eastman)

David Steele, Chair

\* \* \*

On motion of Senator Poulton and at 5:10 p.m., the Senate adjourned until 8:00 a.m., Friday, February 1, 2002.

# FORTIETH DAY

## MORNING SESSION

The Senate was called to order at 8:30 a.m., with President Al Mansell presiding.

**Prayer** – Senator Ed Allen

**Pledge of Allegiance** – Senator Ed Mayne

**Roll Call** – All Senators present except Senator Knudson, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2002

The Speaker of the House has signed **S.B. 92**, BEAR RIVER DEVELOPMENT PROJECTS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 93**, CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 98**, OUTDOOR ADVERTISING AMENDMENTS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 99**, CORE CURRICULUM AMENDMENTS, by Senator D. Gladwell, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 92, S.B. 93, 1st Sub. S.B. 98, and 1st Sub. S.B. 99** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 28, 2002

The House concurred in the Senate amendments and passed **H.B. 16**, BLOOD AND BREATH ALCOHOL TESTING, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 28**, GOVERNMENTAL IMMUNITY AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 42**, FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY, by Representative A. L. Tyler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 43**, ACCESS TO FLUORIDATED WATER, by Representative D. Hogue, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 58**, WATER FORFEITURE AMENDMENTS, by Representative M. Styler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 64**, CONSUMER PROTECTION AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 72**, PENALTY FOR MISUSE OF LAWFUL SUBSTANCES, by Representative D. Hogue, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 233**, MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS, by Representative G. Curtis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 245**, AMENDMENTS TO SEX OFFENDER REGISTRY, by Representative A. Bradshaw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 255**, UTAH HOUSING CORPORATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 16, H.B. 28, H.B. 42, H.B. 43, H.B. 58, 1st Sub. H.B. 64, H.B. 72, H.B. 233, H.B. 245, and H.B. 255** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

February 28, 2002

The House passed **H.B. 96**, LICENSURE OF GEOLOGISTS, by Representative R. Becker, and it is transmitted for consideration; and

The House passed, as substituted and amended, **4th Sub. H.B. 123**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 124**, DEBT COLLECTION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 126**, ANNEXATIONS INVOLVING TOWNSHIPS, by Representative C. Duckworth, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 140**, COMPETITION IN TELECOMMUNICATIONS INDUSTRY LEGISLATIVE TASK FORCE, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 152**, OIL AND GAS SEVERANCE TAX – BOARD, RESTRICTED ACCOUNT, AND USE OF REVENUES, by Representative J. Seitz, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 154**, EXPANSION OF DNA DATABASE, by Representative Glenn Way, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 155**, PROPERTY TAXES – FARMLAND ASSESSMENT ACT, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.B. 169**, MIDTERM VACANCIES IN THE LEGISLATURE, by Representative R. Becker, and it is transmitted for consideration; and

The House passed **H.B. 171**, LOW-SPEED ELECTRIC VEHICLES ON CERTAIN HIGHWAYS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 176**, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 178**, MEMORIAL PLAQUE OF GEORGE E. WAHLEN IN THE CAPITOL, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as substituted and amended, **4th Sub. H.B. 205**, CONSTRUCTION SERVICES COMMISSION, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 238**, CIGARETTE AND TOBACCO TAX AMENDMENTS, by Representative C. Saunders, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 260**, RESTRICTIONS ON TELEPHONE SOLICITATION, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 279**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 287**, CONSTITUTIONAL RIGHTS OF STATE EMPLOYEES, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 290**, AFFIDAVIT OF IMPECUNIORITY AMENDMENTS, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 305**, PROPERTY TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 307**, TREATMENT OF DISHONORED CHECKS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 339**, DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 21**, RESOLUTION ENCOURAGING CONGRESSIONAL APPROVAL OF FARM BILL, by Representative C. Buttars, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 96, 4th Sub. H.B. 123, 1st Sub. H.B. 124, 1st Sub. H.B. 126, 1st Sub. H.B. 140, 1st Sub. H.B. 152, 2nd Sub. H.B. 154, H.B. 155, H.B. 169, H.B. 171, 1st Sub. H.B. 176, H.B. 178, 4th Sub. H.B. 205, 2nd Sub. H.B. 238, H.B. 260, 1st Sub. H.B. 279, H.B. 287, H.B. 290, 1st Sub. H.B. 305, 1st Sub. H.B. 307, 1st Sub. H.B. 339, and H.J.R. 21** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 28, 2002

The House transmits **H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, by Representative W. Harper, for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Bramble, the bill was placed at the top of the Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, was before the Senate.

On motion of Senator Bramble, the bill was circled.

### CONCURRENCE CALENDAR

On motion of Senator Spencer, the Senate voted to concur in the House amendments to **1st Sub. S.B. 87**, VISITATION RIGHTS OF GRANDPARENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Hale
Hellewell	Hickman	Hillyard	Jenkins
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Evans	Gladwell	Julander
Knudson			

**1st Sub. S.B. 87**, as amended, was returned to the House.

**CONSENT CALENDAR**

**H.B. 182**, TAX REVIEW COMMISSION AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Evans	Gladwell	Knudson
Wright			

**H.B. 182** was signed by the President of the Senate in open session and returned to the House.

**THIRD READING CALENDAR**

On motion of Senator Waddoups, the circle was removed from **2nd Sub. H.J.R. 11**, RESOLUTION REQUIRING PUBLIC NOTICE PRIOR TO SPECIAL SESSION. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Gladwell	Knudson
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**2nd Sub. H.J.R. 11**, as amended, was returned to the House.

\* \* \*

**H.B. 273**, DESIGNATION OF I-80, was read the third time, explained by Senator Ron Allen, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Gladwell	Knudson
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**H.B. 273** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**S.B. 176**, UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Evans                      Knudson

**S.B. 176** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 138**, CHARTER SCHOOLS AMENDMENTS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 156**, SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Evans                      Knudson

**S.B. 156** was transmitted to the House.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 138**, CHARTER SCHOOLS AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the original bill.

**CHARTER SCHOOLS AMENDMENTS**

**2nd Sub. S.B. 138**

*Howard Stephenson*

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY INCREASING THE NUMBER OF

CHARTER SCHOOLS THAT MAY BE SPONSORED BY THE STATE BOARD OF EDUCATION. THIS ACT CLARIFIES THE STATE BOARD OF EDUCATION’S OVERSIGHT RESPONSIBILITIES FOR CHARTER SCHOOLS. THIS ACT REQUIRES THE STATE BOARD OF EDUCATION, THROUGH THE SUPERINTENDENT OF PUBLIC INSTRUCTION, TO PROVIDE TECHNICAL SUPPORT TO CHARTER SCHOOLS AND PERSONS SEEKING TO ESTABLISH CHARTER SCHOOLS. THIS ACT MAKES TECHNICAL CHANGES.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 178, PROTECTING THE UNBORN CHILD**, was read the third time, explained by Senator Poulton. Senators Buttars and Julander commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Evans	Knudson
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**S.B. 178** was transmitted to the House.

\* \* \*

**S.B. 181, HIGHER EDUCATION TECHNOLOGY AMENDMENTS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell

Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Knudson	Spencer
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**S.B. 181** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 199, PRIVACY PROTECTIONS IN DIVORCE PROCEEDINGS,** was read the third time, explained by Senator Davis.

On motion of Senator Davis, the bill was amended as follows:

1. Page 2, Line 42:  
After "76-6-1102." insert "This Subsection (3) shall apply only to case files of actions initiated after May 6, 2002."
2. Page 2, Line 47:  
After "court" delete "and" and insert a "s"
3. Page 2, Line 48:  
After "Services" insert ", and any attorneys representing or acting on behalf of the Office of Recovery Services"
4. Page 2, Line 56:  
After "Services" insert ", and any attorneys representing or acting on behalf of the Office of Recovery Services"

Senators Gladwell and Waddoups commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Hale	Hellewell	Hickman	Hillyard
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators  
Gladwell                      Jenkins

**Absent or not voting were:** Senators  
Evans                              Knudson

**1st Sub. S.B. 199**, as amended, was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 149**, ETHICS AMENDMENTS, was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**S.B. 169**, PROPERTY TAX MODIFICATIONS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 182**, PENALTY AND INTEREST MODIFICATIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Evans                              Knudson                      Suazo

**S.B. 182** was transmitted to the House.

\* \* \*

Senator Julander assumed the chair as President ProTem.

\* \* \*

**S.B. 195, SALES AND USE TAX AMENDMENTS**, was read the third time, explained by Senator Hickman, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Walker
Wright			

**Absent or not voting were:** Senators

Evans	Knudson	Waddoups	Mansell
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**S.B. 195** was transmitted to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 201, PROPERTY TAX – JUDGMENT LEVY**. Senator Bramble explained that no further action by the Senate was required on this bill. On motion of Senator Bramble **H.B. 201** was returned to the House

\* \* \*

**2nd Sub. S.B. 132, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE**, was read the third time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**1st Sub. S.B. 191, LAW ENFORCEMENT REVOLVING ACCOUNT**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Eastman	Gladwell	Hale	Hellewell

Hickman	Hillyard	Jenkins	Julander
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Walker

**Absent or not voting were:** Senators

Blackham	Davis	Dmitrich	Evans
Knudson	Mayne	Waddoups	Wright
Mansell			

**1st Sub. S.B. 191** was transmitted to the House.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **2nd Sub. S.B. 138, CHARTER SCHOOLS AMENDMENTS**, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Eastman	Gladwell	Hale	Hellewell
Hickman	Jenkins	Julander	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Walker		

**Absent or not voting were:** Senators

R. Allen	Blackham	Dmitrich	Evans
Hillyard	Knudson	Mayne	Spencer
Waddoups	Wright	Mansell	

**2nd Sub. S.B. 138** was transmitted to the House.

\* \* \*

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 17, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS**, and it was before the Senate.

On motion of Senator Buttars, the bill was amended as follows:

1. Page 9, Lines 266–267:  
Delete Lines 266 and 267  
Re-number remaining subsections of Section 62A–4a–101 accordingly.

- 2. Page 10, Line 284:  
Delete “(19)” and insert “(18)”
- 3. Page 19, Lines 579–583:  
Senate Second Reading Amendments dated February 7, 2002  
Delete Lines 579 through 583 and insert the following:  
“(b)(i) if the division considers it advisable, file a petition with the juvenile court under Section 78–3a–305 regarding the supported finding of abuse or neglect; or (ii) if the division does not file a petition under Subsection (1)(b)(i), cause the notice described in Subsection (5) to be served on the alleged perpetrator.”
- 4. Page 22, Line 648:  
Senate Second Reading Amendments dated February 7, 2002  
Delete “(ii)” and insert “(i)”
- 5. Page 22, Line 651:  
Senate Second Reading Amendments dated February 7, 2002  
Delete “(i)” and insert “(ii)”
- 6. Page 26, Line 786:  
Delete “(i)” and insert “(ii)”

Senator Buttars explained the bill. Senators Hillyard, Valentine, and Ed Allen commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Eastman	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Mayne
Poulton	Spencer	Steele	Stephenson
Valentine	Walker	Wright	

**Voting in the negative were:** Senators

R. Allen	Dmitrich	Hale	Julander
Peterson	Suazo		

**Absent or not voting were:** Senators

Evans	Knudson	Waddoups	Mansell
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**2nd Sub. S.B. 17**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.J.R. 14**, JOINT RESOLUTION – DEPT LIMITS FOR POLITICAL SUBDIVISIONS. Senator Hickman 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	Bramble
Buttars	Davis	Dmitrich	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Evans	Knudson	Spencer
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**H.J.R. 14** was signed by the President in open session and returned to the House.

\* \* \*

On motion of Senator Hickman, and at 9:40 a.m., the Senate sauntered.

The Senate was called to order at 10:00 a.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2002

The House concurred in the Senate amendments and passed **1st Sub. H.B. 208**, FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE, by Representative B. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 224**, GIVING FALSE INFORMATION TO POLICE OFFICER, by Representative K. Morgan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 235**, EMERGENCY VEHICLE AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 237**, SPOUSE ABUSE AMENDMENTS, by Representative G. Adair, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 208, H.B. 224, H.B. 235, and H.B. 237** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President: March 1, 2002

The House passed **H.B. 145**, UTAH ENERGY OFFICE AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 164**, WILDLIFE REMEDIATION ON PRIVATE PROPERTY, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 177**, ANNUAL REPORT ON STATE SCHOOL FUND, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 270**, MENTAL HEALTH PRACTITIONER IN PARENTAL RIGHTS ACTION, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 303**, EXPUNGEMENT OF DRIVING UNDER THE INFLUENCE CONVICTIONS, by Representative A. L. Tyler, and it is transmitted for consideration; and

The House passed **H.J.R. 26**, RESOLUTION PROMOTING COOPERATIVE REGULATORY ENVIRONMENT AND ECONOMIC DEVELOPMENT IN UTAH, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 145, H.B. 164, H.B. 177, H.B. 270, H.B. 303,** and **H.J.R. 26** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 28, 2002

The Quasi-Governmental Entities Committee recommends **H.B. 105**, HEALTH INSURANCE MANDATES – PILOT PROGRAM, by Representative

R. Lockhart, be replaced and favorably recommends **2nd Sub. H.B. 105**, HEALTH INSURANCE MANDATES PROGRAM with the following amendments:

1. Page 1, Line 16:  
After “mandate” insert “:(a)”
2. Page 1, Line 17:  
After “types” insert “of”
3. Page 1, Line 18:  
After “insurance” insert “, and  
(b) does not mean an administrative rule imposing a mandatory obligation with respect to coverage, benefits, or providers unless that mandatory obligation was specifically imposed on policies of accident and health insurance by statute”; and

The Quasi–Governmental Entities Committee reports a favorable recommendation on **H.B. 230**, RETIREMENT OF PUBLIC SAFETY OFFICIALS, by Representative R. Bigelow; and

The Quasi–Governmental Entities Committee reports a favorable recommendation on **H.B. 254**, FIREMEN’S CIVIL SERVICE COUNCIL AMENDMENTS, by Representative J. M. Philpot.

Beverly Ann Evans, Chair

On motion of Senator Hickman, the committee reports were adopted. **2nd Sub. H.B. 105**, as amended, **H.B. 230**, and **H.B. 254** were placed on Second Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Poulton, the circle was removed from **2nd Sub. S.B. 149**, ETHICS AMENDMENTS, and it was before the Senate. Senator Poulton explained the bill. Senators Hale, Waddoups, Hillyard, Peterson, Gladwell, Ed Allen, and Hellewell commented.

Senator Hale proposed an amendment to the bill. The amendment failed on the following roll call:

**Yeas, 8; Nays, 17; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Hale	Julander
Mayne	Peterson	Suazo	Waddoups

**Voting in the negative were:** Senators

Bramble	Buttars	Davis	Dmitrich
Eastman	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Poulton	Spencer
Steele	Stephenson	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Knudson	Valentine
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The bill passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Gladwell	Hale
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Valentine	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Dmitrich	Hellewell	Hickman	Stephenson
Suazo	Wright		

**Absent or not voting were:** Senators

Blackham	Evans	Knudson
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**2nd Sub. S.B. 149** was transmitted to the House.

\* \* \*

On motion of Senator Wright, the circle was removed from **2nd Sub. S.B. 132, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE**, and it was before the Senate. Senator Wright explained the bill. Senators Steele and Walker commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Eastman	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Peterson	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

R. Allen                      Dmitrich                      Suazo

**Absent or not voting were:** Senators

Blackham                      Evans                      Knudson                      Poulton

**2nd Sub. S.B. 132** was transmitted to the House.

\* \* \*

On motion of Senator Steele, the circle was removed from **3rd Sub. H.B. 80**, UNSOLICITED COMMERCIAL EMAIL. Senators Valentine and Waddoups commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Mansell		

**Voting in the negative were:** Senators

Hickman                      Valentine                      Wright

**Absent or not voting were:** Senators

Blackham                      Evans                      Knudson                      Poulton

**3rd Sub. H.B. 80**, as amended, was returned to the House.

## SECOND READING CALENDAR

**H.B. 76**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, was read the second time. Senator Gladwell explained the bill. Senators Hickman, Ron Allen, Peterson, Hillyard, Stephenson, Wright, Mayne, Jenkins, Hellewell, and Eastman commented. The bill failed on the following roll call:

**Yeas, 12; Nays, 12; Absent, 5.**

**Voting in the affirmative were:** Senators

Buttars	Gladwell	Hellewell	Jenkins
Peterson	Poulton	Spencer	Stephenson
Valentine	Waddoups	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Hickman	Hillyard	Julander
Mayne	Steele	Suazo	Walker

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Hale
Knudson			

**H.B. 76** was returned to the House for filing

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 1, 2002

The House passed **H.B. 2**, 2002 GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 148**, NONPROFIT INSURERS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 173**, AMENDMENTS TO SETTLEMENT AGREEMENTS REQUIREMENTS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 281**, REGULATION OF PERSONAL MOTORIZED MOBILITY DEVICES, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 296**, 2002 SPECIAL HIGHWAY SALES TAX REVENUE BONDS, by Representative Wayne A. Harper, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 2**, **H.B. 148**, **1st Sub. H.B. 173**, **H.B. 281**, and **1st Sub. H.B. 296** were read the first time and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Walker, the circle was removed from **1st Sub. S.B. 196**, WASTE AMENDMENTS, and it was before the Senate. Senator Walker explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Evans	Knudson	Wright
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\* \* \*

**1st Sub. H.B. 79, SCHOOL DISPLAY OF MOTTO OF THE UNITED STATES,** was read the second time. Senator Steele explained the bill. Senators Buttars and Suazo commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 5; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	Buttars	Eastman	Gladwell
Hellewell	Hickman	Jenkins	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

R. Allen	Davis	Dmitrich	Julander
Suazo			

**Absent or not voting were:** Senators

Blackham	Bramble	Evans	Hale
Hillyard	Knudson		

\* \* \*

**H.B. 125, ENDANGERMENT OF CHILD OR ELDER PERSON WITH CONTROLLED SUBSTANCE OR PRECURSOR,** was read the second time. Senator Julander explained the bill. Senator Valentine commented.

On motion of Senator Julander, the bill was circled.

\* \* \*

Citations were presented to the following National Board Certified Teachers by Senator Steele: Andrea Mathews, Shelly Otte, Shelley Pierce, Evan Whitaker, Axel Ramirez, and Susan Van Frank.

\* \* \*

**H.B. 133, NATURAL GAS TECHNICAL CERTIFICATION**, was read the second time. Senator Hellewell explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Mayne	Peterson	Poulton
Spencer	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator  
Jenkins

**Absent or not voting were:** Senators

Blackham	Evans	Knudson	Steele
Suazo			

\* \* \*

**3rd Sub. H.B. 184, IMPACT FEES ACT AMENDMENTS**, was read the second time. Senator Bramble explained the bill. Senators Jenkins, Spencer, and Valentine commented. Senator Bramble declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Gladwell	Hale
Hellewell	Hickman	Julander	Mayne
Poulton	Spencer	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

E. Allen	Hillyard	Jenkins	Steele
Stephenson	Wright		

**Absent or not voting were:** Senators

Blackham	Evans	Knudson	Peterson
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\* \* \*

**1st Sub. H.B. 25**, ADULT PROTECTIVE SERVICES AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hillyard	Jenkins	Julander
Mayne	Poulton	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Evans	Hellewell	Hickman
Knudson	Peterson	Stephenson	

\* \* \*

On motion of Senator Poulton, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

\* \* \*

On motion of Senator Bramble, the Senate voted to approve a citation for Ramon Samp.

### RULES COMMITTEE REPORTS

To the Members of the Senate:

March 1, 2002

The Rules Committee reports a favorable recommendation on **S.B. 170**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Senator H. Stephenson and recommends it be placed on the Second Reading Calendar; and

The Rules Committee reports a favorable recommendation on **S.B. 188**, LABOR CODE REVISIONS, by Senator T. Spencer and recommends it be placed on the Second Reading Calendar.

The Rules Committee recommends the assignment of the following House Bills and Resolutions to the Second Reading Calendar:

**1st Sub. H.B. 136** Judicial Conduct Commission Amendments (K. Bryson)

**H.B. 61** Funds Consolidation (J. Alexander)

**1st Sub. H.B. 252** General Obligation Bonds for Engineering Buildings (G. Adair)

**H.J.R. 17** Resolution Closing Court Facility (C. Bennion)

**H.B. 291** Obligations Related to Mortgage Loan Reserve Accounts (J. Swallow)

**1st Sub. H.B. 236** Indecent Public Display Amendments (P. Wallace)

**H.J.R. 19** Joint Rules Resolution Requiring Certain Special Session Procedures (C. Bennion)

**H.B. 167** Powersport Vehicle Franchise Act (G. Curtis)

**3rd Sub. H.B. 241** County Health Departments – Operational Structure (K. Garn)

**H.B. 206** New Century Scholarship Program Amendments (A. Bradshaw)

**H.B. 31** License Plate Requirements (B. King)

Michael Waddoups

Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: March 1, 2002

The Quasi-Governmental Entities Committee has held its last scheduled meeting and returns **1st Sub. H.B. 97**, Retirement Cost-of-living Adjustment for Public Safety by Representative P. Ray and **H.B. 192**, Workers’ Compensation Benefits for Volunteer Safety Officers by Rep. Hansen, to the Secretary of the Senate without action.

Beverly Ann Evans, Chair

Mr. President: March 1, 2002

The Quasi-Governmental Entities Committee has held its last scheduled meeting, has failed **2nd Sub. H.B. 186**, State Retirement Conversion Window (B.

King), and returns it to the Secretary of the Senate and with the following amendments:

1. Page 2, Line 38:

After "revoked" insert "by the applicant"

Beverly Ann Evans, Chair

\* \* \*

On motion of Senator Poulton, and at 2:40 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 1, 2002

The Speaker of the House has signed **1st Sub. S.B. 87**, VISITATION RIGHTS OF GRANDPARENTS, by Senator T. Spencer, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 87** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 1, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 162**, USE OF BEAR RIVER BIRD REFUGE SETTLEMENT MONIES, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 285**, HISTORIC BUILDING REHABILITATION TAX CREDITS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed, as amended, **1st Sub. H.B. 292**, POWER OF ATTORNEY FOR TRUST, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 318**, GOVERNMENTAL IMMUNITY – EXCEPTION FOR PERJURY, by Representative M. Throckmorton, and it is transmitted for consideration; and

The House passed, as substituted, **4th Sub. H.B. 324**, PROTECTION OF UNINCORPORATED AREAS IN COUNTIES OF THE FIRST CLASS, by Representative A. L. Tyler, et al, and it is transmitted for consideration; and

The House passed **H.C.R. 10**, RESOLUTION RECOGNIZING UTAH SHAKESPEAREAN FESTIVAL DISTINGUISHED SERVICE AWARD, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.J.R. 27**, RESOLUTION AUTHORIZING BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT, by Representative B. Ferry, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 162, H.B. 285, 1st Sub. H.B. 292, H.B. 318, 4th Sub. H.B. 324, H.C.R. 10, and 2nd Sub. H.J.R. 27** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Poulton, all bills on the Second Reading Calendar were returned to Rules.

**CONCURRENCE CALENDAR**

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 101**, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Evans	Hillyard	Knudson
Wright			

**2nd Sub. S.B. 101** was returned to the House.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

On motion of Senator Poulton, under suspension of the rules, the Senate voted suspend the 24-hour rule for bills considered for the remainder of the day.

### THIRD READING CALENDAR

**1st Sub. S.B. 196**, WASTE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Knudson			

**1st Sub. S.B. 196** was transmitted to the House.

\* \* \*

On motion of Senator Poulton, on behalf of President Mansell, a bill file was authorized to be opened to honor Public Safety workers who worked during the Olympics.

\* \* \*

**1st Sub. H.B. 79**, SCHOOL DISPLAY OF MOTTO OF THE UNITED STATES, was read the third time, explained by Senator Steele, and passed on the following roll call:

**Yeas, 19; Nays, 3; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Eastman
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Mayne	Poulton
Spencer	Steele	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Julander	Peterson	Suazo
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**Absent or not voting were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Evans	Knudson	Stephenson	

**1st Sub. H.B. 79** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 133, NATURAL GAS TECHNICAL CERTIFICATION,** was read the third time, explained by Senator Hellewell, and passed on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Knudson			

**H.B. 133,** as amended, was returned to the House.

\* \* \*

**3rd Sub. H.B. 184, IMPACT FEES ACT AMENDMENTS,** was read the third time, explained by Senator Bramble. Senators Jenkins, Hillyard, Spencer, and Valentine commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 5; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Evans
Hale	Hellewell	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Gladwell	Hickman	Hillyard	Jenkins
Stephenson			

**Absent or not voting were:** Senators

R. Allen	Blackham	Davis	Dmitrich
Eastman	Knudson		

**3rd Sub. H.B. 184** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Evans, under suspension of rules, the Senate voted to lift **H.B. 2** from Rules and place it on the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 2, 2002 GENERAL OBLIGATION BOND AND CAPITAL FACILITIES**, was read the second time. Senators Ed Allen, Peterson, Hillyard, and Valentine commented.

On motion of Senator Evans, the following substitute bill replaced the original bill.

**2002 GENERAL OBLIGATION BOND AND  
CAPITAL FACILITIES AUTHORIZATIONS**

**2nd Sub. H.B. 2**

*Gerry A. Adair*

THIS ACT MODIFIES THE BONDING CODE BY AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS BY THE STATE BONDING COMMISSION FOR CAPITAL FACILITIES. THIS ACT SPECIFIES THE USE OF THE BOND PROCEEDS AND THE MANNER OF ISSUANCE. THIS ACT IMPOSES AND ABATES A PROPERTY TAX AND

CREATES A SINKING FUND. THIS ACT APPROVES THE ISSUANCE OF CERTAIN OBLIGATIONS BY THE STATE BUILDING OWNERSHIP AUTHORITY, AUTHORIZES OTHER CAPITAL FACILITY EXPENDITURES, REPEALS AUTHORIZATION FOR ABANDONED PROJECTS, AND MAKES TECHNICAL CORRECTIONS.

On motion of Senator Evans, under suspension of the rules, **2nd Sub. H.B. 2, 2002 GENERAL OBLIGATION BOND AND CAPITAL FACILITIES**, was considered read the second and third times and passed on the following roll call:

**Yeas, 18; Nays, 9; Absent, 2.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Spencer
Steele	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Dmitrich	Hale
Julander	Mayne	Peterson	Poulton
Suazo			

**Absent or not voting were:** Senators

Knudson	Stephenson
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**2nd Sub. H.B. 2** was returned to the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: March 1, 2002

The Rules Committee moves that all bills on the Second Reading Calendar be returned to Rules and that the following bills be placed on the Second Reading Calendar:

- 2nd Sub. S.J.R. 14** Resolution on Yucca Mountain as Nuclear Waste Repository (G. Davis)
- S.B. 183** Costs Assessed for Wrongfully Enjoining a State Project (T. Spencer)
- S.B. 170** Reauthorization of Administrative Rules (H. Stephenson)
- H.B. 131** Reporting of Data to the Automated Geographic Reference Center (L. Pace)
- H.B. 127** County Ballot Questions (C. Buttars)

<b>H.J.R. 17</b>	Resolution Closing Court Facility (C. Bennion)
<b>H.B. 257</b>	Proof of Age Under the Alcoholic Beverage Code (D. Bourdeaux)
<b>1st Sub. H.B. 236</b>	Indecent Public Display Amendments (P. Wallace)
<b>H.B. 125</b>	Endangerment of Child or Elder Person with Controlled Substance or Precursor (T. Beck)
<b>H.B. 206</b>	New Century Scholarship Program Amendments (A. Bradshaw)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

\* \* \*

On motion of Senator Poulton and at 5:10 p.m., the Senate adjourned until 9:00 a.m., Monday, March 4, 2002.

# FORTY–THIRD DAY

## MORNING SESSION

The Senate was called to order at 9:30 a.m., with President Al Mansell presiding.

**Prayer** – Bishop George Niederauer, Roman Catholic Bishop of Salt Lake City

**Pledge of Allegiance** – Senator Lyle Hillyard

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2002

The Speaker of the House has signed **2nd Sub. S.B. 101**, CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES, by Senator L. Blackham, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 101** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 1, 2002

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 2**, 2002 GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative G. Adair, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 80**, UNSOLICITED COMMERCIAL EMAIL, by Representative P. Arent, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.J.R. 11**, RESOLUTION REQUIRING PUBLIC NOTICE PRIOR TO SPECIAL

SESSIONS, by Representative S. Urquhart, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 2, 3rd Sub. H.B. 80, and 2nd Sub. H.J.R. 11** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 1, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 82, STORAGE OF WEAPONS ON FACILITIES WITH SECURE AREAS**, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 89, BAN ON GIFTS**, by Representative R. Becker, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 295, TAKING MINOR INTO PROTECTIVE CUSTODY WITHOUT WARRANT**, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.B. 300, AMENDMENTS TO GUARDIAN AD LITEM STATUTES**, by Representative M. Throckmorton, and it is transmitted for consideration; and

The House passed **H.B. 323, STATE FLEET OPERATIONS AMENDMENTS**, by Representative G. Adair, and it is transmitted for consideration; and

The House passed **H.B. 331, NONRESIDENT TUITION FOR HIGHER EDUCATION**, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 351, ELECTION PROCESS AMENDMENTS**, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 25, RESOLUTION ON UTAH ATHLETIC FOUNDATION**, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.J.R. 30**, RESOLUTION TO EXPAND THE GOVERNMENT PROPERTY TAX EXEMPTION, by Representative D. Clark, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 82, H.B. 89, H.B. 295, H.B. 300, H.B. 323, H.B. 331, H.B. 351, 1st Sub. H.J.R. 25, and H.J.R. 30** were read the first time and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**STATUTORY REVISIONS FOR STATE FUNDING ADJUSTMENTS**

**S.B. 200**

*Leonard M. Blackham*

THIS ACT INCREASES CERTAIN COURT FEES AND AMENDS THE SALES AND USE TAX ACT TO MODIFY FOR FISCAL YEARS 2001-02 AND 2002-03 THE FUNDS INTO WHICH CERTAIN STATE SALES AND USE TAX REVENUES ARE DEPOSITED. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Hickman, the Senate voted to recall **H.B. 218**, OVER WEIGHT VEHICLE AMENDMENTS, and place it on the Third Reading Calendar

**THIRD READING CALENDAR**

**1st Sub. H.B. 25**, ADULT PROTECTIVE SERVICES AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

- |           |          |            |           |
|-----------|----------|------------|-----------|
| E. Allen  | R. Allen | Blackham   | Bramble   |
| Buttars   | Davis    | Dmitrich   | Eastman   |
| Evans     | Gladwell | Hale       | Hellewell |
| Hickman   | Hillyard | Jenkins    | Julander  |
| Knudson   | Mayne    | Peterson   | Poulton   |
| Spencer   | Steele   | Stephenson | Suazo     |
| Valentine | Waddoups | Walker     | Wright    |
| Mansell   |          |            |           |

**1st Sub. H.B. 25** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 169**, PROPERTY TAX MODIFICATIONS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill.

### **PROPERTY TAX MODIFICATIONS**

**1st Sub. S.B. 169**

*Curtis S. Bramble*

THIS ACT MODIFIES THE PROPERTY TAX ACT TO AMEND PROVISIONS RELATING TO PAYMENTS TO A TAXPAYER, INCLUDING THE PAYMENT OF INTEREST AND PENALTIES, IF THE TAXPAYER'S TAXES ON THE PROPERTY ARE REDUCED. THE ACT ADDRESSES THE PAYMENT OF PENALTIES AND INTEREST BY A TAXPAYER OBJECTING TO THE ASSESSMENT OF PROPERTY ASSESSED BY THE STATE TAX COMMISSION. THE ACT INCREASES THE AMOUNT OF A TAXING ENTITY'S SHARE OF A FINAL AND UNAPPEALABLE JUDGMENT OR ORDER THAT IS REQUIRED TO IMPOSE A JUDGMENT LEVY. THE ACT PROVIDES THAT A PAYMENT TO A TAXPAYER FOR WHICH A JUDGMENT LEVY IS IMPOSED THAT IS LESS THAN \$5,000 IS REQUIRED TO BE PAID BY A TAXING ENTITY TO THE TAXPAYER WITHIN 60 DAYS AFTER THE TAXPAYER OBTAINS A FINAL AND UNAPPEALABLE JUDGMENT OR ORDER REQUIRING THE PAYMENT. THIS ACT MAKES TECHNICAL CHANGES. THE ACT TAKES EFFECT ON JANUARY 1, 2003. THIS ACT PROVIDES A COORDINATION CLAUSE.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 29**, INTERLOCAL COOPERATION ACT AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. Senator Hillyard commented.

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Waddoups, the Senate voted to recall **2nd Sub. H.B. 34** from the House.

**SECOND READING CALENDAR**

**2nd Sub. S.J.R. 14, RESOLUTION ON YUCCA MOUNTAIN AS NUCLEAR WASTE REPOSITORY,** was before the Senate.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 183, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT,** was before the Senate.

On motion of Senator Spencer, the bill was amended as follows:

- 1. Page 1, Line 16:  
After "progress on a" insert "state and"
- 2. Page 1, Line 20:  
Delete "federal"

Senator Spencer explained the bill. Senators Mayne, Ron Allen, Ed Allen, Davis, Hellewell, Mansell, and Buttars commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Hale
Julander	Peterson	Suazo	

**Absent or not voting was:** Senator Wright

\* \* \*

**S.B. 170, REAUTHORIZATION OF ADMINISTRATIVE RULES,** was read the second time. Senator Stephenson explained the bill. Senator Buttars 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	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Spencer
Wright			

\* \* \*

**H.B. 131**, REPORTING OF DATA TO THE AUTOMATIC GEOGRAPHIC REFERENCE CENTER, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 127**, COUNTY BALLOT QUESTIONS, was read the second time. Senator Hillyard explained the bill. Senator Walker commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups

**Voting in the negative were:** Senators

Jenkins	Walker	Mansell
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**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Hickman
Poulton	Wright		

\* \* \*

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 4, 2002

The House passed **H.B. 144**, EXEMPTION FROM NONRESIDENT TUITION, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 144** was read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 4, 2002

The Rules Committee recommends the assignment of the following Senate and House Bills and Resolutions to the Second Reading Calendar:

- |                          |  |
|--------------------------|--|
| <b>S.B. 1</b>            | Appropriations Act (L. Blackham)   |
| <b>S.B. 3</b>            | Minimum School Program Act Amendments<br>(H. Stephenson)   |
| <b>S.B. 200</b>          | Statutory Revisions for State Funding Adjustments<br>(L. Blackham)                                 |
| <b>2nd Sub. H.B. 238</b> | Cigarette and Tobacco Tax Amendments (C. Saunders)   |
| <b>H.B. 303</b>          | Expungement of Driving Under the Influence Convictions<br>(A. L. Tyler)                            |
| <b>H.B. 171</b>          | Low-speed Electric Vehicles on Certain Highways<br>(D. Bush)                                       |
| <b>H.B. 284</b>          | Election Law Amendments – Disabled Voters<br>(R. Siddoway)   |
| <b>H.B. 181</b>          | Allocation of State Hospital Beds (J. Seitz)   |
| <b>H.B. 281</b>          | Regulation of Personal Motorized Mobility Devices<br>(G. Curtis)                                   |
| <b>H.B. 297</b>          | Retirement Office Amendments (R. Bigelow)  |
| <b>H.C.R. 5</b>          | Resolution Recognizing Military, President, and<br>Congress' Role in War on Terrorism (J. Swallow) |
| <b>H.J.R. 4</b>          | Resolution Encouraging Cultural Competency in the<br>Delivery of Health Care (J. Buffmire)         |
| <b>H.C.R. 7</b>          | Resolution Approving Landfill for Construction and<br>Demolition Debris (T. Hatch)                 |
| <b>1st Sub. H.B. 339</b> | Division of Services for People with Disabilities<br>(R. Lockhart)                                 |

<b>H.B. 116</b>	Attendance At Local Government Meetings by Local Government Officials (M. Thompson)
<b>H.B. 276</b>	Assessment on Title Insurers and Title Insurance Agencies (T. Hatch)
<b>H.B. 167</b>	Powersport Vehicle Franchise Act (G. Curtis)
<b>H.B. 243</b>	Child Immunization Amendments (R. Lockhart)
<b>H.B. 31</b>	License Plate Requirements (B. King)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

### SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **H.B. 131, REPORTING OF DATA TO THE AUTOMATED GEOGRAPHIC REFERENCE CENTER**, and it was before the Senate. Senator Valentine 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	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Hale	Spencer
Wright			

\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 29, INTERLOCAL COOPERATION ACT AMENDMENTS**, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Bramble	Buttars	Hale	Poulton
Spencer	Wright		

**1st Sub. S.B. 29** was transmitted to the House.

\* \* \*

On motion of Senator Davis, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**H.J.R. 17, RESOLUTION CLOSING COURT FACILITY,** was read the second time. Senator Walker explained the bill. Senators Mansell and Buttars commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Hale	Hickman	Wright
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\* \* \*

**H.B. 257, PROOF OF AGE UNDER THE ALCOHOLIC BEVERAGE CODE,** was read the second time. Senator Davis explained the bill. Senator Mansell 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	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Eastman	Hale	Hickman	Poulton
Wright			

\* \* \*

On motion of Senator Hellewell, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2002

The House passed, **1st Sub. S.B. 15**, ORGAN DONATION CHECKOFF, by Senator K. Hale, 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. 15** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 4, 2002

The House transmits **2nd Sub. H.B. 34**, TOURISM AMENDMENTS, by Representative S. Allen, for further consideration; and

The House transmits **H.B. 218**, OVER WEIGHT VEHICLE AMENDMENTS, by Representative T. Hatch, for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Dmitrich, **2nd Sub. H.B. 34** and **H.B. 218** were placed at the bottom of the Third Reading Calendar.

\* \* \*

On motion of Senator Dmitrich, David L. Sakrison, Mayor of Moab, Utah, spoke in Committee of the Whole. Senator Ed Allen commented.

On motion of Senator Dmitrich, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move **S.B. 1**, **S.B. 3**, and **S.B. 200** to the top of the Second Reading Calendar

### **SECOND READING CALENDAR**

**S.B. 1**, APPROPRIATIONS ACT, was read the second time. Senator Blackham explained the bill. Senators Knudson, Evans, and Gladwell commented.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was considered read the second and third time. Senator Stephenson explained the bill. Senators Spencer, Steele, Hillyard, Waddoups, Mansell, and Wright commented.

On motion of Senator Steele, the bill was amended as follows:

1. Page 14, Line 406:  
After "participation" delete "." and insert "or as approved by board rule."

On motion of Senator Wright, the bill was amended as follows:

1. Page 11, Lines 331 and 332:  
Reinstate "ninth" and delete "seventh"

Senator Steele declared a conflict of interest.

Under suspension of the rules, the bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Hickman	Jenkins	Knudson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Hillyard
Julander	Mayne	Peterson	Spencer
Suazo			

**Absent or not voting was:** Senator

Hale

**S.B. 3**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **S.B. 200**, STATUTORY REVISIONS FOR STATE FUNDING ADJUSTMENTS, was considered read the second and third times. Senator Blackham explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Poulton
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**S.B. 200** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2002

The House passed, **1st Sub. S.B. 55**, AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT, by Senator P. Hellewell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 68**, UTAH PROCUREMENT CODE AMENDMENTS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 72**, COAL MINING AND RECLAMATION AMENDMENTS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 113**, HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 137**, GOVERNMENT RECORDS ACCESS MANAGEMENT ACT – TECHNICAL REVISIONS, by Senator A. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 145**, OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES, by Senator T. Spencer, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 146**, BUSINESS ENTITY AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 153**, TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE, by Senator C. Bramble, 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. 55, S.B. 68, S.B. 72, 2nd Sub. S.B. 113, S.B. 137, 1st Sub. S.B. 145, S.B. 146 and S.B. 153** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 4, 2002

The House passed, as substituted, **1st Sub. H.B. 138**, RIGHTS OF CREDITORS AGAINST TRUST PROPERTY, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 313**, UTAH 911 COMMITTEE, by Representative Ty McCartney, and it is transmitted for consideration; and

The House passed **H.C.R. 8**, RESOLUTION HONORING GOLD AND BLUE STAR MOTHERS, by Representative J. M. Philpot, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 138**, **1st Sub. H.B. 313**, and **H.C.R. 8** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 4, 2002

The House passed, as amended, **2nd Sub. S.B. 48**, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS, by Senator J. Hickman, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **2nd Sub. S.B. 82**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator B. Evans, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 130**, YOUTH COURT AMENDMENTS, by Senator D. Gladwell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 136**, STATE VEGETABLE, by Senator B. Wright, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

The bills were placed on the Concurrence Calendar.

### SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from **S.B. 1**, APPROPRIATIONS ACT, and it was before the Senate. Senator Blackham explained the bill.

On motion of Senator Knudson, the bill was amended as follows:

- 1. Page 22, Line 861:  
Delete "Item 64"

On motion of Senator Evans, the bill was amended as follows:

- 1. Page 98, Line 3883:  
After "Orders:" insert "Mark up 2 percent of cost"

Senators Julander and Stephenson commented.

On motion of Senator Blackham, under suspension of the rules, **S.B. 1**, APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Blackham	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Julander	Mayne
Peterson	Suazo		

**Absent or not voting were:** Senators

Bramble	Buttars	Hale
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**S.B. 1**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. H.B. 236**, INDECENT PUBLIC DISPLAY AMENDMENTS, was read the second time. Senator Waddoups explained the bill.

On motion of Senator Waddoups, the bill was amended as follows:

- 1. Page 1, Line 19:  
After "genitals," insert "or"
- 2. Page 1, Line 19:  
After "region" insert "; or"

3. Page 1, Line 19:  
Delete “, buttock, or female”
4. Page 1, Line 20:  
Delete “breast.”
5. Page 1, Line 20:  
After Line 20 insert:  
“(d) fondling or other erotic touching of the human buttock or female breast.”
6. Page 2, Line 30:  
After “age” and before “.” insert “, except as provided under Subsection (3)(c)”
7. Page 2, Line 33:  
After Line 33 insert:  
“(c) Descriptions or depictions of illicit sex or sexual immorality as defined in Subsection (1)(a), (b), or (c) have no serious value for persons younger than 18 years of age.”

Senator Ron Allen commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Suazo
Valentine	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Bramble                      Stephenson

**Absent or not voting were:** Senators

Dmitrich                      Hickman                      Wright

\* \* \*

**H.B. 125**, ENDANGERMENT OF CHILD OR ELDER PERSON WITH CONTROLLED SUBSTANCE OR PRECURSOR, was before the Senate.

On motion of Senator Valentine, the bill was amended as follows:

1. Page 1, Line 17:  
After “a substance” insert “intended to be”
2. Page 1, Line 18:  
After “chemical” bracket “, as” and insert “intended to be used in the manufacture of a controlled substance. Intent under this subsection may be”
3. Page 1, Line 18:  
Bracket “its” and insert “the substance’s”
4. Page 1, Line 19:  
After “storage” delete “.”
5. Page 1, Line 19:  
After “equipment” delete “ which was intended to”
6. Page 1, Line 20:  
Delete entire line except “.” at the end of the line.

Senator Julander explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Steele	Stephenson
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\* \* \*

**H.B. 206, NEW CENTURY SCHOLARSHIP PROGRAM AMENDMENTS**, was read the second time. Senator Knudson explained the bill. Senators Peterson, Hillyard, and Evans 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	Bramble	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Hickman
Valentine			

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 169, PROPERTY TAX MODIFICATIONS**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill.

### **PROPERTY TAX MODIFICATIONS**

**2nd Sub. S.B. 169**

*Curtis S. Bramble*

THIS ACT MODIFIES THE PROPERTY TAX ACT TO AMEND PROVISIONS RELATING TO PAYMENTS TO A TAXPAYER, INCLUDING THE PAYMENT OF INTEREST AND PENALTIES, IF THE TAXPAYER'S TAXES ON THE PROPERTY ARE REDUCED. THE ACT ADDRESSES THE PAYMENT OF PENALTIES AND INTEREST BY A TAXPAYER OBJECTING TO THE ASSESSMENT OF PROPERTY ASSESSED BY THE STATE TAX COMMISSION. THE ACT INCREASES THE AMOUNT OF A TAXING ENTITY'S SHARE OF A FINAL AND UNAPPEALABLE JUDGMENT OR ORDER THAT IS REQUIRED TO IMPOSE A JUDGMENT LEVY. THE ACT PROVIDES THAT A PAYMENT TO A TAXPAYER FOR WHICH A JUDGMENT LEVY IS IMPOSED THAT IS LESS THAN \$5,000 IS REQUIRED TO BE PAID BY A TAXING ENTITY TO THE TAXPAYER WITHIN 60 DAYS AFTER THE TAXPAYER OBTAINS A FINAL AND UNAPPEALABLE

JUDGMENT OR ORDER REQUIRING THE PAYMENT. THE ACT ADDRESSES THE RECOVERY BY A COUNTY FROM THE STATE OR A TAXING ENTITY OTHER THAN THE COUNTY OF A PORTION OF A PAYMENT TO A TAXPAYER. THIS ACT MAKES TECHNICAL CHANGES. THE ACT TAKES EFFECT ON JANUARY 1, 2003. THIS ACT PROVIDES A COORDINATION CLAUSE.

Senator Bramble explained the bill.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Spencer, under suspension of the rules, the 24-hour rule is waived for bills considered for the remainder of today.

\* \* \*

**S.B. 183, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT**, was read the third time, explained by Senator Spencer, and under suspension of the rules, passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Dmitrich	Hale
Julander	Peterson	Suazo	

**Absent or not voting was:** Senator

Davis

**S.B. 183** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the Senate voted to recall **S.B. 142** from the office of Legislative Research and General Council and place it on the bottom of the Third Reading Calendar.

**S.B. 170**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the third time, explained by Senator Stephenson.

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 1, Line 14:  
Delete Line 14 and renumber remaining items

The bill passed under suspension of the rules on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Evans	Hale	Hickman	Poulton
Steele	Wright		

**S.B. 170**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### **SECOND READING CALENDAR**

On motion of Senator Valentine, under suspension of the rules, the 24-hour rule is waived for bills that are presently on the calendar.

\* \* \*

**2nd Sub. H.B. 238**, CIGARETTE AND TOBACCO TAX AMENDMENTS, under suspension of the rules, was read the second time. Senator Knudson explained the bill. Senators Bramble and Davis commented. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 15; Nays, 11; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Eastman	Evans	Gladwell	Hale
Julander	Knudson	Mayne	Peterson
Valentine	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Davis	Dmitrich	Hellewell
Jenkins	Poulton	Spencer	Stephenson
Suazo	Waddoups	Wright	

**Absent or not voting were:** Senators

Hickman	Hillyard	Steele
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\* \* \*

On motion of Senator Evans, the Senate voted to move **H.B. 297** to the top of the Second Reading Calendar.

**H.B. 297**, RETIREMENT OFFICE AMENDMENTS, was read the second time.

On motion of Senator Evans, the following substitute bill replaced the original bill.

**RETIREMENT OFFICE AMENDMENTS**

**1st Sub. H.B. 297**

*Ron Bigelow*

THIS ACT MODIFIES THE UTAH STATE RETIREMENT ACT BY REQUIRING AN EMPLOYEE TO HAVE FIVE YEARS OF SERVICE CREDIT AND MEET FEDERAL ELIGIBILITY REQUIREMENTS TO BE ELIGIBLE TO PURCHASE RETIREMENT SERVICE CREDIT. THIS ACT PROVIDES FOR THE WITHDRAWAL OF INDEPENDENT CORPORATIONS FROM THE STATE RETIREMENT SYSTEMS AND PROVIDES FOR WITHDRAWAL PROCEDURES. THIS ACT TAKES EFFECT ON JULY 1, 2002.

On motion of Senator Evans, the bill was circled.

\* \* \*

**H.B. 303**, EXPUNGEMENT OF DRIVING UNDER THE INFLUENCE CONVICTIONS, was read the second time. Senator Waddoups explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Buttars                      Jenkins

**Absent or not voting was:** Senator

Hickman

\* \* \*

**H.B. 171, LOW-SPEED ELECTRIC VEHICLES ON CERTAIN HIGHWAYS,** was read the second time.

On motion of Senator Waddoups, the bill was amended as follows:

- Page 8, Line 242:  
After line 242 insert:  
“(7)(a) A person may not operate a low-speed vehicle on a highway without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.  
(b) This Subsection (7) is an exception to the provisions of Section 41-6-130.”
- Page 8, Line 243:  
Delete “(7)” and insert “(8)” and delete “or” and after “(6)” insert “or (7)”

Senator Waddoups explained the bill. Senator Walker commented. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator Hale

\* \* \*

**H.B. 284, ELECTION LAW AMENDMENTS – DISABLED VOTERS**, was read the second time. Senator Eastman explained the bill. Senator Mansell commented. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

R. Allen	Evans	Hale	Hickman
Wright			

\* \* \*

**H.B. 181, ALLOCATION OF STATE HOSPITAL BEDS**, was read the second time. Senator Steele explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative was:** Senator  
Blackham

**Absent or not voting were:** Senators  
Hale                      Mayne                      Wright

\* \* \*

**H.B. 281**, REGULATION OF PERSONAL MOTORIZED MOBILITY DEVICES, was read the second time. Senator Hillyard explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

R. Allen	Davis	Hale	Mayne
Peterson	Wright		

\* \* \*

**H.C.R. 5**, RESOLUTION RECOGNIZING MILITARY, PRESIDENT, AND CONGRESS' ROLE IN WAR ON TERRORISM, was read the second time. Senator Valentine explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Davis                      Hale                      Mayne                      Wright

\* \* \*

**H.J.R. 4, RESOLUTION ENCOURAGING CULTURAL COMPETENCY IN THE DELIVERY OF HEALTH CARE**, was read the second time. Senator Knudson explained the bill. Senator Valentine commented. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Bramble                      Davis                      Hale                      Hillyard  
Wright

\* \* \*

On motion of Senator Hickman, and at 3:50 p.m., the Senate sauntered.

The Senate was called to order at 4:35 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2002

The House passed, **S.B. 103, TERMINATION OF JOINT TENANCY IN REAL PROPERTY**, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 150, REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS**, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 159, ENVIRONMENTAL COMPLIANCE FOR MINERALS REGULATORY PROGRAM**, by Senator P. Knudson, which has

been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 160**, AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND, 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. 163**, STRUCTURED SETTLEMENT AGREEMENTS, 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

**S.B. 103, S.B. 150, S.B. 159, S.B. 160, and S.B. 163** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 4, 2002

The House concurred in the Senate amendments and passed **H.B. 201**, PROPERTY TAX – JUDGMENT LEVY, by Representative W. Harper, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 201** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 4, 2002

The House passed, as amended, **H.B. 319**, JAIL REIMBURSEMENT AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 332**, CHILD SUPPORT MODIFICATIONS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 356**, PROHIBITION OF RESTRAINT PRACTICES, by Representative M. Thompson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 319, H.B. 332, 1st Sub. H.B. 356** were read the first time and referred to the Rules Committee.

### SECOND READING CALENDAR

On motion of Senator Evans, the circle was removed from **1st Sub. H.B. 297**, RETIREMENT OFFICE AMENDMENTS, and it was before the Senate. Senator Evans explained the bill. The bill passed, under suspension of the rules, 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	Evans
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Bramble	Gladwell	Hale	Peterson
Spencer	Wright		

\* \* \*

**H.C.R. 7**, RESOLUTION APPROVING LANDFILL FOR CONSTRUCTION AND DEMOLITION, was read the second time. Senator Blackham explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne

Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Davis	Hale	Spencer	Wright
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\* \* \*

**JOINT CONFERENCE COMMITTEE REPORT**Mr. President: March 4, 2002

The Joint Conference Committee comprised of Senators Gladwell, Spencer, and Davis and Representatives Way, Bryson, and Hendricksen, recommends **1st Sub. H.B. 47**, EXTENSION OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION, by Representative Way, with the following amendments:

1. Page 1, Line 16:  
Senate 2nd Reading Amendments  
2/6/2002  
At the beginning of the line delete "2004" and insert "2003"
2. Page 1, Line 20:  
Senate 2nd Reading Amendments  
2/6/2002  
At the beginning of the line delete "2007" and insert "2003"

On motion of Senator Gladwell, the Senate voted to adopt the conference committee report. The bill passed on the following roll call vote:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Spencer	Wright
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**1st Sub. H.B. 339**, DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, was read the second time. Senator Bramble explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Hale	Hickman	Suazo
Wright			

\* \* \*

**H.B. 116**, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS AT LOCAL GOVERNMENT, was read the second time.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**H.B. 276**, ASSESSMENT ON TITLE INSURERS AND TITLE INSURANCE AGENCIES, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 167**, POWERSPORT VEHICLE FRANCHISE ACT, was read the second time. Senator Eastman explained the bill. Senators Jenkins and Waddoups commented. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Dmitrich	Eastman	Evans	Gladwell

Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Jenkins                      Wright

**Absent or not voting were:** Senators

Blackham                      Davis                      Hale

\* \* \*

**H.B. 243, CHILD IMMUNIZATION AMENDMENTS**, was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**H.B. 31, LICENSE PLACE REQUIREMENTS**, was read the second time. Senator Dmitrich explained the bill. Senators Hillyard, Walker, Steele and Hickman commented. The bill passed, under suspension to the rules, on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker

**Voting in the negative were:** Senators

Hillyard                      Wright                      Mansell

**Absent or not voting were:** Senators

Hale                      Suazo

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 243, CHILD IMMUNIZATION AMENDMENTS**, and it was before the Senate.

On motion of Senator Gladwell, **H.B. 243** was returned to Rules.

\* \* \*

On motion of Senator Spencer, the circle was removed from **H.B. 116**, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS BY LOCAL GOVERNMENT, and it was before the Senate. Senator Spencer explained the bill. Senator Steele commented. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

R. Allen                      Davis

**Absent or not voting were:** Senators

Dmitrich                      Hale

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2002

The House substituted and passed, **3rd Sub. S.B. 164**, SECURE FACILITIES AMENDMENTS, by Senator D. Gladwell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President: March 4, 2002

The House has rejected **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**S.B. 3** was returned to the staff for filing.

### RULES COMMITTEE REPORTS

To the Members of the Senate:

March 4, 2002

The Rules Committee recommends the assignment of the following Senate and House Bills and Resolutions to the Second Reading Calendar:

- |                          |   |
|--------------------------|---|
| <b>S.B. 147</b>          | Restriction of Funding on State Entity whose Policy, Rule, or Action is Contrary to Law (M. Waddoups) |
| <b>1st Sub. H.B. 136</b> | Judicial Conduct Commission Amendments (K. Bryson)  |
| <b>4th Sub. H.B. 123</b> | Medical Recommendations for Children (K. Bryson)  |
| <b>H.B. 143</b>          | Restrictions on Sexually Explicit Email (B. Winn)   |
| <b>H.B. 128</b>          | Controlled Substances Act Amendments (E. Anderson)  |
| <b>1st Sub. H.B. 173</b> | Amendments to Settlement Agreements Requirements (M. Dayton)  |
| <b>2nd Sub. H.B. 154</b> | Expansion of Dna Database (G. Way)  |
| <b>2nd Sub. H.B. 137</b> | Limited Purpose Local Government Agencies Amendments (D. Peterson)                                    |
| <b>1st Sub. H.B. 296</b> | 2002 Special Highway Sales Tax Revenue Bonds (W. Harper)  |
| <b>H.C.R. 10</b>         | Resolution Recognizing Utah Shakespearean Festival Distinguished Service Award (D. Bowman)            |
| <b>1st Sub. H.B. 279</b> | Professional Employer Organization Licensing Act Amendments (G. Curtis)                               |
| <b>H.B. 290</b>          | Affidavit of Impecuniosity Amendments (J. Swallow)  |
| <b>2nd Sub. H.B. 263</b> | Mobile Home Park Residency Act Amendments (W. Harper)   |
| <b>4th Sub. H.B. 324</b> | Protection of Unincorporated Areas in Counties of the First Class (A. L. Tyler)                       |
| <b>H.B. 166</b>          | Public Review of Municipal Appropriations and Resources (R. Barrus)                                   |
| <b>1st Sub. S.B. 69</b>  | Tuition Tax Credits (D. C. Buttars)   |

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

\* \* \*

On motion of Senator Poulton, the circle was removed from **H.B. 276**, ASSESSMENT ON TITLE INSURERS AND TITLE INSURANCE AGENCIES, and it was before the Senate. Senator Poulton explained the bill. The bill passed, under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Hale
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\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 169, PROPERTY TAX MODIFICATIONS**, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Hale
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**2nd Sub. S.B. 169** was transmitted to the House.

\* \* \*

Senator Knudson made a motion to recall **S.B. 79** for reconsideration. Senator Evans commented. The motion failed on a voice vote.

\* \* \*

On motion of Senator Hillyard, the Senate voted to move **S.B. 142** to the top of the Third Reading Calendar.

\* \* \*

On motion of Senator Poulton and at 5:25 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 5, 2002.

# FORTY-FOURTH DAY

## MORNING SESSION

The Senate was called to order at 8:25 a.m., with President Al Mansell presiding.

**Prayer** – Senator David Gladwell

**Pledge of Allegiance** – Senator Scott Jenkins

**Roll Call** – All Senators present except Senator Hale, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2002

The House passed, **1st Sub. S.J.R. 2**, RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.J.R. 12**, RESOLUTION URGING FEDERAL GOVERNMENT REVIEW OF ALTERNATIVES FOR ATLAS MILL TAILINGS, by Senator M. Dmitrich, 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.J.R. 2** and **1st Sub. S.J.R. 12** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 4, 2002

The House requests the return of **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, for reconsideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Steele, **S.B. 3** was returned to the House.

\* \* \*

Mr. President:

March 4, 2002

The House passed, as substituted, **1st Sub. H.B. 150**, PUBLIC EDUCATION – ALTERNATIVE LANGUAGE PROGRAMS, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed **H.B. 271**, APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 330**, USE OF COUNTY GENERAL FUND EXPENSES, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 336**, USE OF FORCE, INCLUDING DEADLY FORCE, IN DEFENSE OF PROPERTY, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 340**, DIVISION OF WATER RIGHTS FUNDING AND NOTIFICATION AMENDMENTS, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 352**, REVISIONS TO GENERAL GOVERNMENT – TOBACCO AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration;

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 150**, **H.B. 271**, **H.B. 330**, **1st Sub. H.B. 336**, **H.B. 340**, and **H.B. 352** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 4, 2002

The House passed, as amended, **S.B. 1**, APPROPRIATIONS ACT, by Senator L. Blackham, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

**S.B. 1** was placed on the Concurrence Calendar.

### CONSENT CALENDAR

**H.B. 207**, LICENSES FOR EDUCATORS, was read the third time, explained by Senator Steele, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hale	Hickman	Poulton
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**H.B. 207** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 266**, HEARING INSTRUMENT SPECIALIST AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hale	Hickman	Valentine
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**H.B. 266** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.C.R. 2**, RESOLUTION SUPPORTING BUSINESSES, was read the third time.

On motion of Senator Knudson, the bill was circled.

### CONCURRENCE CALENDAR

**2nd Sub. S.B. 48**, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS, was before the Senate.

On motion of Senator Knudson, the bill was circled.

\* \* \*

On motion of Senator Evans, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 82**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Hickman
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**2nd Sub. S.B. 82** was returned to the House.

\* \* \*

On motion of Senator Gladwell, the Senate voted to concur in the House amendments to **S.B. 130**, YOUTH COURT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans

Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman
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**S.B. 130** was returned to the House.

\* \* \*

On motion of Senator Wright, the Senate voted to concur in the House amendments to **S.B. 136**, STATE VEGETABLE. Senators Davis and Knudson commented. The bill, as amended, passed on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hillyard	Stephenson	Waddoups
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**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Hickman
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**S.B. 136** was returned to the House.

\* \* \*

On motion of Senator Gladwell, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 164**, SECURE FACILITIES AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell

Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Hickman
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**3rd Sub. S.B. 164** was returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Consent Calendar.

### CONSENT CALENDAR

On motion of Senator Valentine, the circle was removed from **H.C.R. 2, RESOLUTION SUPPORTING BUSINESSES**. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Hellewell
Hickman	Poulton	Wright	

**H.C.R. 2**, as amended, was returned to the House.

### THIRD READING CALENDAR

**S.B. 142, HIGHER EDUCATION BUDGET AUTHORITY**, was before the Senate, explained by Senator Hillyard.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

**HIGHER EDUCATION BUDGET AUTHORITY**

**1st Sub. S.B. 142**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE STATE SYSTEM OF HIGHER EDUCATION CODE BY AUTHORIZING THE PRESIDENTS OF THE INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF REGENTS TO REALLOCATE DESIGNATED APPROPRIATIONS BETWEEN LINE ITEMS. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman
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**1st Sub. S.B. 142** was transmitted to the House.

\* \* \*

**H.B. 127, COUNTY BALLOT QUESTIONS,** was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Hellewell
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Suazo	Valentine	Waddoups	Wright

**Voting in the negative were:** Senators

E. Allen	Gladwell	Jenkins	Stephenson
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hale                                      Hickman

**H.B. 127** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 131, REPORTING OF DATA TO THE AUTOMATED GEOGRAPHIC REFERENCE CENTER**, was read the third time, explained by Senator Valentine. Senator Steele commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hale                                      Hickman

**H.B. 131** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.J.R. 17, RESOLUTION CLOSING COURT FACILITY**, was read the third time, explained by Senator Walker, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hale                                      Hickman

**H.J.R. 17** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 257, PROOF OF AGE UNDER THE ALCOHOLIC BEVERAGE CODE**, was read the third time, explained by Senator Davis.

On motion of Senator Davis, the bill was amended as follows:

- 1. Page 1, Line 9:  
After line 10 insert "This act provides a coordination clause."
- 2. Page 12, Line 368:  
After line 368 insert:

"Section 7. Coordination clause.  
If this bill and H.B. 6, Public Safety Bureau Name Change, both pass, it is the intent of the Legislature that the reference in this bill in Subsection 32A-1-302(2) to the "Criminal Investigations Bureau" be changed to State Bureau of Investigation."

The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hale                                      Hickman

**H.B. 257**, as amended, was returned to the House.

\* \* \*

**2nd Sub. H.B. 34, TOURISM AMENDMENTS**, was before the Senate under reconsideration, explained by Senator Evans.

On motion of Senator Evans, the bill was amended as follows:

1. Page 1, Line 20:  
After "to the" delete "\$200,000" and insert "\$2,000,000" and after "appropriation" insert "to the fund under Item 120 of S.B. 1, Appropriations Act."
2. Page 1, Line 21:  
After "2002" insert "only"

The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman
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**2nd Sub. H.B. 34**, as amended, was returned to the House.

\* \* \*

**H.B. 218, OVER WEIGHT VEHICLE AMENDMENTS**, was before the Senate, explained by Senator Wright.

On motion of Senator Wright, the bill was amended as follows:

1. Page 1, Line 24:  
After "(i)" insert  
"the section of any highway being used is not located within a county of the first or second class; and (ii)"
2. Page 1, Line 25:  
Delete "and"
3. Page 1, Line 26:  
Delete "(ii)" and insert "(iii)"

- 4. Page 1, Line 27:  
 After line 27 insert  
“and  
(iv) the operator carries in the vehicle written verification of the  
authorization from the highway authority having jurisdiction over each  
highway being used;”

Senator Mayne, Knudson, and Buttars commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman
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**H.B. 218**, as amended, was returned to the House.

\* \* \*

**1st Sub. H.B. 236**, INDECENT PUBLIC DISPLAY AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative was:** Senator  
 Bramble

**Absent or not voting were:** Senators

Blackham	Davis	Hale	Hickman
Wright			

**1st Sub. H.B. 236**, as amended, was returned to the House.

\* \* \*

**H.B. 125**, ENDANGERMENT OF CHILD OR ELDER PERSON WITH CONTROLLED SUBSTANCE OR PRECURSOR, was read the third time, explained by Senator Julander, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman
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**H.B. 125**, as amended, was returned to the House.

\* \* \*

**H.B. 206**, NEW CENTURY SCHOLARSHIP PROGRAM AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham                      Buttars                      Hale                      Hickman

**H.B. 206** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**2nd Sub. H.B. 238**, CIGARETTE AND TOBACCO TAX AMENDMENTS, was read the third time, explained by Senator Knudson.

On motion of Senator Valentine, the bill was amended as follows:

- 1. Page 2, Line 43a:  
House Floor Amendments dated 2-28-2002 (lilac copy)  
delete "33%" and insert "22%"
- 2. Page 2, Line 46a:  
House Floor Amendments dated 2-28-2002 (lilac copy)  
delete "10%" and insert "15%"

Senators Spencer, Stephenson, Steele and Ed Allen commented and the bill passed on the following roll call:

**Yeas, 15; Nays, 13; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Eastman
Evans	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Steele
Suazo	Valentine	Walker	

**Voting in the negative were:** Senators

Blackham	Bramble	Davis	Dmitrich
Gladwell	Hellewell	Jenkins	Poulton
Spencer	Stephenson	Waddoups	Wright
Mansell			

**Absent or not voting was:** Senator  
Hale

**2nd Sub. H.B. 238**, as amended, was returned to the House.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

### CONCURRENCE CALENDAR

On motion of Senator Hickman, the circle was removed from **2nd Sub. S.B. 48, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS**, and it was before the Senate.

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 48, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Hale	Knudson	Suazo
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**2nd Sub. S.B. 48** was returned to the House.

\* \* \*

On motion of Senator Blackham, the Senate refused to concur in the House amendments to **S.B. 1**.

**S.B. 1** was returned to the House. The House was asked to recede from their amendments.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 303, EXPUNGEMENT OF DRIVING UNDER THE INFLUENCE CONVICTIONS**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Spencer
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**H.B. 303** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 171, LOW-SPEED ELECTRIC VEHICLES ON CERTAIN HIGHWAYS**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Suazo

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Hickman
Peterson	Valentine		

**H.B. 171**, as amended, was returned to the House.

\* \* \*

**H.B. 284**, ELECTION LAW AMENDMENTS – DISABLED VOTERS, was read the third time, explained by Senator Eastman. Senator Hickman commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Valentine
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**H.B. 284** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 181**, ALLOCATION OF STATE HOSPITAL BEDS, was read the third time, explained by Senator Steele, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

E. Allen	Hale	Hickman	Suazo
Valentine			

**H.B. 181** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 281**, REGULATION OF PERSONAL MOTORIZED MOBILITY DEVICES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale	Hickman	Suazo	Valentine
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**H.B. 281** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Peterson, and at 10:00 a.m., the Senate sauntered.

The Senate was called to order at 10:50 a.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2002

The House passed, **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 143**, PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 176**, UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 178**, PROTECTING THE UNBORN CHILD, by Senator L. S. Poulton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.J.R. 11**, RESOLUTION SUPPORTING AMERICA'S DOMESTIC STEEL INDUSTRY, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 3**, **2nd Sub. S.B. 143**, **S.B. 176**, **S.B. 178**, and **1st Sub. S.J.R. 11** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 5, 2002

The House concurred in the Senate amendments and passed **H.B. 133**, NATURAL GAS TECHNICIAN CERTIFICATION, by Representative G. Snow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 133** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 5, 2002

The House passed, as amended, **H.B. 317**, LEGISLATIVE TASK FORCE AMENDMENTS, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 337**, VETERANS SERVICE ORGANIZATIONS SPECIAL LICENSE PLATES, by Representative S. Mascaro, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 317** and **H.B. 337** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 5, 2002

The House passed, as amended, **S.B. 51**, NURSE PRACTICE ACT AMENDMENTS, by Senator P. Julander, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 132**, EDUCATION ASSOCIATION LEAVE, by Senator B. Wright, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

**THIRD READING CALENDAR**

**H.C.R. 5**, RESOLUTION RECOGNIZING MILITARY, PRESIDENT, AND CONGRESS' ROLE IN WAR ON TERRORISM, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Buttars	Davis	Hale	Hickman
Spencer			

**H.C.R. 5** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.J.R. 4**, RESOLUTION ENCOURAGING CULTURAL COMPETENCY IN THE DELIVERY OF HEALTH CARE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Hickman
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**H.J.R. 4** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 297**, RETIREMENT OFFICE AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Knudson
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**1st Sub. H.B. 297**, as substituted by the Senate, was returned to the House.

\* \* \*

**H.C.R. 7**, RESOLUTION APPROVING LANDFILL FOR CONSTRUCTION AND DEMOLITION DEBRIS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Knudson
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**H.C.R. 7** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 339**, DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Evans	Hale	Hickman
Knudson			

**1st Sub. H.B. 339** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 167**, POWERSPORT VEHICLE FRANCHISE ACT, was read the third time and explained by Senator Eastman. Senator Eastman declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Julander	Mayne
Peterson	Poulton	Spencer	Steele
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Hale
Knudson	Stephenson		

**H.B. 167** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 31, LICENSE PLATE REQUIREMENTS**, was read the third time and explained by Senator Dmitrich. Senator Buttars commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 9; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Walker

**Voting in the negative were:** Senators

Buttars	Evans	Gladwell	Hillyard
Jenkins	Poulton	Waddoups	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Eastman	Hale
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**H.B. 31** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 116, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS BY LOCAL GOVERNMENT OFFICIALS,** was read the third time.

On motion of Senator Spencer, the bill was circled.

\* \* \*

**H.B. 276, ASSESSMENT OF TITLE INSURERS AND TITLE INSURANCE AGENCIES,** was read the third time, explained by Senator Poulton, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Eastman	Hale
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**H.B. 276,** as amended, was returned to the House.

\* \* \*

On motion of Senator Spencer, the circle was removed from **H.B. 116, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS IN LOCAL GOVERNMENTS.**

On motion of Senator Spencer, the following substitute bill replaced the original bill.

**LOCAL GOVERNMENT OFFICIALS AMENDMENTS**

**1st Sub. H.B. 116**

*Mike Thompson*

THIS ACT MODIFIES THE MUNICIPAL CODE AND THE COUNTY CODE BY ALLOWING MUNICIPALITIES AND COUNTIES TO COMPEL

THE ATTENDANCE OF OFFICIALS AT MEETINGS. THE ACT ALSO AMENDS THE MUNICIPAL OFFICERS' AND EMPLOYEES' ETHICS ACT BY ENACTING A PROVISION PROHIBITING THE IMPROPER USE OF A MUNICIPAL OFFICER'S POSITION TO INITIATE OR MAINTAIN A CAUSE OF ACTION.

On motion of Senator Spencer, the bill was circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2002

The Speaker of the House has appointed a Conference Committee consisting of Representatives Alexander, Bigelow, and King to meet with a like committee from the Senate to consider or amend **S.B. 1, APPROPRIATIONS ACT**, by Senator L. Blackham.

Carole E. Peterson, Chief Clerk

Communication filed.

President Mansell appointed a conference committee consisting of Senators Blackham, Knudson and Ron Allen to meet with the committee from the House.

### SECOND READING CALENDAR

**S.B. 147, RESTRICTION OF FUNDING ON STATE ENTITY WHOSE POLICY, RULE OR ACTION IS CONTRARY TO LAW**, was read the second time. Senator Waddoups explained the bill. Senators Steele, Buttars, Walker, Hillyard, Ron Allen, Ed Allen, Gladwell, and Julander commented. The bill passed on the following roll call:

**Yeas, 15; Nays, 11; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Eastman	Gladwell
Hellewell	Hickman	Jenkins	Knudson
Mayne	Spencer	Stephenson	Valentine
Waddoups	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Evans	Hillyard	Julander	Peterson
Steele	Suazo	Walker	

**Absent or not voting were:** Senators

Blackham	Hale	Poulton
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\* \* \*

**1st Sub. S.B 69, TUITION TAX CREDITS AND PAYMENTS TO SCHOOL DISTRICTS**, was before the Senate, explained by Senator Buttars.

On motion of Senator Buttars, the bill was amended as follows:

1. Page 3, Line 66:  
Delete "59-10-135" and insert "59-7-616"
2. Page 3, Line 68:  
Delete "Section 59-7-615" and insert "this section"
3. Page 3, Line 69:  
Delete "59-7-616" and insert "59-10-135"
4. Page 3, Line 73:  
Delete "59-10-135" and insert "59-7-616"
5. Page 3, Line 75:  
Delete "Section 59-7-615" and insert "this section" and delete "59-7-616" and insert "59-10-135"

On motion of Senator Buttars, the bill was circled.

\* \* \*

**1st Sub. H.B. 136, JUDICIAL CONDUCT COMMISSION AMENDMENTS**, was read the second time. Senator Waddoups explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hale	Mansell
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\* \* \*

**4th Sub. H.B. 123, MEDICAL RECOMMENDATIONS FOR CHILDREN,** was read the second time. Senator Bramble explained the bill.

On motion of Senator Bramble, the bill was amended as follows:

1. Page 2, Line 42:  
Delete "solely"
2. Page 5, Line 125  
House Floor Amendments  
2-28-2002:  
Delete "solely"
3. Page 5, Line 137  
House Floor Amendments  
2-28-2002:  
After line 137 insert the following:  
"Section 3. Coordination clause.  
If this bill and H.B. 295 both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall make the following changes in preparing the database for publication:  
(1) Subsection 78-3a-301(4) shall be amended to read as follows: "(4) A court may not remove a minor from the custody of the minor's parent or guardian on the basis of the refusal of the parent or guardian to consent to:  
(a) the administration of a psychotropic drug to a child;  
(b) a psychiatric, psychological, or behavioral treatment for a child; or  
(c) a psychiatric or behavioral health evaluation of a child.";  
(2) Subsection 78-3a-301(4) in H.B. 295 shall be renumbered as Subsection 78-3a-301(5); and  
(3) Subsection 78-3a-301(5) in H.B. 295 shall be renumbered as Subsection 78-3a-301(6)."

Senators Knudson, Ron Allen, Hellewell, Buttars, Wright, Julander, Ed Allen, Steele, and Walker commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 5; Absent, 1.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hellewell	Hickman

Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Suazo			

**Absent or not voting was:** Senator

Hale

\* \* \*

On motion of Senator Poulton, and at 12:25 p.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2002

The House passed, **1st Sub. S.B. 96**, URANIUM MILL TAILINGS OVERSIGHT, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 104**, SALE OF MUNICIPAL POWER SYSTEMS, 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, **1st Sub. S.B. 106**, DIVORCE – CHILDREN’S TESTIMONY LIMITED, by Senator T. Spencer, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 2**, RESOLUTION URGING VEGETATION MANAGEMENT PRACTICES ON BLM GROUND, 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

**1st Sub. S.B. 96, 1st Sub. S.B. 104, 1st Sub. S.B. 106, and S.C.R. 2** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 5, 2002

The House adopted the Joint Conference Committee Report dated March 5, 2002 and passed **1st Sub. H.B. 47**, EXTENSION OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION, by Representative G. Way, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 47** was signed by the President of the Senate in open session and returned to the House

\* \* \*

Mr. President:

March 5, 2002

The House passed, as substituted, **1st Sub. H.B. 117**, RESTRUCTURING MEDICAID SPEND DOWN, by Representative T. Beck, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **1st Sub. H.B. 117** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 5, 2002

The House passed, as amended, **S.B. 66**, REVENUES FROM FEDERAL LAND EXCHANGE PARCELS, by Senator M. Dmitrich, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 81**, EDUCATION OF PERSONS WITH A DISABILITY, by Senator Ed P. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 100**, PHARMACIST LICENSING AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 195**, SALES AND USE TAX AMENDMENTS, by Senator J. Hickman, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 5, 2002

The House has rejected **1st Sub. S.B. 111**, DIVISION OF HOME IN A DIVORCE, by Senator T. Spencer, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 111** was filed.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 5, 2002

The Rules Committee recommends the assignment of the following House Bills and Resolutions to the Second Reading Calendar:

- 1st Sub. H.B. 252** General Obligation Bonds for Engineering Buildings (G. Adair)
- 1st Sub. H.B. 138** Rights of Creditors Against Trust Property (M. Newbold)
- 1st Sub. H.B. 152** Oil and Gas Severance Tax – Board, Restricted Account, and Use of Revenues (J. Seitz)
- 1st Sub. H.B. 44** Trust Deeds Amendments (D. Clark)
- H.B. 155** Property Taxes – Farmland Assessment Act (T. Hatch)
- 1st Sub. H.B. 162** Use of Bear River Bird Refuge Settlement Monies (B. Ferry)
- 2nd Sub. H.J.R. 27** Resolution Authorizing Bear River Migratory Bird Refuge Settlement (B. Ferry)
- H.B. 111** State Responsibility for Regulation of Postsecondary Proprietary Schools (A. Bradshaw)
- 1st Sub. H.B. 305** Property Tax Amendments (W. Harper)
- H.B. 351** Election Process Amendments (G. Curtis)
- 3rd Sub. H.B. 241** County Health Departments – Operational Structure (K. Garn)
- 1st Sub. H.B. 4** Motorboating and Boating Under the Influence Provisions (L. Pace)

- 2nd Sub. H.B. 105** Health Insurance Mandates Program (R. Lockhart)  
**1st Sub. H.B. 132** Sale of State Lands At Developmental Center  
 (M. Dayton)  
**H.B. 196** Divorce and Parent–time Revisions (C. Bennion)  
**H.B. 230** Retirement of Public Safety Officials (R. Bigelow)  
**1st Sub. H.B. 99** Consecutive Sentencing (T. McCartney)  
**H.B. 287** Constitutional Rights of State Employees (M. Thompson)  
**1st Sub. H.B. 307** Treatment of Dishonored Checks (C. Bennion)  
**1st Sub. H.B. 82** Storage of Concealed Firearms on Facilities with Secure  
 Areas (J. Swallow)  
**H.B. 183** Firearm Criminal Background Check Amendments  
 (J. M. Philpot)  
**1st Sub. H.B. 336** Use of Force, Including Deadly Force, in Defense of  
 Property (M. Thompson)  
**1st Sub. H.B. 126** Annexations Involving Townships (C. Duckworth)  
**H.B. 295** Taking Minor into Protective Custody Without Warrant  
 (T. Hatch)  
**3rd Sub. H.B. 226** Termination of Parental Rights Amendments  
 (M.Throckmorton)  
**H.B. 300** Amendments to Guardian Ad Litem Statutes  
 (M. Throckmorton)  
**1st Sub. H.B. 101** Racial Profiling (D. Bourdeaux)

Michael Waddoups  
 Rules Committee Chair

Report filed. On motion of Senator Steele, the committee report was adopted.

## INTRODUCTION OF BILLS

### RESOLUTION RECOGNIZING PUBLIC SAFETY WORKERS FOR OLYMPICS

**S.J.R. 16**

*Al Mansell*

THIS JOINT RESOLUTION OF THE LEGISLATURE RECOGNIZES THE SERVICE AND SACRIFICES OF THE PUBLIC SAFETY AND SECURITY PERSONNEL WHOSE MANY HOURS OF LABOR ENSURED THE SAFETY AND SECURITY OF ATHLETES AND SPECTATORS AT THE 2002 OLYMPIC WINTER GAMES. THE RESOLUTION ALSO RECOGNIZES THE EFFORTS OF ROBERT L. FLOWERS, COMMANDER OF THE UTAH OLYMPIC PUBLIC SAFETY COMMAND, FOR HIS EFFECTIVENESS IN ORGANIZING AND COORDINATING THE EFFORTS OF LOCAL, STATE,

AND FEDERAL PUBLIC SAFETY PERSONNEL, was read for the first time and referred to the Rules Committee.

## SECOND READING CALENDAR

**H.B. 143, RESTRICTIONS ON SEXUALLY EXPLICIT EMAIL**, was read the second time.

On motion of Senator Walker, the bill was amended as follows:

1. Page 1, Line 9:  
After "requirements." insert "This act provides a coordination clause."
2. Page 4, Line 101:  
After line 101 insert:  
"(4) The violation of Section 13-34-103 by an employee does not subject the employee's employer to liability under that section if the employee's violation of Section 13-34-103 is also a violation of an established policy of the employer that requires compliance with the requirements of Section 13-34-103.  
Section 6. Coordination clause.  
If this bill and 3rd Substitute H.B. 80, Unsolicited Commercial Email, both pass, it is the intent of the Legislature that the provisions enacted under both bills be combined into Title 13, Chapter 34 to read as follows:  
"Section 13-34-101 is enacted to read:  
CHAPTER 34. UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT  
13-34-101Title.  
This chapter is known as the "Unsolicited Commercial and Sexually Explicit Email Act."  
2 Section 13-34-102 is enacted to read:  
13-34-102Definitions.  
As used in this chapter:  
(1) "Commercial" means for the purpose of promoting the sale, lease, or exchange of goods, services, or real property.  
(2) "Computer network" means two or more computers that are interconnected to exchange electronic messages, files, data, or other information.  
(3) "Email" means an electronic message, file, data, or other information that is transmitted:  
(a) between two or more computers, computer networks, or electronic terminals; or

- (b) within a computer network.
  - (4) “Email address” means a destination, commonly expressed as a string of characters, to which email may be sent or delivered.
  - (5) “Email service provider” means a person that: (a) is an intermediary in the transmission of email from the sender to the recipient; or
    - (b) provides to end users of email service the ability to send and receive email.
  - (6) “Internet domain name” means a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet authorities, comprising a series of character strings separated by periods, with the right–most string specifying the top of the hierarchy.
  - (7) (a) “Sexually explicit email” means an email that contains, promotes, or contains an electronic link to material that is harmful to minors, as defined in Section 76–10–1201.
    - (b) An email is a sexually explicit email if it meets the definition in Subsection (7)(a), even if the email also meets the definition of a commercial email.
  - (8) (a) “Unsolicited” means without the recipient’s express permission, except as provided in Subsection (8)(b).
    - (b) A commercial email is not “unsolicited” if the sender has a preexisting business or personal relationship with the recipient.
- Section 4 13–34–103 is enacted to read:
- 13–34–103 Unsolicited commercial or adult email — Requirements.
- (1) Each person who sends or causes to be sent an unsolicited commercial email or an unsolicited sexually explicit email through the intermediary of an email service provider located in the state or to an email address held by a resident of the state shall:
    - (a) conspicuously state in the email the sender’s:
      - (i) legal name;
      - (ii) correct street address; and
      - (iii) valid Internet domain name;
    - (b) include in the email a subject line that contains:
      - (i) for a commercial email, “ADV:” as the first four characters; or
      - (ii) for a sexually explicit email, “ADV:ADULT” as the first nine characters;
    - (c) provide the recipient a convenient, no–cost mechanism to notify the sender not to send any future email to the recipient, including:
      - (i) return email to a valid, functioning return electronic address; and
      - (ii) for a sexually explicit email and if the sender has a toll–free

telephone number, the sender's toll-free telephone number; and  
(d) conspicuously provide in the text of the email a notice that:  
(i) informs the recipient that the recipient may conveniently and at no cost be excluded from future commercial or sexually explicit email, as the case may be, from the sender; and  
(ii) for a sexually explicit email and if the sender has a toll-free telephone number, includes the sender's valid, toll-free telephone number that the recipient may call to be excluded from future email from the sender.

(2) A person who sends or causes to be sent an unsolicited commercial email or an unsolicited sexually explicit email through the intermediary of an email service provider located in the state or to an email address held by a resident of the state may not:

(a) use a third party's Internet domain name in identifying the point of origin or in stating the transmission path of the email without the third party's consent;

(b) misrepresent any information in identifying the point of origin or the transmission path of the email; or

(c) fail to include in the email the information necessary to identify the point of origin of the email.

(3) If the recipient of an unsolicited commercial email or an unsolicited sexually explicit email notifies the sender that the recipient does not want to receive future commercial email or future sexually explicit email, respectively, from the sender, the sender may not send that recipient a commercial email or a sexually explicit email, as the case may be, either directly or through a subsidiary or affiliate.

Section 4. 13-34-104 is enacted to read:

13-34-104 Criminal penalty.

(1) A person who violates any requirement of Section 13-34-103 with respect to an unsolicited sexually explicit email is guilty of a class B misdemeanor.

(2) A criminal conviction or a penalty assessed as a result of a criminal conviction under Subsection (1) does not relieve the person convicted or assessed from civil liability in an action under Section 13-34-105.

Section 5. Section 13-34-105 is enacted to read:

13-34-105 Civil action for violation -- Election on damages -- Costs and attorney fees -- Defense.

(1) For any violation of a provision of Section 13-34-103, an action may be brought by:

(a) a person who received the unsolicited commercial email or unsolicited sexually explicit email with respect to which the violation

under Section 13–34–103 occurred; or  
(b) an email service provider through whose facilities the unsolicited commercial email or unsolicited sexually explicit email was transmitted.  
(2) In each action under Subsection (1):  
(a) a recipient or email service provider may:  
(i) recover actual damages; or  
(ii) elect, in lieu of actual damages, to recover the lesser of:  
(A) \$10 per unsolicited commercial email or unsolicited sexually explicit email received by the recipient or transmitted through the email service provider; or  
(B) \$25,000 per day that the violation occurs; and  
(b) each prevailing recipient or email service provider shall be awarded costs and reasonable attorney fees.  
(3) An email service provider does not violate Section 13–34–103 solely by being an intermediary between the sender and recipient in the transmission of an email that violates that section.  
(4) The violation of Section 13–34–103 by an employee does not subject the employee’s employer to liability under that section if the employee’s violation of Section 13–34–103 is also a violation of an established policy of the employer that requires compliance with the requirements of Section 13–34–103.  
(5) It is a defense to an action brought under this section that the unsolicited commercial email or unsolicited sexually explicit email was transmitted accidentally.”

Senator Walker explained the bill. The bill passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were: Senators**

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Walker	Mansell	

**Absent or not voting were: Senators**

R. Allen	Blackham	Hale	Hillyard
Julander	Knudson	Spencer	Valentine
Waddoups	Wright		

\* \* \*

**H.B. 128, CONTROLLED SUBSTANCES ACT AMENDMENTS**, was read the second time. Senator Ed Allen explained the bill. Senator Walker commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Mayne	Peterson	Poulton	Steele
Suazo	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

R. Allen	Blackham	Hale	Hillyard
Knudson	Spencer	Stephenson	Valentine
Wright			

\* \* \*

**1st Sub. H.B. 173, AMENDMENTS TO SETTLEMENT AGREEMENTS REQUIREMENTS**, was read the second time. Senator Poulton explained the bill. Senator Mayne commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

E. Allen	Buttars	Davis	Dmitrich
Eastman	Evans	Hellewell	Hickman
Jenkins	Julander	Mayne	Peterson
Poulton	Steele	Stephenson	Suazo
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

R. Allen	Blackham	Bramble	Gladwell
Hale	Hillyard	Knudson	Spencer
Valentine	Wright		

\* \* \*

**2nd Sub. H.B. 154, EXPANSION OF DNA DATABASE**, was read the second time. Senator Stephenson explained the bill. Senators Buttars and Evans commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Jenkins	Julander
Knudson	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman	Hillyard
Mayne	Spencer	Wright	

\* \* \*

**2nd Sub. H.B. 137, LIMITED PURPOSE LOCAL GOVERNMENT AGENCIES AMENDMENTS**, was read the second time. Senator Stephenson explained the bill. Senators Walker, Davis, and Mansell commented. The bill failed on the following roll call:

**Yeas, 12; Nays, 14; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Knudson
Poulton	Stephenson	Waddoups	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Hickman	Julander	Mayne
Peterson	Spencer	Steele	Suazo
Valentine	Walker		

**Absent or not voting were:** Senators

Blackham	Hale	Wright
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**2nd Sub. H.B. 137** failed and will be returned to the House for filing.

\* \* \*

**1st Sub. H.B. 296, 2002 SPECIAL HIGHWAY GENERAL OBLIGATION BONDS**, was read the second time.

On motion of Senator Waddoups, the following substitute bill replaced the original bill.

**2002 SPECIAL HIGHWAY GENERAL OBLIGATION BONDS**

**3rd Sub. H.B. 296**

*Wayne A. Harper*

THIS ACT AUTHORIZES ISSUANCE OF UTAH GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES BY THE STATE BONDING COMMISSION TO ACCELERATE FUNDING AND CONSTRUCTION OF CERTAIN HIGHWAYS AND RELATED FACILITIES IN SALT LAKE COUNTY. THIS ACT DEFINES THE PROCESS AND REQUIREMENTS FOR ISSUING THE BONDS AND NOTES AND SPECIFIES THE USE OF THE PROCEEDS. THIS ACT IMPOSES A STATEWIDE PROPERTY TAX AND ABATES IT. THIS ACT CREATES A SINKING FUND TO PAY DEBT SERVICE ON THE BONDS. THIS ACT EXEMPTS BONDS ISSUED FROM STATUTORY DEBT LIMITATION REQUIREMENTS. THIS ACT PROVIDES FOR RELATED MATTERS AND MAKES TECHNICAL CORRECTIONS.

Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Eastman	Evans	Steele
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**Absent or not voting were:** Senators

Blackham	Hale	Wright
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\* \* \*

**H.C.R.10**, RESOLUTION RECOGNIZING UTAH SHAKESPEAREAN FESTIVAL DISTINGUISHED SERVICE AWARD, was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Julander
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\* \* \*

**1st Sub. H.B. 279, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT,** was read the second time.

On motion of Senator Valentine, the bill was amended as follows:

1. Page 8, Line 236  
House Committee Amendments  
2-4-2002:  
Delete "the PEO's third-party administrator or" and insert "a certified"
2. Page 9, Line 249a  
House Committee Amendments  
2-4-2002:  
Delete "the PEO's third-party administrator or" and insert "a certified"

Senator Bramble explained the bill. Senator Bramble declared a conflict of interest. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale                                 Hickman                                 Spencer                                 Steele

\* \* \*

**H.B. 290, AFFIDAVIT OF IMPECUNIOSITY AMENDMENTS**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

R. Allen                                 Blackham                                 Bramble                                 Buttars  
Davis                                     Dmitrich                                 Eastman                                 Evans  
Gladwell                                 Hellewell                                 Hillyard                                 Jenkins  
Julander                                 Knudson                                 Peterson                                 Poulton  
Stephenson                                 Suazo                                     Valentine                                 Waddoups  
Walker                                     Wright                                     Mansell

**Absent or not voting were:** Senators

E. Allen                                 Hale                                     Hickman                                 Mayne  
Spencer                                 Steele

\* \* \*

**2nd Sub. H.B. 263, MOBILE HOME PARK RESIDENCY ACT AMENDMENTS**, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**4th Sub. H.B. 324, PROTECTION OF UNINCORPORATED AREAS IN COUNTIES OF THE FIRST CLASS**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 166, PUBLIC REVIEW OF MUNICIPAL APPROPRIATIONS AND RESOURCES**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Dmitrich
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

R. Allen	Buttars	Davis	Hale
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\* \* \*

On motion of Senator Spencer, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Spencer, the circle was removed from **1st Sub. H.B. 116, ATTENDANCE AT LOCAL GOVERNMENT MEETINGS BY LOCAL GOVERNMENT**. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

R. Allen

**Absent or not voting were:** Senators

Buttars                      Hale

**1st Sub. H.B. 116**, as substituted by the Senate, was returned to the House.

\* \* \*

On motion of Senator Mayne, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Mayne, the circle was removed from **2nd Sub. H.B. 263, MOBILE PART RESIDENCY ACT AMENDMENTS**, and it was before the Senate.

On motion of Senator Bramble, the bill was amended as follows:

1. Page 2, Line 27:  
After “means” insert “the following physical” and after “park” delete the rest of line 27 and insert a colon
2. Page 2, Lines 28 and 29:  
Delete lines 28 and 29 and insert the following:  
“(a) a club house;  
(b) a park;  
(c) a playground;  
(d) a swimming pool;  
(e) a hot tub;  
(f) a tennis court; or  
(g) a basketball court.”
3. Page 5, Line 122:  
Delete “then notwithstanding the provisions of the lease”
4. Page 7, Line 189:  
Before “improvements” insert “exterior, physical”
5. Page 7, Line 192:  
Before “improvements” insert “exterior, physical”
6. Page 7, Line 195:  
Before “improvements” insert “exterior, physical”
7. Page 7, Line 200:  
After line 200 insert the following:  
“(iii) For purposes of determining which period of time applies under Subsection (1)(b)(i), the mobile home park may rely upon a good-faith estimate obtained by the mobile home park from a licensed contractor.”
8. Page 7, Line 201:  
After “(c)” delete “(i)” and bracket the rest of line 201

9. Page 7, Lines 202–205:  
Bracket and delete lines 202 through 205

10. Page 7, Line 206:  
Delete “(ii)”

Senator Mayne explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Bramble	Hellewell	Hickman	Hillyard
Wright			

**Absent or not voting were:** Senators

Blackham	Buttars	Hale
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\* \* \*

On motion of Senator Davis, the Senate voted to recall **2nd Sub. H.B. 137** from the House for the purpose of reconsideration.

\* \* \*

On motion of Senator Stephenson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Stephenson the Senate voted to lift **H.B. 274** and **H.B. 275** from the Third Reading Table and place them at the top of the Third Reading Calendar.

**H.B. 274**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was read the third time.

On motion of Senator Stephenson, the following substitute bill replaced the original bill.

**SUPPLEMENTAL MINIMUM SCHOOL  
PROGRAM ACT AMENDMENTS**

**1st Sub. H.B. 274**

*Marda Dillree*

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 2001-02. THIS ACT MODIFIES A HOLD HARMLESS PROGRAM FOR SCHOOL DISTRICTS IMPACTED BY BLOCK GRANTS. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**H.B. 275**, STATE BOARD OF EDUCATION BUDGET AUTHORITY, was read the third time.

On motion of Senator Stephenson, the following substitute bill replaced the original bill.

**STATE BOARD OF EDUCATION BUDGET AUTHORITY**

**1st Sub. H.B. 275**

*Marda Dillree*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY AUTHORIZING THE STATE BOARD OF EDUCATION TO REALLOCATE DESIGNATED APPROPRIATIONS BETWEEN LINE ITEMS. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Valentine, and at 4:25 p.m., the Senate sauntered.

The Senate was called to order at 5:26 p.m., with President Mansell presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2002

The House adopted the Joint Conference Committee Report dated March 5, 2002, and passed **S.B. 1, APPROPRIATIONS ACT**, by Senator L. Blackham, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

## JOINT CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Sens. Blackham, Knudson, and R. Allen, and Reps. Alexander, Bigelow, and King, recommends S.B. 1, APPROPRIATIONS ACT, by Sen. Blackham, with the following amendments:

1. Delete all the House amendments on the lilac copies dated March 4, 2002, on Pages 42, 43, 45, and 45a.
2. Include all the Senate amendments on the goldenrod copies dated March 4, 2002, on Pages 22 and 98.

Senator Blackham  
and Representative Alexander  
Committee Chairs

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **S.B. 1, APPROPRIATIONS ACT**. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Knudson
Poulton	Spencer	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Julander	Mayne	Peterson	Suazo
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**Absent or not voting were:** Senators

E. Allen	Buttars	Hale	Hickman
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**S.B. 1** was returned to the House.

\* \* \*

Mr. President:

March 5, 2002

The Speaker of the House has signed **2nd Sub. S.B. 48**, PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 82**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator B. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 130**, YOUTH COURT AMENDMENTS, by Senator D. Gladwell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 136**, STATE VEGETABLE, by Senator B. Wright, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 164**, SECURE FACILITIES AMENDMENTS, by Senator D. Gladwell, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 48, 2nd Sub. S.B. 82, S.B. 130, S.B. 136, and 3rd Sub. S.B. 164** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 5, 2002

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 34**, TOURISM AMENDMENTS, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 125**, ENDANGERMENT OF CHILD OR ELDER PERSON WITH CONTROLLED SUBSTANCE OR PRECURSOR, by Representative T. Beck, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 171**, LOW-SPEED ELECTRIC VEHICLES ON CERTAIN HIGHWAYS, by Representative D. Bush, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 218**, OVER WEIGHT VEHICLE AMENDMENTS, by Representative T. Hatch, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 236**, INDECENT PUBLIC DISPLAY AMENDMENTS, by Representative P. Wallace, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 257**, PROOF OF AGE UNDER THE ALCOHOLIC BEVERAGE CODE, by Representative D. Bourdeaux, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.C.R. 2**, RESOLUTION SUPPORTING BUSINESSES, by Representative G. Curtis, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 34, H.B. 125, H.B. 171, H.B. 218, 1st Sub. H.B. 236, H.B. 257, and H.C.R. 2**, were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 5, 2002

The House passed, as substituted and amended, **1st Sub. H.B. 283**, ANTITERRORISM AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 310**, MOBILITY ASSISTANCE FUND, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 334**, COUNTY AND MUNICIPAL CAMPAIGN FINANCE AMENDMENTS, by Representative T. Beck, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 283, 1st Sub. H.B. 310, and H.B. 334** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 5, 2002

The House substituted and passed, **1st Sub. S.B. 117**, TRUST AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

**CONCURRENCE CALENDAR**

**S.B. 51**, NURSE PRACTICE ACT AMENDMENTS, was before the Senate.

On motion of Senator Julander, the bill was circled.

\* \* \*

On motion of Senator Wright, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 132**, PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE. The bill, as amended, passed on the following roll call:

**Yeas, 16; Nays, 8; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Eastman	Gladwell	Hellewell
Hillyard	Jenkins	Knudson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Evans	Mayne	Peterson	Suazo

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Hickman
Julander			

**2nd Sub. S.B. 132** was returned to the House.

\* \* \*

On motion of Senator Dmitrich, the Senate voted to concur in the House amendments to **S.B. 66**, REVENUES FROM FEDERAL LAND EXCHANGE PARCELS. The bill, as amended, 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
Hellewell	Hillyard	Jenkins	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Hickman
Julander			

**S.B. 66** was returned to the House.

\* \* \*

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **1st Sub. S.B. 81**, EDUCATION OF PERSONS WITH A DISABILITY. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Hickman
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**1st Sub. S.B. 81** was returned to the House.

\* \* \*

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 100**, PHARMACIST LICENSING AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hickman
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**S.B. 100** was returned to the House.

\* \* \*

**S.B. 195**, SALES AND USE TAX AMENDMENTS, was before the Senate.

On motion of Senator Knudson, the bill was circled.

\* \* \*

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 117**, TRUST AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham                      Hale

**1st Sub. S.B. 117** was returned to the House.

\* \* \*

On motion of Senator Julander, the circle was removed from **S.B. 51**, NURSE PRACTICE ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Julander, the Senate voted to concur in the House amendments to **S.B. 51**, NURSE PRACTICE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Eastman                      Hale

**S.B. 51** was returned to the House.

\* \* \*

On motion of Senator Hickman, the circle was removed from **S.B. 195**, SALES AND USE TAX AMENDMENTS, and it was before the Senate.

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **S.B. 195**, SALES AND USE TAX AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans

Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
 Blackham                      Hale

**S.B. 195** was returned to the House.

\* \* \*

On motion of Senator Davis, the Senate voted to move **2nd Sub. H.B. 137** to the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

**2nd Sub. H.B. 137, LIMITED PURPOSE LOCAL GOVERNMENT AGENCIES AMENDMENTS**, was before the Senate.

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 1, Line 7:  
 After “committee” insert “in fifth and sixth class counties”
  
2. Page 1, Line 25:  
 After “(ii)” insert “in fifth and sixth class counties.”

Senator Stephenson explained the bill. Senators Jenkins and Knudson commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Evans	Gladwell	Hellewell
Hickman	Hillyard	Knudson	Peterson
Poulton	Stephenson	Suazo	Valentine
Waddoups	Wright	Mansell	

**Voting in the negative were:** Senators

Bramble	Buttars	Eastman	Jenkins
Julander	Mayne	Spencer	Steele
Walker			

**Absent or not voting was:** Senator  
Hale

\* \* \*

On motion of Senator Valentine, **4th Sub. H.B. 324**, PROTECTION OF UNINCORPORATED AREAS IN COUNTIES OF THE FIRST CLASS, was uncircled.

On motion of Senator Valentine, the following substitute bill replaced the original bill.

**PROTECTION OF UNINCORPORATED AREAS  
IN COUNTIES OF THE FIRST CLASS**

**5th Sub. H.B. 324**

*A. Lamont Tyler*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE BY AMENDING PROVISIONS RELATING TO ANNEXATION. THE ACT PROVIDES FOR THE REVIEW OF MUNICIPAL ANNEXATIONS IN A COUNTY OF THE FIRST CLASS BY THE COUNTY LEGISLATIVE BODY. THE ACT SETS STANDARDS FOR THE EFFECTIVE DATE OF ANNEXATIONS. THE ACT AMENDS THE DEFINITION OF AFFECTED ENTITY TO INCLUDE COMMUNITY COUNCILS. THE ACT LIMITS FORCED ANNEXATIONS TO THOSE AREAS WITHIN A MUNICIPALITY'S EXPANSION AREA AND AMENDS THE DEFINITION OF EXPANSION AREA WITH RESPECT TO MUNICIPALITIES IN FIRST CLASS COUNTIES. THE ACT AMENDS THE FORMULA FOR APPROVING ANNEXATIONS BASED UPON PROJECTED COSTS AND REVENUES. THE ACT MAKES OTHER TECHNICAL CHANGES.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Poulton, the Senate voted to suspend the 24-hour rule for bills considered on the Second Reading Calendar for the remainder of the day.

\* \* \*

**1st Sub. H.B. 252**, GENERAL OBLIGATION BONDS FOR ENGINEERING BUILDINGS, was read the second time. Senator Evans explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars                      Hale

\* \* \*

**1st Sub. H.B. 138, RIGHTS OF CREDITORS AGAINST TRUST PROPERTY,** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 152, OIL AND GAS SEVERANCE TAX – BOARD, RESTRICTED ACCOUNT, AND USE OF REVENUES,** was read the second time.

On motion of Senator Dmitrich, the bill was amended as follows:

- Page 4, Line 101  
House Floor Amendments  
3-1-2002:  
After Line 101 insert:  
“(ii) one or more of the following located in a county within which oil or gas is produced:  
(A) a school district; or  
(B) an institution of higher education described in Section 53B-2-101;”
- Page 4, Line 102  
House Floor Amendments  
3-1-2002:  
Delete “(ii)” and insert “(iii)”

3. Page 4, Line 102a  
House Floor Amendments  
3-1-2002:  
Delete Line 102a
4. Page 4, Line 106  
House Floor Amendments  
3-1-2002:  
Delete “(iii)” and insert “(iv)” and delete “and (ii)” and insert “through (iii)” and after Line 106 insert:  
“(b) establish or approve all rules to administer this act;”
5. Page 4, Line 107  
House Floor Amendments  
3-1-2002:  
Delete “(b)” and insert “(c)”
6. Page 4, Line 109  
House Floor Amendments  
3-1-2002:  
Delete “(c)” and insert “(d)”
7. Page 4, Line 113  
House Floor Amendments  
3-1-2002:  
Delete “(1)(c)(i)” and insert “(1)(d)(i)”
8. Page 4, Line 114  
House Floor Amendments  
3-1-2002:  
Delete “(d)” and insert “(e)”
9. Page 4, Line 115  
House Floor Amendments  
3-1-2002:  
Delete “(1)(b)” and insert “(1)(c)”
10. Page 4, Line 116  
House Floor Amendments  
3-1-2002:  
Delete “(1)(c)” and insert “(1)(d)”
11. Page 5, Line 120:  
Delete “(1)(a)(ii)” and insert “(1)(a)(iii)”

- 12. Page 5, Line 123:  
Delete “(1)(a)(ii)” and insert “(1)(a)(iii)”
- 13. Page 5, Line 132:  
Delete “(1)(a)(ii)(A)” and insert “(1)(a)(iii)(A)”
- 14. Page 5, Line 140:  
After “county” insert “. school district, institution of higher education.”

Senator Dmitrich explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Spencer
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On motion of Senator Hickman, **1st Sub. H.B. 152** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**1st Sub. H.B. 44**, TRUST DEEDS AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 155**, PROPERTY TAXES – FARMLAND ASSESSMENT ACT, was read the second time. Senator Jenkins explained the bill. Senator Hillyard 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hale	Poulton	Steele
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**1st Sub. H.B. 162**, USE OF BEAR RIVER BIRD REFUGE SETTLEMENT MONIES, was read the second time. Senator Knudson explained the bill. Senator Hickman commented.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**2nd Sub. H.J.R. 27**, RESOLUTION AUTHORIZING BEAR RIVER MIGRATORY BIRD REFUGE, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale	Steele	Valentine
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\* \* \*

On motion of Senator Knudson, the circle was removed from **1st Sub. H.B. 162**, USE OF BEAR RIVER BIRD REFUGE SETTLEMENT MONIES, and it

was before the Senate. Senator Knudson explained the bill. Senator Gladwell 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	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Spencer	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Hale	Jenkins	Poulton
Steele			

\* \* \*

**H.B. 111**, STATE RESPONSIBILITY FOR REGULATION OF POSTSECONDARY PROPRIETARY SCHOOLS, was read the second time. Senator Hillyard explained the bill. Senators Hickman, Walker and Julander commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Poulton
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\* \* \*

On motion of Senator Waddoups, the circle was removed from **1st Sub. H.B. 44**, TRUST DEEDS AMENDMENTS, and it was before the Senate.

On motion of Senator Waddoups, the bill was amended as follows:

1. Page 4, Lines 97a–98a  
House Floor Amendments 2–5–02:  
Delete lines 97a through 98a and insert:  
“require the following to pay any costs that exceed the actual costs incurred by the trustee:  
(a) a trustor reinstating or paying off a loan; or  
(b) a beneficiary acquiring property through foreclosure.”
2. Page 9, Line 255  
House Floor Amendments 2–5–02:  
After “(iii)” insert “if the trustee maintains a bona fide office in the state meeting the requirements of Subsection 57–1–21(1)(b).”
3. Page 11, Line 306:  
Bracket “(2)” and insert “(3)”
4. Page 11, Line 320:  
After “statement” insert “: (a)”
5. Page 11, Lines 321–322:  
At the end of line 321 delete “: (a)”
6. Page 11, Line 324:  
Delete “attorneys” and insert “attorney’s”
7. Page 11, Line 329:  
After line 329 insert “and”
6. Page 11, Lines 330–335:  
Delete lines 330–335 and insert:  
“(b) subject to Subsection (3), a disclosure of:  
(i) any relationship that the trustee has with a third party that provides services related to the foreclosure of the loan; and  
(ii) whether the relationship described in Subsection (2)(b)(i) is created by:  
(A) an ownership interest in the third party; or  
(B) contract or other agreement;  
(3) Subsection (2)(b) does not require a trustee to provide a trustor:  
(i) a copy of any contract or agreement described in Subsection (2)(b);  
(ii) specific detail as to the nature of the ownership interest described in Subsection (2)(b); or  
(iii) the amount of compensation the trustee receives related to the foreclosure of the loan under a relationship described in Subsection (2)(b).”

Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Jenkins	Poulton
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\* \* \*

**1st Sub. H.B. 305, PROPERTY TAX AMENDMENTS,** was read the second time.

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 5, Line 127:  
After "59-2-1101(2)" insert "(f) or"
2. Page 5, Line 134:  
Delete "Subsections" and insert "Subsection" and delete "through (f)" and insert "or (e)"
3. Page 5, Line 138:  
Delete "Subsections" and insert "Subsection" and delete "through (f)" and insert "or (e)"
4. Page 5, Line 147:  
Delete "Subsections" and insert "Subsection"
5. Page 5, Line 148:  
Delete "through (f)" and insert "or (e)"

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 1, Line 21:  
After Line 21 insert:  
"(a) on a form prescribed by the commission by rule."

- 2. Page 1, Line 22:  
Delete “(a)” and insert “(b)” and delete “and”
- 3. Page 1, Line 23:  
Delete “(b)” and insert “(c)” and delete the period and insert “; and” and after Line 23 insert:  
“(d) containing other information as required by the commission by rule.”
- 4. Page 2, Line 45:  
After Line 45 insert:  
“(4)(a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules providing:  
(i) the form for the statement described in Subsection (1); and  
(ii) the contents of the form for the statement described in Subsection (1).  
(b) The commission shall make the form described in Subsection (4)(a) available to counties.”

Senator Stephenson explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Buttars	Hale
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\* \* \*

**H.B. 351, ELECTION PROCESS AMENDMENTS,** was read the second time. Senator Gladwell explained the bill. 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	Bramble
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Eastman	Hale	Julander
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\* \* \*

On motion of Senator Valentine, the circle was removed from **5th Sub. H.B. 324, PROTECTION OF UNINCORPORATED AREAS IN COUNTIES OF THE FIRST CLASS**, and it was before the Senate. Senator Valentine explained the bill. Senators Poulton, Jenkins and Walker 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	Bramble
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Buttars	Davis	Hale	Wright
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\* \* \*

**3rd Sub. H.B. 241, COUNTY HEALTH DEPARTMENTS – OPERATIONAL STRUCTURE**, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**1st Sub. H.B. 4, MOTORBOATING DRIVER LICENSING AND BOATING UNDER THE INFLUENCE PROVISIONS**, was read the second time.

On motion of Senator Bramble, the bill was amended as follows:

1. Page 23, Line 686  
Senate Committee Amendments:  
Delete “(i)”
2. Page 23, Line 686  
Senate Committee Amendments:  
Reinstate “16” and delete “12”
3. Page 23, Line 687  
Senate Committee Amendments:  
After “state” insert  
“unless the person is under the on-board and direct supervision of a person who is at least 18 years of age”
4. Page 23, Lines 689–690a  
Senate Committee Amendments:  
Delete lines 689–690a

On motion of Senator Bramble, the bill was amended as follows:

1. Page 10, Line 287:  
After “(2)” insert “(a)”
2. Page 10, Line 292:  
After line 292 insert  
“(b) When the division receives a court record of a conviction or plea in abeyance for a motorboat violation, the division may only take action against a person’s driver license if the motorboat violation is for a violation of Title 41, Chapter 6, Article 5, Driving While Intoxicated and Reckless Driving.”

On motion of Senator Mayne, the bill was amended as follows:

1. Page 3, Line 68  
Senate Committee Amendments:  
Delete “person” and insert “passenger”

Senator Bramble explained the bill. Senators Gladwell and Ron Allen commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Davis
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

R. Allen                      Dmitrich

**Absent or not voting were:** Senators

Buttars                      Hale                              Peterson

\* \* \*

**2nd Sub. H.B. 105, HEALTH INSURANCE MANDATES PROGRAM,** was read the second time. Senator Poulton explained the bill. Senators Gladwell, Ed Allen and Ron Allen commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale                              Hickman                      Hillyard

\* \* \*

**1st Sub. H.B. 132, SALE OF STATE LANDS AT DEVELOPMENTAL CENTER,** was read the second time.

On motion of Senator Bramble, the bill was amended as follows:

1. Page 3, Line 62a  
Senate Committee Amendments  
2-28-2002:  
After "lease." delete "of land"

Senator Bramble explained the bill. Senator Ed Allen 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	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	Hale	Hillyard
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### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 5, 2002

The Rules Committee recommends the assignment of the following House Bills and Resolutions to the Second Reading Calendar:

<b>H.B. 62</b>	Legislative Area of State Capitol (M. Stephens)
<b>H.B. 253</b>	Rural Schools – Equity in Education (B. Johnson)
<b>1st Sub. H.B. 140</b>	Competition in Telecommunications Industry Legislative Task Force (K. Garn)
<b>H.B. 164</b>	Wildlife Remediation on Private Property (M. Styler)
<b>H.B. 172</b>	Vehicle Safety Inspection Amendments (W. Harper)
<b>H.B. 289</b>	Independent Entity Privatization Amendments (M. Stephens)
<b>H.B. 319</b>	Jail Reimbursement Amendments (G. Curtis)
<b>H.B. 330</b>	Use of County General Fund Expenses (E. Hutchings)
<b>H.B. 337</b>	Veterans Service Organizations Special License Plates (S. Mascaro)
<b>1st Sub. H.B. 90</b>	Truth in Advertising Amendments (S. Daniels)
<b>1st Sub. H.B. 342</b>	Recovery of Damages for Loss of Use of a Motor Vehicle (G. Curtis)
<b>1st Sub. H.J.R. 25</b>	Resolution on Utah Athletic Foundation (D. Ure)
<b>1st Sub. H.B. 110</b>	Motor Vehicle Insurance and Credit Information (P. Wallace)
<b>H.B. 256</b>	Constitutional Defense Council Amendments (S. Urquhart)

- H.B. 259** Use of State Armories (C. Beshear)
- 1st Sub. H.B. 69** Payment for Bailiff and Other Services in Courts of Record (J. Seitz)
- H.B. 129** Sales and Use Taxes – Exemption for Certain Sales of Electricity (L. Shurtliff)
- 1st Sub. H.B. 176** Leave of Absence for Disabled Employees (C. Bennion)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted and the bills were placed on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Poulton and at 7:30 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 6, 2002.

# FORTY–FIFTH DAY

## MORNING SESSION

The Senate was called to order at 9:10 a.m., with President Al Mansell presiding.

**Prayer** – Bishop Peter Rawlins

**Pledge of Allegiance** – Senator Dmitrich

**Roll Call** – All Senators present except Senator Hale, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 134)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2002

The House passed, **S.B. 170**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 173**, MOTOR VEHICLE REGISTRATION FOR FLEETS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

The House passed, **1st Sub. S.J.R. 4**, JOINT RESOLUTION ON CHANGES TO COUNTY BOUNDARIES, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 170**, **S.B. 173**, and **1st Sub. S.J.R. 4** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 5, 2002

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 238**, CIGARETTE AND TOBACCO TAX AMENDMENTS, by Representative C. Saunders, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 238** was signed by the President of the Senate in open session and returned to the House.

**INTRODUCTION OF BILLS  
FUNDING FOR HIGHWAYS**

**S.B. 2**

*John W. Hickman*

THIS ACT MODIFIES THE BONDING CODE BY AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES BY THE STATE BONDING COMMISSION FOR CERTAIN HIGHWAYS AND RELATED FACILITIES. THIS ACT SPECIFIES THE USE OF THE BOND PROCEEDS AND THE MANNER OF ISSUANCE. THIS ACT IMPOSES AND ABATES A PROPERTY TAX AND CREATES A SINKING FUND, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 147**, RESTRICTION OF FUNDING ON STATE ENTITY WHOSE POLICY RULE, OR ACTION IS CONTRARY TO LAW, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**1st Sub. H.B. 136**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the third time.

On motion of Senator Davis, the bill was amended as follows:

- 1. Page 7, Line 199b  
House floor amendments  
2/27/2002  
After "until" delete "April" and insert "June" and after "After"  
delete "May" and insert "July"

Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 19; Nays, 2; Absent, 8.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Hellewell	Hickman
Jenkins	Julander	Knudson	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Peterson                      Steele

**Absent or not voting were:** Senators

Blackham                      Eastman                      Evans                      Gladwell  
Hale                      Hillyard                      Mayne                      Poulton

**1st Sub. H.B. 136**, as amended, was returned to the House.

\* \* \*

**4th Sub. H.B. 123**, MEDICAL RECOMMENDATIONS FOR CHILDREN, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Hickman, the Senate voted to lift **S.B. 2** from Rules and place it at the top of the Second Reading Calendar.

\* \* \*

**H.B. 143**, RESTRICTIONS ON SEXUALLY EXPLICIT EMAIL, was read the third time, explained by Senator Walker, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Hellewell	Hickman	Jenkins	Julander
Knudson	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Evans                      Gladwell                      Hale                      Hillyard  
Mayne

**H.B. 143**, as amended, was returned to the House.

\* \* \*

**H.B. 128**, CONTROLLED SUBSTANCES ACT AMENDMENTS, was read the third time, explained by Senator Ed Allen, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Hellewell	Hickman	Jenkins
Julander	Knudson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Gladwell	Hale	Hillyard	Mayne
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**H.B. 128** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 173, AMENDMENTS TO SETTLEMENT AGREEMENTS REQUIREMENTS,** was read the third time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

**2nd Sub. H.B. 154, EXPANSION OF DNA DATABASE,** was read the third time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**3rd Sub. H.B. 296, 2002 SPECIAL HIGHWAY SALES TAX REVENUE BONDS,** was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Peterson

Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale	Hillyard	Mayne
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**3rd Sub. H.B. 296**, as substituted, was returned to the House.

\* \* \*

**H.C.R. 10**, RESOLUTION RECOGNIZING UTAH SHAKESPEAREAN FESTIVAL DISTINGUISHED SERVICE AWARD, was read the third time, explained by Senator Hickman, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Mayne
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**H.C.R. 10** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 279**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 290**, AFFIDAVIT OF IMPECUNIOSITY AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale	Hickman	Hillyard
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**H.B. 290** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 166**, PUBLIC REVIEW OF MUNICIPAL APPROPRIATIONS AND RESOURCES, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Hickman
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**H.B. 166** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**2nd Sub. H.B. 263**, MOBILE HOME PART RESIDENCY ACT AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Hellewell	Hillyard	Jenkins
Steele	Stephenson	Wright	

**Absent or not voting were:** Senators

Buttars	Hale	Hickman
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**2nd Sub. H.B. 263**, as amended, was returned to the House.

\* \* \*

**2nd Sub. H.B. 137**, LIMITED PURPOSE LOCAL GOVERNMENT AGENCIES AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 23; Nays, 4; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Poulton	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Julander	Peterson	Spencer	Suazo
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**Absent or not voting were:** Senators

Hale	Valentine
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**2nd Sub. H.B. 137**, as amended, was returned to the House.

\* \* \*

**1st Sub. H.B. 252**, GENERAL OBLIGATION BONDS FOR ENGINEERING BUILDINGS, was read the third time, explained by Senator Evans, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Poulton
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**1st Sub. H.B. 252** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 155, PROPERTY TAX – FARMLAND ASSESSMENT ACT**, was read the third time, explained by Senator Jenkins. Senators Stephenson and Buttars commented and 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	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Hale	Julander	Poulton
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**H.B. 155** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **2nd Sub. H.B. 154, EXPANSION OF DNA DATABASE**. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Poulton
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**2nd Sub. H.B. 154** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 274**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM ACT AMENDMENTS. The bill passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Peterson
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**Absent or not voting were:** Senators

Hale	Poulton
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**1st Sub. H.B. 274**, as substituted, was returned to the House.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 275**, STATE BOARD OF EDUCATION BUDGET AUTHORITY. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale	Poulton	Spencer
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**1st Sub. H.B. 275**, as substituted, was returned to the House.

\* \* \*

**2nd Sub. H.J.R. 27**, RESOLUTION AUTHORIZING BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Eastman	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Hale
Poulton			

**2nd Sub. H.J.R. 27** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 162**, USE OF BEAR RIVER BIRD REFUGE SETTLEMENT MONIES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Poulton
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**1st Sub. H.B. 162** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 111**, STATE RESPONSIBILITY FOR REGULATION OF POSTSECONDARY PROPRIETARY SCHOOLS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Poulton
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**H.B. 111** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 44**, TRUST DEEDS AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Eastman	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Evans
Hale	Poulton		

**1st Sub. H.B. 44**, as amended, was returned to the House.

\* \* \*

**1st Sub. H.B. 305**, PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Eastman	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Evans
Hale	Poulton	Valentine	

**1st Sub. H.B. 305**, as amended, was returned to the House.

\* \* \*

**H.B. 351**, ELECTION PROCESS AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Dmitrich	Eastman	Evans
Hale			

**H.B. 351** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 279, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT**. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Evans	Gladwell	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Dmitrich	Eastman	Hale
Hillyard			

**1st Sub. H.B. 279**, as amended, was returned to the House.

\* \* \*

**5th Sub. H.B. 324, PROTECTION OF UNINCORPORATED AREAS IN COUNTIES OF THE FIRST CLASS**, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**1st Sub. H.B. 4, MOTORBOATING AND BOATING UNDER THE INFLUENCE PROVISIONS**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Evans	Gladwell	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Dmitrich	Eastman	Hale
Hillyard	Valentine		

**1st Sub. H.B. 4**, as amended, was returned to the House.

\* \* \*

**2nd Sub. H.B. 105, HEALTH INSURANCE MANDATES PROGRAM**, was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**1st Sub. H.B. 132, SALE OF STATE LANDS AT DEVELOPMENT CENTER**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham

Hale

Hillyard

Valentine

**1st Sub. H.B. 132**, as amended, was returned to the House.

\* \* \*

On motion of Senator Peterson, and at 10:20 a.m., the Senate sauntered.

The Senate was called to order at 10:40 a.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 6, 2002

The Speaker of the House has signed **S.B. 1**, APPROPRIATIONS ACT, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 51**, NURSE PRACTICE ACT AMENDMENTS, by Senator P. Julander, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 66**, REVENUES FROM FEDERAL LAND EXCHANGE PARCELS, by Senator M. Dmitrich, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 81**, EDUCATION OF PERSONS WITH A DISABILITY, by Senator E. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 100**, PHARMACIST LICENSING AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 117**, TRUST AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President;

The House passed, **S.B. 125**, ORGAN DONOR LEAVE FOR STATE EMPLOYEES, by Senator K. Hale, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 128**, OPEN AND PUBLIC MEETINGS REVISIONS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 132**, EDUCATION ASSOCIATION LEAVE, by Senator B. Wright, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 195**, SALES AND USE TAX AMENDMENTS, by Senator J. Hickman, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 1, S.B. 51, S.B. 66, 1st Sub. S.B. 81, S.B. 100, 1st Sub. S.B. 117, S.B. 125, S.B. 128, 2nd Sub. S.B. 132, and S.B. 195** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 6, 2002

The House substituted, amended, and passed, **1st Sub. S.B. 183**, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT, by Senator Terry R. Spencer, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 191**, LAW ENFORCEMENT REVOLVING ACCOUNT, by Senator P. Knudson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

### THIRD READING CALENDAR

On motion of Senator Gladwell, the Senate voted to lift **2nd Sub. H.B. 39**, from the Third Reading Table and place it at the top of the Third Reading Calendar.

**2nd Sub. H.B. 39**, STATUTE OF LIMITATIONS AMENDMENTS, was read the third time, explained by Senator Gladwell, 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	Gladwell	Hellewell

Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Eastman	Evans	Hale
Stephenson	Valentine		

**2nd Sub. H.B. 39**, as amended, was returned to the House.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.B. 147**, RESTRICTION OF FUNDING ON STATE ENTITY WHOSE POLICY, RULE, OR ACTION IS CONTRARY TO LAW, and it was before the Senate.

On motion of Senator Gladwell, the following substitute bill replaced the original bill.

**RESTRICTION OF FUNDING ON STATE ENTITY  
WHOSE POLICY, RULE, OR ACTION IS CONTRARY TO LAW**

**1st Sub. S.B. 147**

*Michael G. Waddoups*

THIS ACT MODIFIES THE BUDGETARY PROCEDURES ACT BY ESTABLISHING A PROCESS TO RESTRICT THE FUNDING ON ANY AGENCY WHOSE RULES, POLICIES, OR ACTIONS VIOLATE STATUTE.

Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Evans	Julander	Peterson
Poulton	Suazo		

**Absent or not voting was:** Senator  
Hale

**1st Sub. S.B. 147** was transmitted to the House.

\* \* \*

On motion of Senator Poulton, the circle was removed from **2nd Sub. H.B. 105**, HEALTH INSURANCE MANDATES PROGRAM. 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	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative was:** Senator  
Knudson

**Absent or not voting were:** Senators

Davis	Hale	Hillyard
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**2nd Sub. H.B. 105**, as amended, was returned to the House.

\* \* \*

On motion of Senator Poulton, a bill file regarding county annexations was authorized to be opened.

\* \* \*

On motion of Senator Poulton, the circle was removed from **1st Sub. H.B. 173**, AMENDMENTS TO SETTLEMENT AGREEMENTS REQUIREMENTS. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale                      Valentine

**1st Sub. H.B. 173** was signed by the President of the Senate in open session and returned to the House.

### SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, **S.B. 2, FUNDING FOR HIGHWAYS**, was considered read the second and third times. Senator Hickman explained the bill. Senators Spencer and Evans commented. 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Voting in the negative was:** Senator

Hillyard

**Absent or not voting were:** Senators

Buttars                      Hale                      Valentine

**S.B. 2** was transmitted to the House.

\* \* \*

**H.B. 62, LEGISLATIVE AREA OF STATE CAPITOL**, was read the second time.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.B. 253**, RURAL SCHOOLS – EQUITY IN EDUCATION, was considered read the second and third times. Senator Blackham explained the bill. The bill 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Valentine
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On motion of Senator Hickman, **H.B. 253** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**1st Sub. H.B. 140**, COMPETITION IN TELECOMMUNICATIONS INDUSTRY LEGISLATIVE TASK FORCE, was read the second time.

On motion of Senator Poulton, the bill was circled.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, **H.B. 164**, WILDLIFE REMEDIATION ON PRIVATE PROPERTY, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Mayne	Peterson	Spencer	Steele
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale	Poulton	Stephenson	Valentine
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On motion of Senator Hickman, **H.B. 164** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 172**, VEHICLE SAFETY INSPECTION AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the following substitute bill replaced the original bill.

### VEHICLE SAFETY INSPECTION AMENDMENTS

**1st Sub. H.B. 172**

*Wayne A. Harper*

THIS ACT MODIFIES THE MOTOR VEHICLE AND PUBLIC SAFETY CODE BY AMENDING THE FREQUENCY REQUIRED FOR SAFETY INSPECTIONS AND EMISSIONS TESTING FOR MOTOR VEHICLES. THIS ACT AMENDS THE MAXIMUM FEE AN INSPECTION STATION MAY CHARGE FOR MOTOR VEHICLE SAFETY INSPECTIONS. THE ACT INCREASES THE DECAL FEE THE STATE CHARGES FOR SAFETY INSPECTIONS. THIS ACT PROVIDES FOR THE ESTABLISHMENT OF A SAFETY INSPECTION APPRENTICESHIP PROGRAM. THIS ACT PROVIDES AN EFFECTIVE DATE.

Senator Waddoups explained the bill. Senators Evans, Eastman, Buttars and Steele commented.

On motion of Senator Eastman, the bill was amended as follows:

1. Page 7, Line 191:  
Substitute bill  
Delete "ten" and insert "six"
2. Page 7, Line 192:  
Substitute bill  
Delete "ten" and insert "six"

On motion of Senator Steele, the bill was amended as follows:

- 1. Page 4, Line 102:

After line 102 insert:

“(9) If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by \$2.50 for each year that is exempted from emissions inspections under Subsection (6)(c) up to a \$7.50 increase.”

The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Spencer	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Evans	Peterson
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**Absent or not voting were:** Senators

Hale	Poulton	Valentine
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On motion of Senator Hickman, **1st Sub. H.B. 172** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift **S.J.R. 16** from Rules and placed it on the top of the Second Reading Calendar.

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 16, RESOLUTION RECOGNIZING PUBLIC SAFETY WORKERS FOR OLYMPICS**, was considered read the second and third times. Senator Walker commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans

Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Hale	Valentine
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**S.J.R. 16** was transmitted to the House

\* \* \*

On motion of Senator Knudson, Robert L. Flowers, Commissioner of Utah Public Safety, spoke in Committee of the Whole.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **4th Sub. H.B. 123, MEDICAL RECOMMENDATIONS FOR CHILDREN.**

On motion of Senator Bramble, the bill was amended as follows:

1. Page 2, Line 42:  
Senate Second Reading Amendments  
March 5, 2002  
Reinstate "Solely"
2. Page 5, Line 125:  
Senate Second Reading Amendments  
March 5, 2002  
Reinstate "Solely"
3. Page 5, Line 137f:  
After "GUARDIAN" insert "solely"

On motion of Senator Bramble, the bill was amended as follows:

- 1. Page 2a, Line 55a:  
 House Floor Amendments  
 February 28, 2002  
 After “ACT” insert “or licensed through the State Board of Education”

Senators Ed Allen, Steele, Evans, Julander and Hillyard commented.

The bill passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Julander	Peterson	Suazo
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**Absent or not voting were:** Senators

R. Allen	Hale	Valentine
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**4th Sub. H.B. 123** was returned to the House.

**INTRODUCTION OF BILLS**

**ANNEXATIONS IN COUNTIES OF THE FIRST CLASS**

**S.B. 201**

*L. Steven Poulton*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE BY AMENDING PROVISIONS RELATING TO ANNEXATION. THE ACT REQUIRES MAPS SHOWING POTENTIAL EXPANSION AREAS FOR MUNICIPALITIES IN COUNTIES OF THE FIRST CLASS TO BE PRESENTED TO THE LEGISLATIVE MANAGEMENT COMMITTEE. THE ACT LIMITS FORCED ANNEXATIONS TO THOSE AREAS WITHIN A MUNICIPALITY’S EXPANSION AREA AND AMENDS THE DEFINITION OF EXPANSION AREA WITH RESPECT TO MUNICIPALITIES IN FIRST CLASS COUNTIES, was read for the first time and referred to the Rules Committee.

On motion of Senator Waddoups the Senate voted to lift **S.B. 201** from Rules and place it at the top of the Second Reading Calendar. Senators Mayne, Dmitrich, and Davis commented.

\* \* \*

On motion of Senator Poulton, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2002

The House passed, **S.B. 77**, TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL, 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. 152**, ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF, 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.J.R. 16**, RESOLUTION RECOGNIZING PUBLIC SAFETY WORKERS FOR OLYMPICS, by Senator L. A. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 77**, **S.B. 152**, and **S.J.R. 16** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 6, 2002

The House substituted and passed, **2nd Sub. S.B. 154**, DEBT SERVICE AND RAINY DAY FUND AMENDMENTS, by Senator P. Hellewell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 6, 2002

The House has rejected **S.B. 157**, LOCAL SCHOOL BOARD EMPLOYER POWERS, by Senator B. Wright, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**S.B. 157** was filed.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 6, 2002

The Rules Committee recommends the assignment of the following House Bills and Resolutions to the Second Reading Calendar:

- H.J.R. 30** Resolution to Expand the Government Property Tax Exemption (D. Clark)
- H.B. 144** Exemption from Nonresident Tuition (D. Ure)
- H.B. 248** Classification of State Employees for Insurance Purposes (J. Seitz)
- H.B. 177** Annual Report on State School Fund (J. Ferrin)
- 1st Sub. H.B. 283** Antiterrorism Amendments (P. Ray)
- H.B. 291** Obligations Related to Mortgage Loan Reserve Accounts (J. Swallow)
- H.B. 262** Student Education Plans (M. Newbold)
- H.B. 264** Funds Consolidation, Budget Procedures, and Fund Reclassification Amendments (R. Bigelow)
- H.B. 270** Mental Health Practitioner in Parental Rights Action (M. Thompson)
- H.B. 317** Legislative Task Force Amendments (Craig W. Buttars)
- H.B. 192** Workers' Compensation Benefits for Volunteer Safety Officers (N. Hansen)
- H.B. 96** Licensure of Geologists (R. Becker)
- 1st Sub. H.B. 313** Utah 911 Committee (T. McCartney)
- H.J.R. 22** Resolution Opposing Increased Violence in Sports Against Sports Officials (D. Hogue)
- H.B. 340** Division of Water Rights Funding and Notification Amendments (M. Styler)
- H.B. 179** Designation of State Building (G. Way)
- 4th Sub. H.B. 205** Construction Services Commission (S. Clark)
- H.B. 145** Utah Energy Office Amendments (S. Urquhart)
- H.B. 352** Revisions to General Government – Tobacco Amendments (D. Hogue)

**1st Sub. H.B. 124** Debt Collection Amendments (S. Allen)  
**H.B. 311** State Capitol Preservation Board – Chair (G. Adair)

Michael Waddoups  
 Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

**CONCURRENCE CALENDAR**

On motion of Senator Spencer, the Senate voted to concur in the House amendments to **1st Sub. S.B. 183, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT.** The bill, as amended, passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Valentine
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Julander	Peterson	Suazo	

**Absent or not voting were:** Senators

Blackham	Hale	Waddoups
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**1st Sub. S.B. 183** was returned to the House.

\* \* \*

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 191, LAW ENFORCEMENT REVOLVING ACCOUNT.** The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Eastman	Evans	Gladwell	Hellewell

Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Hale
Hickman	Spencer	Waddoups	Wright

**1st Sub. S.B. 191** was returned to the House.

\* \* \*

On motion of Senator Hellewell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 154**, DEBT SERVICE AND RAINY DAY FUND AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 15; Nays, 8; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Poulton	Steele	Stephenson	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Julander	Mayne	Peterson	Suazo

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Knudson
Spencer	Wright		

**2nd Sub. S.B. 154** was returned to the House.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Poulton, under suspension of the rules, **S.B. 201**, ANNEXATIONS IN COUNTIES OF THE FIRST CLASS, was considered read

the second and third times. Senator Poulton explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Eastman	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	Dmitrich	Julander	Suazo
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**Absent or not voting were:** Senators

Hale	Hickman	Steele
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**S.B. 201** was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, the Senate voted to lift **H.B. 317** from Rules and place it on the Second Reading Calendar.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **H.B. 289**, INDEPENDENT ENTITY PRIVATIZATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Dmitrich
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Buttars	Davis	Eastman
Hale	Suazo		

**H.B. 289** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 319, JAIL REIMBURSEMENT AMENDMENTS**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 330, USE OF COUNTY GENERAL FUND EXPENSES**, was read the second time.

On motion of Senator Mayne, the bill was circled.

\* \* \*

**H.B. 337, VETERANS SERVICE ORGANIZATION SPECIAL LICENSE PLATES**, was read the second time. Senator Davis explained the bill. 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Poulton	Wright
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On motion of Senator Hickman, **H.B. 337** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Hickman, the Senate voted to lift **H.B. 18** from the Third Reading Table and place it on the Third Reading Calendar.

On motion of Senator Dmitrich, the Senate voted to lift **1st Sub. H.B. 152** from the Third Reading Table and place it on the Third Reading Calendar.

On motion of Senator Hickman, the Senate voted to lift **1st Sub. H.B. 172** from the Third Reading Table and place it on the Third Reading Calendar.

On motion of Senator Hickman, the Senate voted to lift **H.B. 164** from the Third Reading Table and place it on the Third Reading Calendar.

\* \* \*

**H.B. 18, COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES**, was read the third time, explained by Senator Walker, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

R. Allen	Buttars	Hale
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**H.B. 18** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 172, VEHICLE SAFETY INSPECTION AMENDMENTS**, under suspension of the rules, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative was:** Senator

Peterson

**Absent or not voting were:** Senators

Bramble                      Buttars                      Hale

**1st Sub. H.B. 172**, as amended, was returned to the House.

\* \* \*

**H.B. 164**, WILDLIFE REMEDIATION ON PRIVATE PROPERTY, under suspension of the rules, was read the third time, explained by Senator Hickman, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Davis                      Hale                      Steele

**H.B. 164** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Poulton, the circle was removed from **1st Sub. H.B. 140, TELECOMMUNICATIONS AMENDMENTS**, and it was before the Senate. Senators Valentine and Hellewell commented.

On motion of Senator Bramble, the bill was amended as follows:

1. Page 2 Line 54  
House Committee Amendments,  
2-25-2002:  
After "services;" delete "and"
2. Page 2, Line 55  
House Committee Amendments,  
2-25-2002:  
After "services" insert "; and  
(j) cable and fiberoptic carriers"

On motion of Senator Poulton, under suspension of the rules, **1st Sub. H.B. 140, TELECOMMUNICATIONS AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator  
Hillyard

**Absent or not voting were:** Senators

Hale	Valentine
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**1st Sub. H.B. 140**, as amended, was returned to the House.

\* \* \*

On motion of Senator Spencer, under suspension of the rules, **1st Sub. H.B. 90, TRUTH IN ADVERTISING AMENDMENTS**, was considered read the second and third times. Senator Ron Allen commented.

On motion of Senator Eastman, the bill was amended as follows:

- 1. Page 2, Line 44:  
Delete “If” and insert “Only if”
- 2. Page 2, Lines 48–49:  
Delete lines 48 through 49

On motion of Senator Spencer, the bill was circled.

\* \* \*

On motion of Senator Mayne, the circle was removed from **H.B. 330**, USE OF COUNTY GENERAL FUND EXPENSES, and it was before the Senate.

On motion of Senator Mayne, under suspension of the rules, **H.B. 330**, USE OF COUNTY GENERAL FUND EXPENSES, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Valentine
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**H.B. 330** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 342**, RECOVERY OF DAMAGES FOR LOSS OF USE OF A MOTOR VEHICLE, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

On motion of Senator Evans, under suspension of the rules, **1st Sub. H.J.R. 25**, RESOLUTION ON UTAH ATHLETIC FOUNDATION, was considered read the second and third times.

On motion of Senator Evans, the bill was amended as follows:

1. Page 2, Line 42  
House Floor Amendments  
3-1-2002:  
Delete line 42 and insert:  
“(a) no more than five board members may hold public elective office;”

The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Julander	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hale	Jenkins	Knudson
Poulton	Valentine		

**1st Sub. H.J.R. 25**, as amended, was returned to the House.

\* \* \*

**1st Sub. H.B. 110**, MOTOR VEHICLE INSURANCE AND CREDIT INFORMATION, was read the second time. Senator Waddoups explained the bill. Senators Eastman and Mansell commented.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, **H.B. 256**, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans

Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Hale	Mayne	Poulton
Wright			

**H.B. 256** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **1st Sub. H.B. 259, USE OF STATE ARMORIES**, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Hale	Mayne	Poulton
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**1st Sub. H.B. 259**, as substituted, was returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to consider all bills on Second Reading Calendar be read for the second and third times for the remainder of the day.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 6, 2002

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 116, LOCAL GOVERNMENT OFFICIALS AMENDMENTS**, by

Representative M. Thompson, et al, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Spencer, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 116**. President Mansell appointed a conference committee consisting of Senators Spencer, Buttars and Peterson to meet with a like committee from the House.

\* \* \*

**1st Sub. H.B. 69**, PAYMENT FOR BAILIFF AND OTHER SERVICES IN COURTS OF RECORD, under suspension of the rules, was read the second and third times. Senator Hickman explained the bill. The bill 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	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Peterson	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Hale	Julander	Mayne
Poulton	Spencer		

On motion of Senator Hickman, **1st Sub. H.B. 69** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Ed Allen, under suspension of the rules, **H.B. 129**, SALES AND USE TAXES – EXEMPTION FOR CERTAIN SALES OF ELECTRICITY, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale	Hickman	Mayne	Spencer
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**H.B. 129** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 176, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES**, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Mayne
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**1st Sub. H.B. 176** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 138, RIGHTS OF CREDITORS AGAINST TRUST PROPERTY**, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 138, RIGHTS OF CREDITORS AGAINST TRUST PROPERTY**, was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Hellewell
Hickman	Jenkins	Knudson	Peterson
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Gladwell	Hillyard	Julander	Spencer
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**Absent or not voting were:** Senators

R. Allen	Blackham	Hale	Mayne
Poulton			

**1st Sub. H.B. 138** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **3rd Sub. H.B. 241, COUNTY HEALTH DEPARTMENTS – OPERATIONAL STRUCTURE**, and it was before the Senate.

On motion of Senator Waddoups, the bill was amended as follows:

1. Page 8, Line 237:  
After “laws,” delete “and”
2. Page 8, Line 238:  
Delete “department” and insert “Department of Health, Department of Environmental Quality.”
3. Page 11, Line 331:  
After “and all” delete “local”
4. Page 11, Line 332:  
Delete “municipalities and”
5. Page 17, Line 520:  
After “of counties” delete “and municipalities”

On motion of Senator Waddoups, under suspension of the rules, **3rd Sub. H.B. 241, COUNTY HEALTH DEPARTMENTS – OPERATIONAL**

STRUCTURE, 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	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Mayne
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**3rd Sub. H.B. 241**, as amended, was returned to the House.

\* \* \*

On motion of Senator Dmitrich, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:15 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 6, 2002

The Speaker of the House has signed **1st Sub. S.B. 183**, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT, by Senator T. Spencer, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 183** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 6, 2002

The House concurred in the Senate amendments and passed **1st Sub. H.B. 4**, MOTORBOATING AND BOATING UNDER THE INFLUENCE PROVISIONS, by Representative L. Pace, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 39**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative K. Bryson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 44**, TRUST DEEDS AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 132**, SALE OF STATE LANDS AT DEVELOPMENTAL CENTER, by Representative M. Dayton, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 136**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Representative K. Bryson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 137**, LIMITED PURPOSE LOCAL GOVERNMENT AGENCIES AMENDMENTS, by Representative D. Peterson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 143**, RESTRICTIONS ON SEXUALLY EXPLICIT EMAIL, by Representative B. Winn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 263**, MOBILE HOME PARK RESIDENCY ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 274**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative M. Dillree, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 275**, STATE BOARD OF EDUCATION BUDGET AUTHORITY, by Representative M. Dillree, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 276**, ASSESSMENT ON TITLE INSURERS AND TITLE INSURANCE

AGENCIES, by Representative T. Hatch, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 279**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT AMENDMENTS, by Representative G. Curtis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 296**, 2002 SPECIAL HIGHWAY GENERAL OBLIGATION BONDS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 305**, PROPERTY TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 4, 2nd Sub. H.B. 39, 1st Sub. H.B. 44, 1st Sub. H.B. 132, 1st Sub. H.B. 136, 2nd Sub. H.B. 137, H.B. 143, 2nd Sub. H.B. 263, 1st Sub. H.B. 274, 1st Sub. H.B. 275, H.B. 276, 1st Sub. H.B. 279, 3rd Sub. H.B. 296, and 1st Sub. H.B. 305** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 6, 2002

The House substituted, amended, and passed, **1st Sub. S.B. 119**, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS, by Senator L. S. Poulton, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the bill was placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Hickman, **1st Sub. H.B. 176** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Spencer, under suspension of the rules, **H.B. 196**, DIVORCE AND PARENT – TIME REVISIONS, was considered read the second and third times.

On motion of Senator Hillyard, the bill was amended as follows:

1. Page 2, Line 37  
House Floor Amendments  
2-7-2002:  
After "Wednesday" delete "at 7 p.m."; after "Sunday" delete "at 7 p.m."
2. Page 2, Line 40  
House Floor Amendments  
2-7-2002:  
Delete "AT 6 P.M."
3. Page 2, Line 40a  
House Floor Amendments  
2-7-2002:  
After "UNTIL" delete "7 P.M."
4. Page 2, Line 43  
House Floor Amendments  
2-7-2002:  
After "entire" delete "Christmas or"
5. Page 2, Line 44  
House Floor Amendments  
2-7-2002:  
After "break" delete "or Easter holiday"; after "beginning" delete "at 6 p.m."
6. Page 2, Line 45  
House Floor Amendments  
2-7-2002:  
After "until" delete "7 p.m."
7. Page 2, Line 47  
House Floor Amendments  
2-7-2002:  
After "weeks." insert "The week before school begins may not be counted as part of the summer period."
8. Page 2, Line 53  
House Floor Amendments  
2-7-2002:

Delete "relocating party" and insert "parties"; at the end of the line delete "all"

9. Page 2, Line 54  
House Floor Amendments  
2-7-2002:  
Delete "the child's travel expenses relating to Subsections (5)(a) and (b) and"
10. Page 2, Line 55  
House Floor Amendments  
2-7-2002:  
After "Subsection (5)" delete "(c)"; at the end of the line delete "ALSO THE"
11. Page 2, Line 55a  
House Floor Amendments  
2-7-2002:  
Delete "NON-RELOCATING PARTY AND"; before "Reimbursement" insert "If the noncustodial party has been found in contempt for not being current on all support obligations, he shall be responsible for all of the child's travel expenses under Subsection (5), unless the court rules otherwise."
12. Page 2, Line 57  
House Floor Amendments  
2-7-2002:  
After line 57, insert "(9) Any action under this Section may be set for an expedited hearing."
13. Page 2a, Lines 57a and 57b  
House Floor Amendments  
2-7-2002:  
Delete lines 57a and 57b.

Senator Gladwell commented. The bill 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	Evans	Gladwell
Hickman	Hillyard	Jenkins	Julander

Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Mansell	

**Absent or not voting were:** Senators

Bramble	Eastman	Hale	Hellewell
Walker	Wright		

**H.B. 196**, as amended, was returned to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 342**, RECOVERY OF DAMAGES FOR LOSS OF USE OF A MOTOR VEHICLE, and it was before the Senate.

On motion of Senator Valentine, the following substitute bill replaced the original bill.

**RECOVERY OF ADMINISTRATIVE FEE FOR  
DAMAGES SUSTAINED TO A RENTAL MOTOR VEHICLE**

**3rd Sub. H.B. 342**

*Greg J. Curtis*

THIS ACT MODIFIES THE INSURANCE CODE TO AUTHORIZE AN ADMINISTRATIVE FEE FOR DAMAGE SUSTAINED TO A RENTAL VEHICLE.

On motion of Senator Valentine, under suspension of the rules, **3rd Sub. H.B. 342**, RECOVERY OF ADMINISTRATIVE FEE FOR DAMAGES SUSTAINED TO A RENTAL MOTOR VEHICLE, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Buttars	Hale	Hellewell	Hickman
Jenkins	Spencer	Wright	

**3rd Sub. H.B. 342**, as substituted, was returned to the House.

\* \* \*

On motion of Senator Evans, under suspension of the rules, **H.B. 230**, RETIREMENT OF PUBLIC SAFETY OFFICIALS, was considered read the second and third times.

On motion of Senator Evans, the bill was amended as follows:

1. Page 1, Line 7:  
After "System" insert "for chiefs of police"
2. Page 2, Line 37:  
Delete "of conversion" and insert "for an appointed chief of police to convert"
3. Page 2, Line 39:  
Delete "person" and insert "chief of police"
4. Page 2, Line 40:  
Delete "4a" and insert "15"
5. Page 2, Line 41:  
After "Act" insert ", including an employer's election under Subsection (2)"

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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Hale	Jenkins	Spencer	Wright
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**H.B. 230**, as amended, was returned to the House.

\* \* \*

On motion of Senator Ron Allen, under suspension of the rules, **1st Sub. H.B. 99**, CONSECUTIVE SENTENCING, 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Wright
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**1st Sub. H.B. 99** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 62**, LEGISLATIVE AREA OF STATE CAPITOL, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **H.B. 62**, LEGISLATIVE AREA OF STATE CAPITOL, 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	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	Hale	Jenkins
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**H.B. 62** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 287**, CONSTITUTIONAL RIGHTS OF STATE EMPLOYEES, was considered read the second and third times. Senators Hillyard, Ron Allen, Blackham, and Evans commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 12; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Dmitrich	Eastman
Gladwell	Hellewell	Jenkins	Mayne
Poulton	Spencer	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Evans	Hickman	Hillyard	Julander
Knudson	Peterson	Steele	Suazo

**Absent or not voting was:** Senator

Hale

**H.B. 287** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 307**, TREATMENT OF DISHONORED CHECKS, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale                      Hickman                      Waddoups

**1st Sub. H.B. 307** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 82**, STORAGE OF CONCEALED FIREARMS ON FACILITIES WITH SECURE AREAS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill.

**STORAGE OF CONCEALED FIREARMS  
ON FACILITIES WITH SECURE AREAS**

**2nd Sub. H.B. 82**

*John E. Swallow*

THIS ACT MODIFIES PROVISIONS RELATING TO FIREARMS. THE ACT REQUIRES THAT A COURTHOUSE OR COURTROOM ESTABLISHED AS A SECURE AREA SHALL HAVE A FIREARMS STORAGE AREA FOR LAWFULLY CARRIED FIREARMS.

On motion of Senator Valentine, under suspension of the rules, **2nd Sub. H.B. 82**, STORAGE OF CONCEALED FIREARMS ON FACILITIES WITH SECURE AREAS, was considered read the second and third times. Senators Steele, Blackham commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 3; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Blackham                      Evans                      Julander

**Absent or not voting was:** Senator

Hale

**2nd Sub. H.B. 82**, as substituted, was returned to the House.

\* \* \*

**H.B. 183, FIREARM CRIMINAL BACKGROUND CHECK AMENDMENTS**, was read the second time. Senator Jenkins explained the bill. Senators Waddoups, Blackham, Steele, Hillyard, Ed Allen, Buttars, Spencer and Gladwell commented. Senator Steele motioned to refer **HB 183** to Interim Study. The motion failed on a voice vote. The bill failed on the following roll call:

**Yeas, 9; Nays, 18; Absent, 2.**

**Voting in the affirmative were:** Senators

Buttars	Davis	Gladwell	Jenkins
Mayne	Stephenson	Waddoups	Wright
Mansell			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Dmitrich	Eastman	Evans	Hellewell
Hickman	Hillyard	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Suazo	Walker		

**Absent or not voting were:** Senators

Hale	Valentine
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**H.B. 183** was returned to the House for filing.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 336, USE OF FORCE, INCLUDING DEADLY FORCE, IN DEFENSE OF PROPERTY**, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Poulton	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hale                      Peterson                      Spencer                      Valentine

**1st Sub. H.B. 336** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Ron Allen, under suspension of the rules, **1st Sub. H.B. 126**, ANNEXATIONS INVOLVING TOWNSHIPS, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hickman	Hillyard	Julander	Knudson
Mayne	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator  
Jenkins

**Absent or not voting were:** Senators

Blackham                      Butters                      Hale                      Hellewell  
Peterson                      Spencer

**1st Sub. H.B. 126** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 319**, JAIL REIMBURSEMENT AMENDMENTS, and it was before the Senate.

On motion of Senator Valentine, the following substitute bill replaced the original bill.

**JAIL REIMBURSEMENT AMENDMENTS**

**1st Sub. H.B. 319**

*Greg J. Curtis*

THIS ACT MODIFIES THE INMATE COSTS REIMBURSEMENT PROGRAM BY SEPARATING THE FUNDING FOR JAIL

REIMBURSEMENT FROM THE FUNDING FOR JAIL CONTRACTING AND BY SETTING THE RATE FOR JAIL REIMBURSEMENT AT 70%. THE ACT ALSO PROVIDES THAT ADDITIONAL COUNTY AND STATE REPRESENTATIVES PARTICIPATE IN THE YEARLY NEGOTIATION OF THE DAILY RATE OF JAIL REIMBURSEMENT AND JAIL CONTRACTING. THE ACT ALSO PROVIDES A SUNSET DATE.

**1st Sub. H.B. 319**, JAIL REIMBURSEMENT AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator Evans

**Absent or not voting were:** Senators

Blackham	Buttars	Hale	Peterson
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On motion of Senator Valentine, **1st Sub. H.B. 319** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 295**, TAKING MINOR INTO PROTECTIVE CUSTODY WITHOUT WARRANT, was read the second time. Senator Wright explained the bill.

On motion of Senator Wright, the bill was amended as follows:

1. Page 2, Line 43a  
Lilac 3-1-2002:  
After “(b)” insert “The officer or worker has, at the time, probable cause to believe that”
2. Page 2, Line 43d  
Lilac 3-1-2002:

Delete "him from his parent's custody" and insert "the minor from the custody of the minor's parent or guardian"

3. Page 2, Line 43f  
Lilac 3-1-2002:  
After "parent" insert "or guardian"  
After "parent's" insert "or guardian's"  
Delete "other" and insert "another"
4. Page 2, Lines 43g, 43m,  
43o, and 43p  
Lilac 3-1-2002:  
After "parent" insert "or guardian"
5. Page 2, Line 43h  
Lilac 3-1-2002:  
After "parent" insert "or guardian"  
Delete "child" and insert "minor"
6. Page 2, Line 43i  
Lilac 3-1-2002, :  
Delete "left" and insert "abandoned"
7. Page 2, Line 43j  
Lilac 3-1-2002:  
After "not" insert "arranged"
8. Page 2, Line 53  
Lilac 3-1-2002:  
Delete "or medical"
9. Page 13, Line 382:  
Lilac 3-1-2002:  
Delete "or medical"
10. Page 11, Line 333:  
Delete "substantial" and insert "imminent"

Senators Steele, Hickman, Gladwell, Spencer, Ed Allen, and Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hickman	Hillyard

Jenkins	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Julander
Peterson	Suazo		

**Absent or not voting were:** Senators

Dmitrich	Hale	Hellewell
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On motion of Senator Hickman, **H.B. 295** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Waddoups, the Senate voted to lift **S.J.R. 15** from Rules and place it on the top of the Second Reading Calendar.

Under suspension of the rules, **S.J.R. 15**, MASTER STUDY RESOLUTION, was considered read the second and third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 110**, MOTOR VEHICLE INSURANCE AND CREDIT INFORMATION, was considered read the second and third times.

On motion of Senator Eastman, the bill was amended as follows:

- Page 2, Line 52  
House Floor Amendments 2-5-02:  
After "policy:]" insert  
“(i) if risk related factors other than credit information are considered, determining initial underwriting; or (ii)”
- Page 2, Line 52a  
House Floor Amendments 2-5-02:  
Delete “(i)” and insert “(A)”
- Page 2a, Line 52c  
House Floor Amendments 2-5-02:  
Delete “(ii)” and insert “(B)”

- 4. Page 2a, Line 52d  
House Floor Amendments 2-5-02:  
Delete “(2)(b)(i)” and insert “(2)(b)(ii)(A)”

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	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Mansell

**Absent or not voting were:** Senators

Davis	Hale	Hillyard	Walker
Wright			

**1st Sub. H.B. 110**, as amended, was returned to the House.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **3rd Sub. H.B. 226**, TERMINATION OF PARENTAL RIGHTS AMENDMENTS, was considered read the second and third times.

On motion of Senator Eastman, the bill was amended as follows:

- 1. Page 9, Line 265:  
After “rights” insert “:(i)”
- 2. Page 9, Line 266:  
At the end of the line delete the period and insert the following:  
“: or (ii) if reasonable efforts are not required under federal law.”

Senator Mayne commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans

Gladwell	Hillyard	Jenkins	Knudson
Mayne	Peterson	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Voting in the negative were:** Senators  
 R. Allen                      Julander

**Absent or not voting were:** Senators  
 Hale                      Hellewell                      Hickman                      Poulton  
 Wright

**3rd Sub. H.B. 226**,as amended, was returned to the House.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **H.B. 300**, AMENDMENTS TO GUARDIAN AD LITEM STATUTES, was considered read the second and third times.

On motion of Senator Hillyard, the bill was amended as follows:

1. Page 1, Line 6:  
Delete “The act eliminates the role of the Office of Guardian Ad”
2. Page 1, Line 7:  
Delete line 7
3. Page 1, Line 8:  
Delete “allegation of abuse, neglect, or dependency.”
4. Page 2, Line 31:  
After “action.” delete the rest of line 31.
5. Page 2, Lines 32– 33:  
Delete lines 32 through 33.
6. Page 3, Line 61:  
After “minor.” reinstate “A guardian ad litem”
7. Page 3, Line 62:  
Reinstate “may also be appointed whenever necessary for the welfare of the minor, whether or not a parent”

8. Page 3, Line 63:  
Reinstate “or guardian is present.” and delete the rest of line 63
9. Page 3, Lines 64–65:  
Delete lines 64 through 65
10. Page 6, Lines 152–154:  
Delete lines 152 through 154
11. Page 8, Line 217:  
Delete “in which there is an allegation of abuse, neglect, or”
12. Page 8, Line 218:  
Delete “dependency”

The bill passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Dmitrich	Eastman	Evans
Gladwell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Spencer	Steele
Stephenson	Valentine	Waddoups	Wright
Mansell			

**Voting in the negative were:** Senators

Davis	Julander	Peterson	Suazo
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**Absent or not voting were:** Senators

Hale	Hellewell	Poulton	Walker
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**H.B. 300**, as amended, was returned to the House.

\* \* \*

On motion of Senator Ron Allen, **1st Sub. H.B. 101**, RACIAL PROFILING, was read the second time. Senators Hillyard, Gladwell, Hellewell, and Valentine commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell

Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Bramble	Buttars	Hellewell	Jenkins
Wright			

**Absent or not voting were:** Senators

Hale	Poulton	Spencer
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On motion of Senator Hickman, **1st Sub. H.B. 101** was placed on Third Reading Table due to fiscal impact.

**COMMUNICATIONS FROM THE HOUSE**

The House substituted, amended, and passed, **1st Sub. S.B. 167**, SCHOOL COMMUNITY COUNCILS, by Senator B. Wright, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 10**, RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION, by Senator J. Valentine, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 6, 2002

The Speaker of the House has appointed a Conference Committee consisting of Representatives Thompson, Ure, and Hutchings to meet with a like committee from the Senate to consider or amend **1st Sub. H.B. 116**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, by Representative M. Thompson.

Carole E. Peterson, Chief Clerk

\* \* \*

On motion of Senator Valentine, and at 6:25 p.m., the Senate recessed.

## EVENING SESSION

The Senate reassembled at 7:30 p.m., with President Mansell presiding.

### CONFERENCE COMMITTEE REPORT

Mr. President: March 6, 2002

The Joint Conference Committee comprised of Senators Spencer, Peterson, and Buttars, and Reps. Thompson, Ure, and McCartney, recommends **1st Sub. H.B. 116**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, by Representative M. Thompson.

Sen. Terry Spencer and  
Rep. Mike Thompson  
Committee Chairs

On motion of Senator Spencer, the Senate voted to adopt the Committee report to **1st Sub. H.B. 116**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Peterson	Spencer	Steele
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

E. Allen	Blackham	Hale	Knudson
Mayne	Poulton	Stephenson	Suazo
Waddoups			

**1st Sub. H.B. 116** was returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2002

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 172**, VEHICLE SAFETY INSPECTION AMENDMENTS, by Representative W. Harper, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 172**. President Mansell appointed a conference

committee consisting of Senators Waddoups, Eastman, and Peterson to meet with a like committee from the House.

\* \* \*

Mr. President:

March 6, 2002

The House passed, as amended, **H.B. 3**, SUPPLEMENTAL APPROPRIATIONS II, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 3** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 6, 2002

The House passed, **S.B. 30**, FUNDING FORMULA FOR ALCOHOL RELATED ACTIVITIES OF LOCAL GOVERNMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President;

The House passed, **S.B. 33**, ACCESS TO HEALTH CARE AND COVERAGE TASK FORCE, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 124**, TIMELY PAYMENTS OF INSURANCE CLAIMS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 138**, CHARTER SCHOOLS AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 142**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 144**, SALES AND USE TAX – DEFINITION OF REGULARLY RENTED, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 154**, DEBT SERVICE AND RAINY DAY FUND AMENDMENTS, by Senator P. Hellewell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 191**, LAW ENFORCEMENT REVOLVING ACCOUNT, by Senator P. Knudson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 30, S.B. 33, S.B. 124, 2nd Sub. S.B. 138, 1st Sub. S.B. 142, S.B. 144, 2nd Sub. S.B. 154, and 1st Sub. S.B. 191** 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 Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Hickman, the Senate voted to lift **H.B. 253** from the Third Reading Table and place it at the top of the Third Reading Calendar.

\* \* \*

**H.B. 253**, RURAL SCHOOLS – EQUITY IN EDUCATION, was read the third time, explained by Senator Blackham, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

E. Allen	Eastman	Hale	Hickman
Poulton			

**H.B. 253** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Stephenson, under suspension of the rules, **H.J.R. 30**, RESOLUTION TO EXPAND THE GOVERNMENT PROPERTY TAX, was considered read the second and third times. Senator Bramble commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Hickman	Hillyard
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**Absent or not voting were:** Senators

Hale	Poulton	Wright
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**H.J.R. 30** 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, **H.B. 144**, EXEMPTION FROM NONRESIDENT TUITION, was considered read the second and third times. Senators Hillyard, Gladwell, Suazo, Hickman and Evans commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Eastman	Evans
Hellewell	Hillyard	Julander	Knudson
Mayne	Peterson	Steele	Stephenson
Suazo	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Bramble	Gladwell	Hickman	Jenkins
Spencer	Valentine		

**Absent or not voting were:** Senators

Hale                      Poulton                      Waddoups

**H.B. 144** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 6, 2002

The House passed, as amended, **S.B. 156**, SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES, by Senator J. Valentine, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 156**, SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Evans                      Hale                      Hillyard                      Waddoups

**S.B. 156** was returned to the House.

\* \* \*

Mr. President: March 6, 2002

The Speaker of the House has appointed a Conference Committee consisting of Representatives Harper, Hatch and Hendrickson to meet with a like committee

from the Senate to consider or amend **1st Sub. H.B. 172**, VEHICLE SAFETY INSPECTION AMENDMENTS, by Representative W. Harper.

Carole E. Peterson, Chief Clerk

\* \* \*

On motion of Senator Steele, a bill file was authorized to be opened concerning adult literacy.

**INTRODUCTION OF BILLS**

**RESOLUTION ON ADULT LIFELONG LEARNING AND LITERACY**

**S.R. 4**

*David H. Steele*

THIS RESOLUTION OF THE SENATE DESIGNATES THE SECOND WEEK OF SEPTEMBER 2002 AS ADULT LIFELONG LEARNING AND LITERACY WEEK IN THE STATE OF UTAH. THE RESOLUTION RECOGNIZES AND ENCOURAGES UTAH ADULTS IN THEIR EFFORTS TO PURSUE LIFELONG LEARNING AND TO PROMOTE LITERACY AND EXPRESSES SUPPORT FOR FINANCIAL EFFORTS AIMED AT AIDING ADULTS IN THEIR QUEST FOR LITERACY, was read for the first time and referred to the Rules Committee.

On motion of Senator Steele, **S.R. 4** was lifted from Rules and placed at the bottom of the Second Reading Calendar.

\* \* \*

On motion of Senator Blackham, **H.B. 337** and **H.B. 295** were lifted from the Third Reading Table and placed at the top of the Third Reading Calendar.

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 337**, VETERANS SERVICE ORGANIZATIONS SPECIAL LICENSE PLATES, was read the third time, explained by Senator Blackham, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hale	Stephenson
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**H.B. 337** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 295**, TAKING MINOR INTO PROTECTIVE CUSTODY WITHOUT WARRANT, was read the third time, explained by Senator Wright.

On motion of Senator Blackham, the bill was amended as follows:

1. Page 17, Line 523a:  
Lilac  
Delete lines 523a through 523e

The bill passed on the following roll call:

**Yeas, 23; Nays, 4; Absent, 2.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

E. Allen	Julander	Peterson	Suazo
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**Absent or not voting were:** Senators

Eastman	Hale
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**H.B. 295**, as amended, was returned to the House.

\* \* \*

**1st Sub. H. B. 152**, OIL AND GAS SEVERANCE TAX – BOARD, SPECIAL REVENUE FUND, was read the third time,

On motion of Senator Dmitrich, the bill was amended as follows:

1. Page 7, Line 181:  
After the semicolon insert "or"
2. Page 7, Line 182:  
After "for" delete "the" and after "calendar" delete "year" and insert "years" and after "on" insert "or after" and after "\$32,000,000" delete "or" and insert a period
3. Page 7, Line 183:  
Delete Line 183

Senators Blackham and Evans commented. The bill passed on the following roll call:

**Yeas, 15; Nays, 12; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Eastman	Evans	Hellewell
Julander	Knudson	Mayne	Peterson
Steele	Suazo	Walker	

**Voting in the negative were:** Senators

Blackham	Buttars	Gladwell	Hickman
Hillyard	Jenkins	Poulton	Spencer
Stephenson	Valentine	Waddoups	Mansell

**Absent or not voting were:** Senators

Hale	Wright
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**1st Sub. H.B. 152**, as amended, was returned to the House.

\* \* \*

On motion of Senator Waddoups, the Senate voted to lift **H.B. 3** from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Waddoups, the Senate voted to lift **1st Sub. H.B. 101** from the Third Reading Table and placing it at the top of the Third Reading Calendar.

\* \* \*

**1st Sub. H.B. 101**, RACIAL PROFILING, was read the third time, explained by Senator Ron Allen, and passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Gladwell	Hickman	Hillyard
Julander	Knudson	Mayne	Peterson
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Bramble	Buttars	Hellewell	Jenkins
Poulton	Spencer		

**Absent or not voting were:** Senators

Eastman	Evans	Hale	Wright
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**1st Sub. H.B. 101** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

## SECOND READING CALENDAR

**H.B. 3**, SUPPLEMENTAL APPROPRIATIONS II, was considered read the second and third times.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**H.B. 248**, CLASSIFICATION OF STATE EMPLOYEES FOR INSURANCE PURPOSES, was considered read the second and third times.

On motion of Senator Hickman, the bill was circled.

\* \* \*

On motion of Senator Stephenson, under suspension of the rules, **H.B. 177**, ANNUAL REPORT ON STATE SCHOOL FUND, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Buttars	Eastman	Evans
Hale	Peterson	Poulton	Waddoups

**H.B. 177** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 283**, ANTITERRORISM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Bramble	Davis
Dmitrich	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Eastman	Evans
Hale	Peterson	Poulton	Waddoups

**1st Sub. H.B. 283** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **H.B. 291**, OBLIGATIONS RELATED TO MORTGAGE LOAN RESERVE ACCOUNTS,

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	Blackham	Bramble
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Buttars	Eastman	Hale	Peterson
Waddoups			

**H.B. 291** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Evans, the circle was removed from **H.B. 248**, CLASSIFICATION OF STATE EMPLOYEES FOR INSURANCE PURPOSES, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Davis
Dmitrich	Evans	Gladwell	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Poulton	Spencer	Steele
Stephenson	Suazo	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Buttars	Eastman	Hale
Hickman	Peterson	Valentine	Waddoups

**H.B. 248** 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, **H.B. 262**, STUDENT EDUCATION PLANS, was considered read the second and third

times. Senators Mayne and Bramble commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 9; Absent, 2.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Poulton
Spencer	Stephenson	Valentine	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
Julander	Mayne	Peterson	Suazo
Waddoups			

**Absent or not voting were:** Senators

Hale	Steele
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**H.B. 262** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 3**, SUPPLEMENTAL APPROPRIATIONS II, and it was before the Senate.

On motion of Senator Blackham, the bill was amended as follows:

1. Page 11, Line 407:  
After "From General Fund" delete "(372,400)" and insert "(540,400)"
2. Page 11, Line 408:  
After line 408 insert:  
"Schedule of Programs  
School of Medicine – one time (168,000)"
3. Page 12, Line 469:  
After line 469 insert:  
"Item 73  
To State Board of Regents – Student Aid  
From General Fund 68,000  
Schedule of Programs

New Century Scholarships 68,000

It is the intent of the Legislature that these funds be nonlapsing.”

Re-number remaining items accordingly.

4.. Page 13, Line 506:

After line 506 insert:

“Item 79

To Utah State Board of Education/Minimum School Program

From Uniform School Fund 100,000

Schedule of Programs

Math and Science Teacher Incentive 100,000

It is the intent of the Legislature that these funds be nonlapsing.”

Re-number remaining items accordingly.

On motion of Senator Blackham, the bill was amended as follows:

1. Page 13, Line 508:

Bracket “(325,000)” and insert “(475,000)”

2. Page 13, Line 511:

After line 511 insert:

“Instructional Services (150,000)

It is the intent of the Legislature that this amendment eliminates the duplicate appropriation of \$150,000 in S.B. 1, Appropriations Act, Item 221.”

On motion of Senator Valentine, the bill was amended as follows:

1. Page 3, Line 91:

After “From General Fund” delete “775,000” and insert “18,086,200”

2. Page 3, Line 93:

After “Jail Contracting” delete “775,000” and insert “18,086,200”

3. Page 3, Line 96:

After line 96 insert:

“It is the intent of the Legislature that funding for this item be shifted from S.B. 1, Appropriations Act, 2002 General Session, Item 23, as follows:

(a) Page 7, line 243 after “From General Fund” delete “156,854,600” and insert “139,543,400”

(b) Page 7, line 261 after “Institutional Operations Central Utah/Gunnison” delete “22,009,500” and insert “19,909,500”

(c) Page 7, line 265 after “Institutional Operations Jail Contracting” delete “15,211,200”

**H.B. 3** 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	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Eastman	Hale	Peterson
Waddoups			

**H.B. 3**, as amended, was returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

The House refused to concur with the Senate Amendments to **H.B. 196**, DIVORCE AND PARENT-TIME REVISIONS, by Representative C. Bennion, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Spencer, the Senate voted to refuse to recede from its amendments to **H.B. 196**. President Mansell appointed a conference committee consisting of Senators Spencer, Wright, and Ed Allen to meet with a like committee from the House.

\* \* \*

Mr. President: March 6, 2002

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 82**, STORAGE OF FIREARMS ON FACILITIES WITH SECURE AREAS, by Representative J. Swallow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 105**, HEALTH INSURANCE MANDATES PROGRAM, by Representative Rebel D. Lockhart, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 110**, MOTOR VEHICLE INSURANCE AND CREDIT INFORMATION, by Representative P. Wallace, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 123**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative K. Bryson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 140**, COMPETITION IN TELECOMMUNICATIONS INDUSTRY LEGISLATIVE TASK FORCE, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 226**, TERMINATION OF PARENTAL RIGHTS AMENDMENTS, by Representative M. Throckmorton, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 230**, RETIREMENT OF PUBLIC SAFETY OFFICIALS, by Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 241**, COUNTY HEALTH DEPARTMENTS – OPERATIONAL STRUCTURE, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 259**, USE OF STATE ARMORIES, by Representative C. Beshear, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 300**, AMENDMENTS TO GUARDIAN AD LIGHT STATUTES, by Representative M. Throckmorton, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 342**, RECOVERY OF ADMINISTRATIVE FEE FOR DAMAGES SUSTAINED TO A RENTAL MOTOR VEHICLE, by Representative G. Curtis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.J.R. 25, RESOLUTION ON UTAH ATHLETIC FOUNDATION**, by Representative D. Ure, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 82, 1st Sub. H.B. 105, 1st Sub. H.B. 110, 4th Sub. H.B. 123, 1st Sub. H.B. 140, 3rd Sub. H.B. 226, H.B. 230, 3rd Sub. H.B. 241, 1st Sub. H.B. 259, H.B. 300, 3rd Sub. H.B. 342, and 1st Sub. H.J.R. 25** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 6, 2002

The House passed, as substituted, **2nd Sub. H.B. 297, RETIREMENT OFFICE AMENDMENTS**, by Representative R. Bigelow, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Evans, the bill was placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Valentine, the Senate voted to lift **1st Sub. H.B. 319** from the Third Reading Table and place it on the top of the Third Reading Calendar.

**1st Sub. H.B. 319, JAIL REIMBURSEMENT AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hellewell	Hickman	Hillyard

Jenkins	Julander	Knudson	Mayne
Poulton	Steele	Stephenson	Suazo
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Eastman	Hale	Peterson	Spencer
Waddoups			

**1st Sub. H.B. 319**, as amended, was returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

**CONCURRENCE CALENDAR**

**1st S.B. 119**, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS, was before the Senate.

On motion of Senator Poulton, the bill was circled.

\* \* \*

On motion of Senator Wright, the Senate voted to concur in the House amendments to **1st Sub. S.B. 167**, SCHOOL COMMUNITY COUNCILS. The bill, as amended, passed on the following roll call:

**Yeas, 16; Nays, 6; Absent, 7.**

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Gladwell
Hellewell	Hickman	Knudson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Walker	Wright	Mansell

**Voting in the negative were:** Senators

R. Allen	Davis	Dmitrich	Evans
Julander	Mayne		

**Absent or not voting were:** Senators

E. Allen	Eastman	Hale	Hillyard
Jenkins	Peterson	Waddoups	

**1st Sub. S.B. 167** was returned to the House.

\* \* \*

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.J.R. 10**, RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Eastman	Hale	Hillyard	Peterson
Waddoups			

**S.J.R. 10** was returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Bramble, under suspension of the rules, **H.B. 264**, FUNDS CONSOLIDATION, BUDGET PROCEDURES, AND FUND RECLASSIFICATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson

Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Dmitrich	Hale	Hillyard	Poulton
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**H.B. 264** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the Senate voted to recall **H.B. 3** from the House.

\* \* \*

On motion of Senator Evans, the Senate voted to lift **2nd Sub. H.B. 297** from the Concurrence Calendar to the top of the Third Reading Calendar.

### THIRD READING CALENDAR

**2nd Sub. H.B. 297**, RETIREMENT OFFICE AMENDMENTS, was before the Senate explained by Senator Evans, and failed on the following roll call:

**Yeas, 0; Nays, 25; Absent, 4.**

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Buttars	Eastman	Hale
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**2nd Sub. H.B. 297** was returned to the House for filing

\* \* \*

### RULES COMMITTEE REPORTS

To the Members of the Senate:

March 6, 2002

The Rules Committee recommends the assignment of the following House Bills and Resolutions to the Second Reading Calendar:

- H.B. 61** Funds Consolidation (J. Alexander)
- H.B. 331** Nonresident Tuition for Higher Education (J. Alexander)
- 1st Sub. H.B. 310** Mobility Assistance Fund (E. Hutchings)
- H.C.R. 8** Resolution Honoring Gold and Blue Star Mothers  
(J. M. Philpot)
- H.B. 254** Firemen’s Civil Service Council Amendments  
(J. M. Philpot)
- H.J.R. 26** Resolution Promoting Cooperative Regulatory  
Environment and Economic Development in Utah  
(C. Bennion)
- H.B. 334** County and Municipal Campaign Finance Amendments  
(T. Beck)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, under suspension of the rules, **H.B. 270, MENTAL HEALTH PRACTITIONER IN PARENTAL RIGHTS ACTION**, 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

R. Allen	Blackham	Davis	Dmitrich
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

E. Allen	Bramble	Buttars	Eastman
Hale	Spencer		

**H.B. 270** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Wright, under suspension of the rules, **H.B. 317**, LEGISLATIVE TASK FORCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Eastman	Hale
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**H.B. 317** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Mayne, and at 9:50 p.m., the Senate sauntered.

The Senate was called to order at 10:10 p.m., with President Mansell presiding.

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President:

March 6, 2002

The Joint Conference Committee comprised of Sens. Waddoups, Peterson, and Eastman, and Reps. Harper, Hatch, and Anderson, recommends **1st Sub. H.B. 172 VEHICLE SAFETY INSPECTION AMENDMENTS**, by Representative W. Harper, with the following amendments:

1. Include the Senate amendments of Page 4, Lines 102a–102d, of the Senate 2nd Reading Amendments dated 3–6–2002.
2. Also include the following amendments:

Page 7, Line 191:  
 Senate 2nd Reading Amendments  
 dated 3-6-2002  
 Delete "six" and insert "eight"

Page 7, Line 192:  
 Senate 2nd Reading Amendments  
 dated 3-6-2002  
 Delete "six" and insert "eight"

Senator Michael Waddoups  
 and Rep. Wayne Harper  
 Committee Chairs

On motion of Senator Peterson, the Senate voted to adopt the committee reports to **1st Sub. H.B. 172, VEHICLE SAFETY INSPECTION AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Hellewell	Peterson	Valentine
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**Absent or not voting were:** Senators

Bramble	Buttars	Hale
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**1st Sub. H.B. 172**, as amended, was returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 6, 2002

The Speaker of the House has appointed a Conference Committee consisting of Representatives Bennion, Thompson, and Hutchings to meet with a like

committee from the Senate to consider or amend **H.B. 196**, DIVORCE AND PARENT-TIME REVISIONS, by Representative C. Bennion.

Carole E. Peterson, Chief Clerk

\* \* \*

Mr. President:

March 6, 2002

The House passed, **2nd Sub. S.B. 65**, COUNTY LAW REVISIONS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 74**, CRIMINAL ACTION – DEFENSE TO CIVIL ACTION FOR DAMAGES, by Senator P. Hellewell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 162**, DEPARTMENT OF HUMAN RESOURCE MANAGEMENT – REPORT OF FUNDED VACANT POSITIONS, 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, **2nd Sub. S.B. 169**, PROPERTY TAX MODIFICATIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 181**, HIGHER EDUCATION TECHNOLOGY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 200**, STATUTORY REVISIONS FOR STATE FUNDING ADJUSTMENTS, 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

**2nd Sub. S.B. 65, S.B. 74, S.B. 162, 2nd Sub. S.B. 169, S.B. 181, and S.B. 200** 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 Blackham, the Senate voted to move **H.B. 3** to the top of the Second Reading Calendar.

**H.B. 3**, SUPPLEMENTAL APPROPRIATIONS II, was before the Senate.

On motion of Senator Blackham, the bill was amended as follows:

1. Page 14, Line 534:  
 After line 534 insert:  
 “To State Board of Education – Minimum School Program  
 From Uniform School Fund 5,000,000  
 Schedule of Programs  
 Classroom Supplies and Materials 5,000,000  
 It is the intent of the Legislature that:  
 (a) The board shall distribute the appropriation directly to classroom teachers through the school districts, which include Schools for the Deaf and the Blind and the Edith Bowen Laboratory School, and charter schools on the basis of the number of classroom teachers in each public school as compared to the total number of classroom teachers in the school districts and charter schools.  
 (b) Each teacher in grades kindergarten through six shall receive up to \$225 and each teacher in grades seven through 12 shall receive up to \$175 from this appropriation. Teachers shall spend the money for school supplies, materials, or field trips under rules adopted by the State Board of Education.”
  
2. Page 26, Line 1025:  
 After line 1025 insert:  
 “To State Board of Education – Minimum School Program  
 From Uniform School Fund 200,000  
 Schedule of Programs  
 Math and Science Teacher Incentive 200,000  
 It is the intent of the Legislature that these funds be nonlapsing.”
  
3. Page 2, Line 68:  
 After “From General Fund” delete “\$125,000” and insert “\$200,000
  
4. Page 2, Line 70:  
 After “Child Protection” delete “\$125,000” and insert “\$200,000

**H.B. 3** passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Hillyard	Jenkins

Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars	Evans	Hale
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**H.B. 3**, as amended, was returned to the House.

\* \* \*

**H.B. 192, WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER SAFETY OFFICERS**, was read the second time.

On motion of Senator Mayne, the following substitute bill replaced the original bill.

**WORKERS' COMPENSATION BENEFITS  
FOR VOLUNTEER SAFETY OFFICERS**

**2nd Sub. H.B. 192**

*Neil A. Hansen*

THIS ACT MODIFIES THE VOLUNTEER GOVERNMENT WORKERS ACT TO ADDRESS WORKERS' COMPENSATION COVERAGE OF VOLUNTARY FIREFIGHTERS AND PEACE OFFICERS AND TO MAKE CONFORMING AND TECHNICAL CHANGES.

On motion of Senator Mayne, under suspension of the rules, **2nd Sub. H.B. 192, WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER SAFETY OFFICERS**, 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	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars                      Hale                      Poulton

**2nd Sub. H.B. 192**, as amended, was returned to the House.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **H.B. 96**, LICENSURE OF GEOLOGISTS, was considered read the second and third time. Senators Gladwell, Davis, Valentine, Walker, Hillyard, Spencer and Knudson commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 9; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Julander	Knudson	Mayne	Peterson
Steele	Suazo	Walker	Mansell

**Voting in the negative were:** Senators

Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Spencer	Stephenson	Valentine
Wright			

**Absent or not voting were:** Senators

Buttars                      Hale                      Poulton                      Waddoups

**H.B. 96** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, the Senate voted to move **H.B. 61** and **H.B. 331** to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.B. 61**, FUNDS CONSOLIDATION, 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	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Hale	Poulton	Waddoups
Wright			

**H.B. 61** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **H.B. 331**, NONRESIDENT TUITION FOR HIGHER EDUCATION, 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	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Spencer	Steele	Stephenson	Suazo
Valentine	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Hale	Poulton
Waddoups			

**H.B. 331** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Steele, under suspension of the rules, **1st Sub. H.B. 313**, EMERGENCY SERVICES CALLER LOCATER, 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Poulton
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**1st Sub. H.B. 313** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 6, 2002

The House passed, as amended, **2nd Sub. S.B. 17**, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 17**, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

E. Allen	Julander	Peterson	Suazo
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**Absent or not voting was:** Senator  
Hale

**2nd Sub. S.B. 17** was returned to the House.

\* \* \*

Mr. President:

March 6, 2002

The Speaker of the House has signed **S.B. 156**, SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 167**, SCHOOL COMMUNITY COUNCILS, by Senator B. Wright, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 10**, RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION, by Senator J. Valentine, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 156**, **1st Sub. S.B. 167**, and **S.J.R. 10** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 6, 2002

The House concurred in the Senate amendments and passed **1st Sub. H.B. 152**, OIL AND GAS SEVERANCE TAX – BOARD, RESTRICTED ACCOUNT, AND USE OF REVENUES, by Representative J. Seitz, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 152** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Steele, under suspension of the rules, **S.R. 4**, RESOLUTION ON ADULT LIFELONG LEARNING AND LIABILITY, was considered read the second and third times. Senator Steele explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hale

**S.R. 4** was signed by the President in open session and will be enrolled.

\* \* \*

On motion of Senator Poulton, the Senate voted to recall **2nd Sub. H.B. 297** from the House.

On motion of Senator Poulton, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Poulton, the Senate voted to concur in the House amendments to **1st Sub. S.B. 119, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Dmitrich                      Hale

**1st Sub. S.B. 119** was returned to the House.

\* \* \*

On motion of Senator Poulton, the following intent language was adopted.

**INTENT LANGUAGE TO 1ST SUBSTITUTE S.B. 119**

“It is the intent of the Legislature that by passing 1st Substitute S.B. 119, Workers’ Compensation Insurance Related Amendments, the Legislature does not diminish or otherwise alter any claim that the state may have to the equity of the Workers’ Compensation Fund. The right to make such claims could arise if the Workers’ Compensation Fund were to be privatized and may include a claim for brand equity reimbursement. Although the Workers’ Compensation Fund does not agree that such claims exist, the Workers’ Compensation Fund has confirmed with the Legislature that the Workers’ Compensation Fund and its Board of Directors do not believe that 1st Substitute S.B. 119 affects any claim or the right to make a claim that the state may have to the equity of the Workers’ Compensation Fund.”

\* \* \*

On motion of Senator Steele, under suspension of the rules, **H.J.R. 22, RESOLUTION OPPOSING INCREASED VIOLENCE IN SPORTS AGAINST SPORTS OFFICIALS**, was considered read the second and third times. Senator Buttars commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Eastman	Gladwell	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright			

**Voting in the negative were:** Senators

Blackham	Buttars	Evans	Mansell
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**Absent or not voting were:** Senators

E. Allen	Hale	Hillyard	Spencer
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**H.J.R. 22** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Evans, the Senate voted to reconsider its action on **2nd Sub. H.B. 297**.

**2nd Sub. H.B. 297**, RETIREMENT OFFICE AMENDMENTS, was before the Senate, explained by Senator Evans, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

E. Allen	Hale	Hillyard
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Senator Steele declared a conflict of interest.

**2nd Sub. H.B. 297** was signed by the President in open session and returned to the House.

\* \* \*

On motion of Senator Poulton, the circle was removed from **S.J.R. 15**, MASTER STUDY RESOLUTION, and it was before the Senate.

**S.J.R. 15** passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Hale                      Hickman                      Wright

**S.J.R. 15** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

The House passed, as amended, **1st Sub. S.B. 122**, INSURANCE LAW AMENDMENTS, by Senator L. S. Poulton, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Poulton, the Senate voted to concur in the House amendments to **1st Sub. S.B. 122**, INSURANCE LAW AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Hale                      Wright

**1st Sub. S.B. 122** was returned to the House.

\* \* \*

On motion of Senator Waddoups, the Senate voted to move **H.B. 352** to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Steele, under suspension of the rules, **H.B. 352**, REVISIONS TO GENERAL GOVERNMENT – TOBACCO AMENDMENTS, was considered read the second and third times.

On motion of Senator Steele, the bill was amended as follows:

- 1. Page 7, Line 196:  
Delete "not"

The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Hale	Wright
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**H.B. 352**, as amended, was returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

The House concurred in the Senate amendments and passed **H.B. 3**, SUPPLEMENTAL APPROPRIATIONS II, by Representative J. Alexander, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 295**, TAKING MINOR INTO PROTECTIVE CUSTODY WITHOUT WARRANT, by Representative T. Hatch, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 3** and **H.B. 295** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Hickman, the Senate voted to lift **H.B. 251** and **1st Sub. H.B. 176** from the Third Reading Table and place them on the Third Reading Calendar.

\* \* \*

**H.B. 251**, FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES, was read the third time, explained by Senator Steele, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Hale	Wright
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**H.B. 251** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 176**, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

E. Allen	Hale	Poulton	Wright
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**1st Sub. H.B. 176** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Ron Allen, under suspension of the rules, **H.B. 340**, DIVISION OF WATER RIGHTS FUNDING AND NOTIFICATION, was considered read the second and third times.

On motion of Senator Ron Allen, the bill was amended as follows:

- 1. Page 2, Line 51:  
After "reduced by" delete "\$120,000" and insert "\$150,000"

The bill 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Wright
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**H.B. 340**, as amended, was returned to the House.

\* \* \*

On motion of Senator Stephenson, under suspension of the rules, **H.B. 179**, DESIGNATION OF STATE BUILDING, was considered read the second and third times. Senator Ron Allen commented and the bill failed on the following roll call:

**Yeas, 5; Nays, 20; Absent, 4.**

**Voting in the affirmative were:** Senators

Gladwell	Hellewell	Poulton	Spencer
Stephenson			

**Voting in the negative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Steele	Suazo
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Hale	Wright
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**H.B. 179** was returned to the House for filing.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 6, 2002

The House passed **1st Sub. S.B. 29**, INTERLOCAL COOPERATION ACT AND ELECTRIC POWER FACILITIES AMENDMENTS, by Senator L. Blackham, with the following amendments:

1. Page 6, Line 159:  
After “where it” bracket “deems” and insert “considers”
2. Page 6, Line 166:  
After “discretion,” bracket “deems” and insert “considers”
3. Page 6, Line 169:  
After “Act it” bracket “deems” and insert “considers”
4. Page 7, Line 203:  
After “the state” bracket “of Utah”
5. Page 19, Line 561:  
After “composition” insert a comma
6. Page 30, Line 901:  
After “consumers” delete “withing” and insert “within”
7. Page 34, Line 1041:  
After “Income Tax Act” insert a comma
8. Page 35, Line 1050:  
After “line, each” delete “project” and insert “interlocal”
9. Page 47, Line 1440:  
After “power entity” insert “or power utility”

10. Page 49, Line 1505:  
After "Subsection" insert "(2)"
11. Page 50, Line 1517:  
After "Subsection" insert "(2)"
12. Page 70, Line 2155:  
At the beginning of line 2155 insert "(1)"
13. Page 70, Line 2158:  
After line 2158 insert:  
"(2) If this bill and S.B. 57, Corporate Franchise and Income Taxes – Treatment of Certain Cooperatives, 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, combine and coordinate the amendments to Section 59–7–102, as set forth in this bill and S.B. 57, to read as follows:  
"59–7–102. Exemptions.  
(1) Except as provided in [Part 8] this section, the following are exempt from this chapter:  
(a) [organizations] an organization exempt under [Sections] Section 501 [and 521], Internal Revenue Code[, and organizations meeting the requirements of Subchapter T, Internal Revenue Code];  
(b) [organizations] an organization exempt under Section 528, Internal Revenue Code[, provided that to the extent such organization's income is taxable for federal tax purposes under Section 528, such organization's income is also taxable under this chapter];  
(c) an insurance [companies which are] company that is otherwise taxed on [their] the insurance company's premiums under [Title 59,] Chapter 9, Taxation of Admitted Insurers; [and]  
(d) a building [authorities] authority as defined in Section 17A–3–902[.];  
(e) a farmers' cooperative; or  
(f) a public agency, as defined in Section 11–13–103, with respect to or as a result of an ownership interest in:  
(i) a project, as defined in Section 11–13–103; or  
(ii) facilities providing additional project capacity, as defined in Section 11–13–103.  
(2) Notwithstanding any other provision in this chapter or Chapter [7 or] 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax, a person not otherwise subject to the tax imposed by this chapter or Chapter 8 [shall] is not [become] subject to the tax imposed by Sections 59–7–104, 59–7–201,

59-7-701, and 59-8-104, [by reason] because of:

(a) that person’s ownership of tangible personal property located at the premises of a printer’s facility in this state with which the person has contracted for printing; or

(b) the activities of the person’s employees or agents who are:

(i) located solely at the premises of a printer’s facility; and [who are]

(ii) performing services:

(A) related to:

(I) quality control[.];

(II) distribution[.]; or

(III) printing services; and

(B) performed by the printer’s facility in this state with which the person has contracted for printing.

(3) Notwithstanding Subsection (1), an organization, company, authority, farmers’ cooperative, or public agency exempt from this chapter under Subsection (1) is subject to Part 8, Unrelated Business Income, to the extent provided in Part 8.

(4) Notwithstanding Subsection (1)(b), to the extent the income of an organization described in Subsection (1)(b) is taxable for federal tax purposes under Section 528, Internal Revenue Code, the organization’s income is also taxable under this chapter.”

and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **1st Sub. S.B. 29**, INTERLOCAL COOPERATION ACT AND ELECTRIC POWER FACILITIES AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators  
Hale Wright

**1st Sub. S.B. 29** was returned to the House.

\* \* \*

Mr. President: March 6, 2002  
The House passed **2nd Sub. S.B. 149**, ETHICS AMENDMENTS, by Senator L. S. Poulton, with the following amendments:

1. Page 3, line 79:  
After “exceed” bracket “\$50” and insert “\$10”
2. Page 3, line 85:  
After “exceeds” bracket “\$50” and insert “\$10”
3. Page 5, line 121:  
After “exceeds” delete “\$50” and insert “\$10”
4. Page 5, line 141:  
After “exceeds” delete “\$50” and insert “\$10”
5. Page 6, line 165:  
Delete “\$50” and insert “\$10”  
and returns it to the Senate for further consideration.

On motion of Senator Poulton, the Senate refused to concur in the House amendments and requested the House recede from their amendments. **2nd Sub. S.B. 149** was returned to the House.

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 6, 2002  
The Joint Conference Committee comprised of Sens. Spencer, Ed Allen, and Wright, and Reps. Bennion, Thompson, and Hutchings, recommends **H.B. 196**, DIVORCE AND PARENT–TIME REVISIONS, by Representative C. Bennion, be replaced and favorably recommends **1st Sub. H.B. 196**, DIVORCE AND PARENT–TIME REVISIONS.

Senator Terry Spencer and  
Representative Chad Bennion  
Committee Chairs

On motion of Senator Spencer, the Senate voted to adopt the conference committee report.

**1st Sub. H.B. 196**, DIVORCE AND PARENT –TIME REVISIONS, was before the Senate, explained by Senator Spencer, and passed on the following roll call:

**Yeas, 22; Nays, 5; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Jenkins
Mayne	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hillyard	Julander	Knudson	Peterson
Suazo			

**Absent or not voting were:** Senators

Hale	Hickman
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**1st Sub. H.B. 196** was returned to the House.

\* \* \*

On motion of Senator Valentine, the Senate voted to lift **H.B. 118** from the Third Reading Table to the top of the Third Reading Calendar.

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 118**, SPECIAL LICENSE PLATES FOR SEARCH AND RESCUE TEAMS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

E. Allen	Buttars	Hale	Knudson
Spencer			

**H.B. 118** was signed by the President of the Senate in open session and returned to the House.

**SECOND READING CALENDAR**

On motion of Senator Jenkins, under suspension of the rules, **4th Sub. H.B. 205**, DIVISION OF CONSTRUCTION SERVICES, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Buttars	Hale	Steele
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**4th Sub. H.B. 205** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Evans, under suspension of the rules, **H.B. 145**, UTAH ENERGY OFFICE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Spencer	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars                      Hale                      Poulton                      Steele

**H.B. 145** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 6, 2002

The House adopted the Joint Conference Committee Report dated March 6, 2002, and passed **1st Sub. H.B. 172, VEHICLE SAFETY INSPECTION AMENDMENTS**, by Representative W. Harper, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 172** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 124, DEBT COLLECTION AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Buttars                      Hale                      Wright

**1st Sub. H.B. 124** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 6, 2002

The House passed **S.B. 171, UNIFORM ARBITRATION ACT**, by Senator L. Hillyard, with the following amendments:

- 1. Page 1, Line 15:  
At the end of the line, insert “This act is effective May 15, 2003.”
- 2. Page 20, Line 588:  
After line 588, insert:  
“Section 34. Effective Date.  
This act takes effect May 15, 2003.”

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 171**, UNIFORM ARBITRATION ACT. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Hale	Wright
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**S.B. 171** was returned to the House.

\* \* \*

On motion of Senator Evans, under suspension of the rules, **H.B. 311**, STATE CAPITOL PRESERVATION BOARD – CHAIR, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Bramble                      Buttars                      Hale                      Wright

**H.B. 311** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 310, MOBILITY ASSISTANCE FUND**, was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Eastman	Evans
Hellewell	Hickman	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Suazo	Waddoups	Walker	

**Voting in the negative were:** Senators

Gladwell	Hillyard	Jenkins	Spencer
Stephenson	Valentine	Mansell	

**Absent or not voting were:** Senators

Bramble                      Hale                      Wright

**1st Sub. H.B. 310** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 6, 2002

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 192, WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER SAFETY OFFICERS**, by Representative N. Hansen, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 192** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Walker, under suspension of the rules, **H.C.R. 8**, RESOLUTION HONORING GOLD AND BLUE STAR MOTHERS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Hale
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**H.C.R. 8** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Walker, under suspension of the rules, **H.B. 254**, FIREMEN'S CIVIL SERVICE COUNCIL AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Hale
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**H.B. 254** 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, **H.J.R. 26**, RESOLUTION PROMOTING COOPERATIVE REGULATORY ENVIRONMENT AND ECONOMIC DEVELOPMENT IN UTAH, 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	Davis
Dmitrich	Eastman	Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Buttars	Hale
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**H.J.R. 26** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, **H.B. 334**, COUNTY AND MUNICIPAL CAMPAIGN FINANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hale

**H.B. 334** was signed by the President of the Senate in open session and returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2002

The House passed, **S.B. 2, FUNDING FOR HIGHWAYS**, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 17, DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS**, by Senator C. Butters, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 29, INTERLOCAL COOPERATION ACT AND ELECTRIC POWER FACILITIES AMENDMENTS**, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 119, WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS**, by Senator S. Poulton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 122, INSURANCE LAW AMENDMENTS**, by Senator S. Poulton, and it is transmitted for the signature of the President; and

The speaker of the House has signed **S.B. 171, UNIFORM ARBITRATION ACT**, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 15, MASTER STUDY RESOLUTION**, by Senator L. S. Poulton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 2, 2nd Sub. S.B. 17, 1st Sub. S.B. 29, S.B. 119, 1st Sub. S.B. 122, S.B. 171 and S.J.R. 15** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 6, 2002

The House receded from its amendments and passed **2nd Sub. S.B. 149**, ETHICS AMENDMENTS, by Senator L. S. Poulton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 149** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 6, 2002

The House has rejected **1st Sub. S.B. 147**, RESTRICTION OF FUNDING ON STATE ENTITY WHOSE POLICY, RULE, OR ACTION IS CONTRARY TO LAW, by Senator M. Waddoups, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 147** was filed.

\* \* \*

The House passed, **S.B. 141**, PUNITIVE DAMAGE AWARDS, 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

**S.B. 141** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 6, 2002

The House adopted the Joint Conference Committee Report dated March 7, 2002, and passed **1st Sub. H.B. 196**, DIVORCE AND PARENT-TIME REVISIONS, by Representative Chad Bennion, and it is transmitted for signature of the President; and

The House concurred in the Sneate amendments and passed **1st Sub. H.B. 319**, SUBSTITUTE JAIL REIMBURSEMENT AMENDMENTS, by Representative G. Curtis, and it is transmitted for the signature of the President.; and

The House concurred in the Senate amendments and passed **H.B. 340, DIVISION OF WATER RIGHTS FUNDING AND NOTIFICATION AMENDMENTS**, by Representative M. Styler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 352, REVISIONS TO GENERAL GOVERNMENT – TOBACCO AMENDMENTS**, by Representative D. Hogue, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 196, 1st Sub. H.B. 319, H.B. 340, and H.B. 352** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Poulton, the Senate struck the enacting clause on all House bills and resolutions remaining on the Senate calendar and with the Rules Committee.

On motion of Senator Poulton, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President Al Mansell directed Annette Moore and Sandy Tenney to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings on the 2002 General Session of the Fifty-Fourth Legislature.

President Mansell appointed Senators Dave Gladwell, Bill Wright, and Gene Davis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Dan Eastman, Curtis Bramble, and Millie Peterson to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine dine.

On motion of Senator Beverly Evans, the Senate voted to give each member of the Senate staff an additional 16 hours' compensation at the rates established for each employee.

Senator Poulton and Senator Dmitrich expressed appreciation to the opposite party.

Senator Beverly Evans, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the senators. She also expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Evans also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

President Mansell expressed appreciation to Senator Leonard Blackham for his excellent service as Appropriations Chairman and to Senator John Hickman for his service as Appropriations Vice-Chairman.

Senator Eastman reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Gladwell reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Leavitt made closing remarks and expressed appreciation to the Senate.

On motion of Senator Poulton, and at 12:00 midnight, the Senate adjourned sine die.

### **SENATE STRUCK ENACTING CLAUSE (HOUSE BILLS AND RESOLUTIONS)**

Mr. President:

March 6, 2002

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

- |                        |  |
|------------------------|--|
| <b>1st Sub H.B. 12</b> | USE OF TOBACCO SETTLEMENT INTEREST PROCEEDS – Karen W. Morgan  |
| <b>H.B. 20</b>         | PROHIBITING RESIDENTIAL LOTS FROM CROSSING COUNTY LINES – David L. Hogue   |
| <b>1st Sub H.B. 36</b> | CHILD CARE AMENDMENTS – Richard M. Siddoway  |
| <b>H.B. 37</b>         | PARENT-TIME AMENDMENTS – James A. Ferrin   |
| <b>H.B. 49</b>         | MUNICIPAL PLAN FOR MODERATE INCOME HOUSING – Paul Ray  |
| <b>H.B. 50</b>         | INDIVIDUAL INCOME TAX PERSONAL RETIREMENT EXEMPTION AND DEDUCTION FOR RETIREMENT INCOME – ELIMINATING MARRIAGE TAX PENALTIES – Wayne A. Harper |

- H.B. 60** INDIVIDUAL INCOME TAX – STATE EARNED  
INCOME TAX CREDIT – Thomas V. Hatch
- 1st Sub H.B. 69** PAYMENT FOR BAILIFF AND OTHER SERVICES IN  
COURTS OF RECORD – Jack A. Seitz
- H.B. 70** POLITICAL FUNDRAISING RESTRICTIONS ON  
GOVERNOR – Neil A. Hansen
- 1st Sub H.B. 85** WATER DEVELOPMENT AND CONSERVATION  
TASK FORCE – Glen L. Way
- H.B. 89** BAN ON GIFTS – Ralph Becker
- 1st Sub H.B. 90** TRUTH IN ADVERTISING AMENDMENTS –  
Scott Daniels
- 1st Sub H.B. 97** RETIREMENT COST-OF-LIVING ADJUSTMENT  
FOR PUBLIC SAFETY – Paul Ray
- H.B. 102** CRIMINAL HISTORY BACKGROUND  
INFORMATION – Duane E. Bourdeaux
- H.B. 103** INDIVIDUAL INCOME TAX DEDUCTION FOR NET  
CAPITAL GAIN – James A. Ferrin
- 1st Sub H.B. 109** GOVERNOR AND LEGISLATURES POWER TO CUT  
STATE BUDGET – Kory M. Holdaway
- 1st Sub H.B. 117** RESTRUCTURING MEDICAID SPEND DOWN –  
Trisha S. Beck
- H.B. 148** NONPROFIT INSURERS – Afton B. Bradshaw
- 1st Sub H.B. 150** PUBLIC EDUCATION – ALTERNATIVE LANGUAGE  
PROGRAMS
- H.B. 169** MIDTERM VACANCIES IN THE LEGISLATURE –  
Ralph Becker
- H.B. 178** MEMORIAL PLAQUE OF GEORGE E. WAHLEN IN  
THE CAPITOL – Gerry A. Adair
- 2nd Sub H.B. 186** STATE RETIREMENT CONVERSION WINDOW –  
Brad King
- H.B. 209** TRUANCY AMENDMENTS – Duane E. Bourdeaux
- H.B. 215** DEPARTMENT OF HEALTH COLLECTION OF  
INFORMATION – David L. Hogue
- H.B. 232** UNEMPLOYMENT INSURANCE FRAUD  
AMENDMENTS – Ty McCartney
- 1st Sub H.B. 240** PUBLIC EDUCATION CAPITAL OUTLAY ACT  
AMENDMENTS – David N. Cox
- H.B. 243** CHILD IMMUNIZATION AMENDMENTS –  
Rebecca D. Lockhart
- H.B. 258** VOTER IDENTIFICATION REQUIREMENTS –  
Rebecca D. Lockhart

- H.B. 260** RESTRICTIONS ON TELEPHONE SOLICITATION –  
Karen W. Morgan
- H.B. 271** APPROPRIATION FOR SCHOOL DISTRICTS  
IMPACTED BY FEE WAIVERS –  
LaWanna Lou Shurtliff
- H.B. 280** PLANETARIUM BOARD AMENDMENTS –  
Merlynn T. Newbold
- H.B. 285** HISTORIC BUILDING REHABILITATION TAX  
CREDITS – Chad E. Bennion
- 1st Sub H.B. 292** POWER OF ATTORNEY FOR TRUST –  
Merlynn T. Newbold
- H.B. 318** GOVERNMENTAL IMMUNITY – EXCEPTION FOR  
PERJURY – Matt Throckmorton
- H.B. 323** STATE FLEET OPERATIONS AMENDMENTS –  
Gerry A. Adair
- 5th Sub H.B. 324** PROTECTION OF UNINCORPORATED AREAS IN  
COUNTIES OF THE FIRST CLASS – A. Lamont Tyler
- H.B. 332** CHILD SUPPORT MODIFICATIONS –  
Eric K. Hutchings
- 1st Sub H.B. 356** PROHIBITION OF RESTRAINT PRACTICES –  
Mike Thompson
- H.C.R. 1** RESOLUTION REGARDING UNITED STATES  
MINTING OF THE UTAH QUARTER– Neil A. Hansen
- H.J.R. 10** RESOLUTION URGING FEDERAL  
CONSTITUTIONAL AMENDMENT TO PROTECT  
THE LIFE OF THE UNBORN – Glenn L. Way
- 3rd Sub H.J.R. 13** RESOLUTION ON SPECIAL SESSIONS OF THE  
LEGISLATURE – Chad E. Bennion
- H.J.R. 19** JOINT RULES RESOLUTION REQUIRING CERTAIN  
SPECIAL SESSION PROCEDURES – Chad E. Bennion
- H.J.R. 21** RESOLUTION ENCOURAGING CONGRESSIONAL  
APPROVAL OF FARM BILL – Craig W. Buttars

Annette B. Moore  
Secretary of the Senate

Report filed

**HOUSE STRUCK ENACTING CLAUSE  
(SENATE BILLS AND RESOLUTIONS)**

Mr. President:

March 6, 2002

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. 5** Appropriation for Sexual Violence Victim Assistance Programs (T. Spencer)
- S.B. 40** Tuition Assistance Appropriation for National Guard (P. Knudson)
- S.B. 44** Funding A Community Legal Center (L. Hillyard)
- S.B. 78** Amendments to Construction Contracts Regarding Unreasonable Delays (S. Jenkins)
- 3rd Sub. S.B. 84** Real Estate Valuation Tax Appeal (C. Bramble)
- S.B. 85** Parental Involvement in Public Education (C. Walker)
- 4th Sub. S.B. 102** Bid Requirements on County or Municipal Construction Projects (H Stephenson)
- Sub. S.B. 118** Distribution of Olympic Special Revenue Fund Monies (M. Waddoups)
- Sub. S.B. 139** DNA Evidence – Removing Statute of Limitations (L. Hillyard)
- S.B. 151** Vehicle History Information (D. Eastman)
- Sub. S.B. 165** Pawnbroker Industry Revisions (M. Waddoups)
- S.B. 166** Individual Income Tax – Treatment of Certain Military Income (C. Bramble)
- Sub. S.B. 168** Parent Visitation Office (D. Allen)
- S.B. 182** Penalty and Interest Modifications (C. Bramble)
- Sub. S.B. 196** Waste Amendments (C. Walker)
- S.B. 201** Annexations in Counties of the First Class (L. Poulton)
- Sub. S.B. 199** Privacy Protections in Divorce Proceedings (G. Davis)
- S.C.R. 1** Adult Lifelong Learning and Literacy Resolution (D. Steele)

Thomas V. Hatch, Chair

Report filed.

\* \* \*

Mr. President:

March 6, 2002

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

- S.B. 4** REPORTS TO HEALTH AND HUMAN SERVICES –  
Terry R. Spencer
- S.B. 14** DRIVER LICENSE REPORTING – Millie M. Peterson
- S.B. 16** TRAFFIC OFFENSE ADJUDICATION –  
Peter C. Knudson
- 3rd Sub S.B. 19** UTAH CONSTRUCTION CONTRACTS PROMPT  
PAYMENT ACT – Michael Waddoups
- S.B. 31** INDIVIDUAL INCOME TAX – BRACKET  
ADJUSTMENTS – Curtis S. Bramble
- S.B. 32** ELECTRIC POWER FACILITIES AMENDMENTS –  
Leonard M. Blackham
- S.B. 43** UNIFORM TRUST ACT – Lyle W. Hillyard
- S.B. 53** DIRECT-ENTRY MIDWIFE LICENSING ACT –  
Parley G. Hellewell
- S.B. 54** WOMEN’S HEALTH CARE PARITY – Paula F. Julander
- S.B. 56** AGE DISCRIMINATION IN EMPLOYMENT –  
Ed P. Mayne
- S.B. 58** HEALTH CARE ACCESS REFORM – D. Chris Buttars
- S.B. 60** UTAH CONSUMER CREDIT REPORTING ACT –  
Gene Davis
- S.B. 63** ATTORNEY GENERAL AMENDMENTS – Bill Wright
- S.B. 64** CRIMINAL CODE AMENDMENTS – Alicia L. Suazo
- S.B. 67** NO TELEPHONE SOLICITATION LIST –  
D. Edgar Allen
- 1st Sub S.B. 69** TUITION TAX CREDITS – D. Chris Buttars
- S.B. 70** RESIDENTIAL PROPERTY TAX EXEMPTIONS –  
E. Mayne
- S.B. 71** EDUCATION CURRICULUM AMENDMENTS –  
B. Wright
- S.B. 73** APPROPRIATION FOR LONG DISTANCE  
GRADUATE PROGRAM – Beverly Ann Evans
- S.B. 75** STATUTORY ANNUAL REPORT REQUIREMENT –  
Paula F. Julander
- S.B. 79** LAND SURVEYOR AMENDMENTS – Gene Davis
- S.B. 83** REGULATION OF TERMITE INSPECTORS –  
Carlene M. Walker
- S.B. 91** SOCIAL WORKER LICENSING ACT AMENDMENTS  
– Paula F. Julander
- 1st Sub S.B. 111** DIVISION OF HOME IN A DIVORCE –  
Terry R. Spencer

- S.B. 112** INSURANCE COVERAGE OF CONTRACEPTIVES –  
L. Steven Poulton
- S.B. 121** CONCEALED FIREARM PERMIT AMENDMENTS –  
Scott K. Jenkins
- S.B. 126** OPTIONAL COUNTY AFFORDABLE HOUSING  
FUNDS ACT – Karen Hale
- S.B. 127** APPOINTMENTS TO CITY AND COUNTY HEALTH  
BOARDS – Gene Davis
- 1st Sub S.B. 131** PERSONAL USE OF CAMPAIGN FUNDS – Karen Hale
- S.B. 133** APPLICATION FOR DRIVER LICENSE  
AMENDMENTS – Bill Wright
- S.B. 134** WILDLIFE RESOURCES AND WILDLIFE BOARD  
AMENDMENTS – David L. Gladwell
- 1st Sub S.B. 147** RESTRICTION OF FUNDING ON STATE ENTITY  
WHOSE POLICY, RULE, OR ACTION IS CONTRARY  
TO LAW – Michael G. Waddoups
- S.B. 148** JUSTICE COURT JUDGES – Beverly Ann Evans
- S.B. 155** EDUCATION BUDGET RESERVE ACCOUNT –  
Leonard M. Blackham
- S.B. 157** LOCAL SCHOOL BOARD EMPLOYER POWERS –  
Bill Wright
- S.B. 158** ORAL HEALTH TASK FORCE – Peter C. Knudson
- S.B. 161** LIMITATION ON ALIMONY – Terry R. Spencer
- S.B. 172** HEALTH INSURANCE PROMPT PAY AMENDMENTS  
– Peter C. Knudson
- S.B. 174** APPROVAL REQUIRED FOR FEDERAL  
ASSISTANCE PROGRAMS – Curtis Bramble
- S.B. 175** CHARITABLE SOLICITATIONS ACT AMENDMENTS  
– Parley G. Hellewell
- S.B. 177** JURY TRIAL FOR TERMINATION OF PARENTAL  
RIGHTS CASES – Bill Wright
- S.B. 179** TIMELY PAYMENT OF MOTOR VEHICLE  
INSURANCE CLAIMS – M. Waddoups
- S.B. 180** FIREFIGHTERS RETIREMENT – G. Davis
- S.B. 184** FINANCIAL INSTITUTIONS TECHNICAL  
AMENDMENTS – J. Hickman
- S.B. 185** SALES AND USE TAX – EXEMPTION FOR CERTAIN  
COUPONS – Millie M. Peterson
- S.B. 186** UNEMPLOYMENT BENEFITS – EXEMPTION FOR  
CORPORATE OFFICERS – Parley G. Hellewell
- S.B. 187** RDA – FOR PARKING STRUCTURE – H. Stephenson

<b>S.B. 188</b>	LABOR CODE REVISIONS – Terry R. Spencer
<b>S.B. 189</b>	ESSENTIAL SERVICES AMENDMENTS – J. Valentine
<b>S.B. 190</b>	SPECIAL 2002 HIGHWAY GENERAL OBLIGATION BONDS – Dan R. Eastman
<b>S.B. 192</b>	AIR QUALITY ACT AMENDMENTS – Bill Wright
<b>S.B. 193</b>	NETWORK MARKETING – P. Hellewell
<b>S.B. 194</b>	CABLE TV REGULATION – C. Bramble
<b>S.B. 197</b>	APPROPRIATION FOR STATE FAIR PARK – A. Suazo
<b>S.B. 198</b>	BASIC HUMAN NEEDS REFERENDUM ACT – Mike Dmitrich
<b>S.J.R. 3</b>	RESOLUTION PROVIDING FOR CHANGING COUNTY LINES – Millie M. Peterson
<b>1st Sub S.J.R. 5</b>	RESOLUTION AUTHORIZING THE CALLING OF SPECIAL SESSIONS BY THE LEGISLATURE – John W. Hickman
<b>S.J.R. 8</b>	RESOLUTION SUPPORTING UTAH QUALITY GROWTH COMMISSION – Ron Allen
<b>S.J.R. 13</b>	JOINT RESOLUTION AUTHORIZING APPOINTMENT OF ATTORNEY FOR STATE OFFICERS – J. Valentine
<b>2nd Sub S.J.R. 14</b>	RESOLUTION ON YUCCA MOUNTAIN AS NUCLEAR WASTE REPOSITORY – Gene Davis

Michael G. Waddoups  
Senate Rules Committee Chair

Report filed.

### **EMPLOYEE COMMITTEE REPORT**

Mr. President and members of the Senate:

As Chair of the Committee on Patronage and Employees, I recommend that these individuals be employed as Senate Staff for the 2001 General Session of the Fifty-Fourth Legislature:

Annette B. Moore	Secretary of the Senate
Sandy D. Tenney	Manager of Senate Services
Leslie O. McLean	Leadership Secretary & Third House Secretary
Janeen Melchior	Minority Party Secretary
Lynette Erickson	Docket Clerk & Voting Machine Operator

Greg Johnson	System Analyst and Computer Specialist
Eric Isom	Majority Administrative Assistant
Rolayne Day	Secretarial Supervisor and Committee Secretary
Mary Andrus	Journal Clerk
Sharon Johnson	Rules Secretary
Sandra Maeser	Committee Secretary and Amending Clerk
Sherry Nielsen	Aide to Secretary of Senate
Nadine Woodhead	Committee Secretary
Karen Allred	Committee Secretary
Bonnie Brinton	Committee Secretary
Norda Shepherd	Committee Secretary
Patrice Shaffer	Committee Secretary
Linda Hansen	Committee Secretary
Jeanne Wride	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Virgil Blair	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Wendell Coombs	Security
Paul Jacobs	Security
Thad Jensen	Security
Cliff Park	Security
Gayle C. Peterson	Page Supervisor
Sue Hyer	Asst. Page Supervisor
Linda Cornaby	Page
Diane Jensen	Page
Christine Hunter	Page
Shirley Taylor	Page
Judy Paulson	Page
Mary Russell	Page
Kathy Fotheringham	Page
Georgianna Knudson	Docket Clerk Aide
Maxine Baur	Public Address
Paula Tew	Legislative & Third House Aide
Evoline Gardner	Hostess

Charliene Reed	Public Info Officer
Deon Saunders	Public Info Officer
Darlene Nilson	Public Info Officer
Pamela Benson	Legislative Tour Guide

Beverly Ann Evans, Chair

## STANDING COMMITTEES

### **Business, Labor, and Economic Development**

Dan R. Eastman, *Chair*  
Curtis S. Bramble  
Parley G. Hellewell  
L. Steven Poulton  
Gene Davis  
Ed Mayne

### **Education**

Bill Wright, *Chair*  
D. Chris Buttars  
David L. Gladwell  
David H. Steele  
Howard A. Stephenson  
Michael G. Waddoups  
Carlene M. Walker  
Ron Allen  
Karen Hale  
Alicia Suazo

### **Energy, Natural Resources, and Agriculture**

Terry R. Spencer, *Chair*  
Leonard M. Blackham  
Beverly Ann Evans  
Parley Hellewell  
Mike Dmitrich

### **Health and Environment**

Peter C. Knudson, *Chair*  
Leonard M. Blackham  
Scott Jenkins  
D. Edgar Allen  
Paula F. Julander

**Human Services**

John William “Bill” Hickman, *Chair*

L. Steven Poulton

Terry R. Spencer

Bill Wright

D. Edgar Allen

Gene Davis

**Judiciary**

David L. Gladwell, *Chair*

D. Chris Butters

Lyle W. Hillyard

John L. Valentine

Millie Peterson

Alicia Suazo

**Revenue and Taxation**

Curtis S. Bramble, *Chair*

Lyle W. Hillyard

Al Mansell

Howard A. Stephenson

John L. Valentine

Ron Allen

Mike Dmitrich

**State and Local Affairs**

Carlene M. Walker, *Chair*

Beverly Ann Evans

Scott K. Jenkins

Peter C. Knudson

Al Mansell

Paula F. Julander

Millie M. Peterson

**Transportation and Public Safety**

David H. Steele, *Chair*

Dan R. Eastman

John William “Bill” Hickman

Michael G. Waddoups

Karen Hale

Ed Mayne

**Rules**

Michael G. Waddoups, *Chair*  
D. Chris Buttars  
David L. Gladwell  
Parley G. Hellewell  
Peter C. Knudson  
Terry R. Spencer  
Ed Mayne  
Gene Davis

**Quasi-Governmental Entities**

Beverly Ann Evans, *Chair*  
Al Mansell  
John L. Valentine  
Ron Allen  
Paula F. Julander

**EXECUTIVE APPROPRIATIONS AND  
JOINT APPROPRIATIONS SUBCOMMITTEES****Executive Appropriations Committee**

Leonard M. Blackham, *Co-chair*  
John William “Bill” Hickman, *Vice Chair*  
Peter C. Knudson  
Al Mansell  
L. Steven Poulton  
John L. Valentine  
Ron Allen  
Gene Davis  
Mike Dmitrich  
Karen Hale

**Commerce and Revenue**

Scott K. Jenkins, *Co-chair*  
Dan R. Eastman  
Ed Mayne

**Economic Development and Human Resources**

David L. Gladwell, *Co-chair*  
Al Mansell  
Carlene Walker  
Gene Davis

**Executive Office, Criminal Justice,  
and Legislature**

D. Chris Buttars, *Co-chair*  
Peter C. Knudson  
Alicia Suazo

**Capital Facilities and Administrative Services**

Beverly Ann Evans, *Co-chair*  
John L. Valentine  
Mike Dmitrich

**Higher Education**

Lyle W. Hillyard, *Co-chair*  
Peter C. Knudson  
L. Steven Poulton  
Paula F. Julander

**Health and Human Services**

David H. Steele, *Co-chair*  
Curtis Bramble  
L. Steven Poulton  
D. Edgar Allen

**Natural Resources**

Parley G. Hellewell, *Co-chair*  
Bill Wright  
Ron Allen

**Public Education**

Howard A. Stephenson, *Co-chair*  
John William “Bill” Hickman  
John L. Valentine  
Karen Hale

**Transportation and Environmental Quality**

Michael G. Waddoups, *Co-chair*  
Al Mansell  
Terry R. Spencer  
Millie M. Peterson

**Quasi-Governmental Entities**Beverly Ann Evans, *Co-chair*

Al Mansell

John L. Valentine

Ron Allen

Paula F. Julander

**SENATE INTERNS FOR 2002 GENERAL SESSION**

Blackham, Jen

Larsen, Giles

Braegger, Geri

Nielson, Audrey

Cardon, Jeff

Oliveros, Jimmy

Church, Marc

Poulton, Jeff

Glade, Ty

Reeve, Brian

Graham, Nathan

Sapp, Ryan

Gunnarson, Egan

Smith, Martine

Hatch, Jetta

Tolboe, McKay

Johnson, Melissa

Toone, Ryan

Jordan, Amy

Torghele, Lis

Kjar, Nate

Wooden, Jeremy

**SUMMARY OF LEGISLATION  
2002 GENERAL SESSION**

	<b>House</b>	<b>Senate</b>	<b>Total</b>
Bills Introduced	356	201	557
Bills Passed	209	129	338
Bills Vetoed	7	1	8
Line Items Vetoed	1	0	1
<b><i>Total Bills Enacted</i></b>	<b>202</b>	<b>128</b>	<b>330</b>
Joint Resolutions Introduced	30	16	46
Concurrent Resolutions Introduced	10	3	13
House & Senate Resolutions Introduced	4	4	18
<b><i>Total Resolutions Introduced</i></b>	<b>44</b>	<b>23</b>	<b>67</b>
Joint Resolutions Passed	16	11	27
Concurrent Resolutions Passed	8	2	10
House & Senate Resolutions Passed	3	4	7
<b><i>Total Resolutions Passed</i></b>	<b>27</b>	<b>17</b>	<b>44</b>

**STATISTICAL SUMMARY OF GENERAL SESSIONS  
1996-2002**

	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Bills Introduced	797	668	691	640	700	664	
Bills Passed	353	400	425	384	360	380	
Bills Vetoed	5	6	7	5	5	3	8
Vetos Overridden	0	0	0	0	0	0	1
Joint Resolutions							
Introduced	45	37	37	25	31	31	
Joint Resolutions Passed	17	23	17	12	15	23	
Concurrent Resolutions							
Introduced	17	14	19	10	13	17	
Concurrent Resolutions							
Passed	11	9	15	7	10	11	
House & Senate							
Resolutions Introduced	7	12	7	9	10	14	
House & Senate							
Resolutions Passed	5	9	6	8	8	10	

**GOVERNOR'S ACTION ON LEGISLATION  
2002 GENERAL SESSION**

**Veto**

- HB 123 Medical Recommendations for Children
- HB 136 Judicial Conduct Commission Amendments
- HB 152 Oil and Gas Severance Tax – Board,  
Restricted Account, and Use of Revenues
- HB 248 Classification of State Employees for Insurance Purposes
- HB 287 Constitutional Rights of State Employees
- HB 297 Retirement Office Amendments
- HB 342 Recovery of Administrative Fee for Damages  
Sustained to a Rental Motor Vehicle
- SB 183 Costs Assessed for Wrongfully Enjoining a State Project

**Line Item Veto**

HB 3

**Law Without Signature**

HB

SB

SB

**Signed with a Letter**

SB 235

# **SUBJECT INDEX**

ALL SENATE AND HOUSE BILLS  
AND RESOLUTIONS

(P) – Passed & (F) – Failed

2002 GENERAL SESSION  
FIFTY–FOURTH LEGISLATURE  
**January 21 through March 6, 2002**



**SUBJECT INDEX TITLES**

**ABUSE, NEGLECT, OR EXPLOITATION OF DISABLED ADULTS**

Adult Protective Services Amendments, Jones, P. . . . . HB 25 (P)

**ADMINISTRATIVE RULES AND PROCEDURES**

Reauthorization of Administrative Rules, Stephenson, H. . . . . SB 170 (P)

Safe Drinking Water Act – Administrative Procedure

Amendments, Wright, B. . . . . SB 89 (P)

**ADMINISTRATIVE SERVICES**

Debt Collection Amendments, Allen, S. . . . . HB 124 (P)

Repeal of Local Government Information Technology

Review Committee, Hendrickson, N. . . . . HB 8 (P)

Water Commissioner Assessment Amendments, Ure, D. . . . . HB 269 (P)

**ADVERTISING**

Outdoor Advertising Amendments, Waddoups, M. . . . . SB 98 (P)

Outdoor Advertising Sign Proximity to Utility Lines, Spencer, T. . . SB 145 (P)

Property Tax – Truth in Taxation Amendments, Young, M. . . . . HB 146 (F)

Truth in Advertising Amendments, Daniels, S. . . . . HB 90 (F)

**AERONAUTICS**

Aeronautics Construction Revolving Loan Fund, Hickman, J. . . . . SB 160 (P)

**AGRICULTURE**

Agricultural Protection Act Amendments, Blackham, L. . . . . SB 94 (P)

Agricultural Sustainability Task Force, Buttars, C. . . . . HB 299 (F)

County Ballot Questions, Buttars, C. . . . . HB 127 (P)

Damage Caused by Stray Livestock, Clark, S. . . . . HB 163 (F)

Electronic Government Services Amendments –

Agriculture, Siddoway, R. . . . . HB 21 (P)

Farmland Assessment Act – Rollback Taxes, Ure, D. . . . . HB 301 (F)

Impounded Livestock – Sale by County, Hatch, T. . . . . HB 83 (P)

Insect Control on Federal Lands, Urquhart, S. . . . . HB 113 (P)

Legislative Task Force Amendments, Buttars, C. . . . . HB 317 (P)

Property Taxes – Farmland Assessment Act, Hatch, T. . . . . HB 155 (P)

Regulation of Termite Inspectors, Walker, C. . . . . SB 83 (F)

Resolution Encouraging Congressional Approval of

Farm Bill, Buttars, C. . . . . HJR 21 (F)

Sales and Use Tax – Agricultural Exemption, Anderson, E. . . . . HB 88 (P)

**AIR**

Air Quality Act Amendments, Wright, B. . . . . SB 192 (F)

**ALCOHOLIC BEVERAGE CONTROL**

Alcoholic Beverage Service – Warning Required, Walker, C. . . . . SB 13 (P)

Funding Formula for Alcohol Related Activities of

Local Governments, Waddoups, M. . . . . SB 30 (P)

Unincorporated County Amendments, Allen, R. . . . . SB 95 (P)

**ALCOHOLIC BEVERAGES**

Proof of Age Under the Alcoholic Beverage Code, Bourdeaux, D. . HB 257 (P)

**ALTERNATIVE DISPUTE RESOLUTION**

Extension of Sunset Dates on Office of Court Administrator  
and Alternative Dispute Resolution, Way, G. . . . . HB 47 (P)

**AMENDMENTS – CONSTITUTION**

Publication Notice of Constitutional Amendments, Arent, P. . . . . HB 86 (P)

**ANTIDISCRIMINATION**

Admission Policies for Higher Education, Dayton, M. . . . . HB 343 (F)

Age Discrimination in Employment, Mayne, E. . . . . SB 56 (F)

Resolution Calling for Support of the Principles of the

Alliance for Unity, Bigelow, R. . . . . HJR 5 (P)

Resolution Urging an End to the Persecution of

Falun Gong Practitioners, Throckmorton, M. . . . . HJR 6 (F)

**APPROPRIATIONS**

Appropriation for Archery and Nature Park in Tooele, Bennion, C. HB 322 (F)

Appropriation for Long Distance Graduate Program, Evans, B. . . . . SB 73 (F)

Appropriation for Nature Center in Ogden, Adair, G. . . . . HB 277 (F)

Appropriation for School Districts Impacted by

Fee Waivers, Shurtliff, L. . . . . HB 271 (F)

Appropriation for Sexual Violence Victim

Assistance Programs, Spencer, T. . . . . SB 5 (F)

Appropriation for Teacher Mentoring Programs, Moss, C. . . . . HB 328 (F)

Appropriation to Department of Community and

Economic Development, Holdaway, K. . . . . HB 353 (F)

- Appropriations Act, Blackham, L. . . . . SB 1 (P)
- Funding a Community Legal Center, Hillyard, L. . . . . SB 44 (F)
- Funding for Highways, Hickman, J. . . . . SB 2 (P)
- Rural Schools – Equity in Education, Johnson, B. . . . . HB 253 (P)
- Supplemental Appropriations Act, Alexander, J. . . . . HB 1 (P)
- Supplemental Appropriations II, Alexander, J. . . . . HB 3 (P)
- Tuition Assistance Appropriation for
  - National Guard, Knudson, P. . . . . SB 40 (F)

**ARTS**

- Resolution Recognizing Utah Shakespearean Festival
  - Distinguished Service Award, Bowman, D. . . . . HCR 10 (P)

**ATTORNEYS**

- Amendments to Guardian Ad Litem Statutes, Throckmorton, M. . . HB 300 (P)
- Attorney General Amendments, Wright, B. . . . . SB 63 (F)
- Power of Attorney for Trust, Newbold, M. . . . . HB 292 (F)

**AUTOMATED GEOGRAPHIC REFERENCE CENTER**

- Reporting of Data to the Automated Geographic
  - Reference Center, Pace, L. . . . . HB 131 (P)

**BONDS**

- 2002 General Obligation Bond and Capital
  - Facilities Authorizations, Adair, G. . . . . HB 2 (P)
- 2002 Special Highway General Obligation Bonds, Harper, W. . . . HB 296 (P)
- Bonding Authority for Irrigation Districts, Gladwell, D. . . . . SB 20 (P)
- General Obligation Bonds for Engineering Buildings, Adair, G. . . HB 252 (P)
- Local Government Variable Rate Bonding Authority, Buttars, D. C. SB 116 (P)
- Special 2002 Highway General Obligation Bonds, Eastman, D. . . . SB 190 (F)

**BUDGETING**

- Debt Service and Rainy Day Fund Amendments, Hellewell, P. . . . SB 154 (P)
- Fiscal Accountability Standards, Litvack, D. . . . . HB 147 (F)
- Governor and Legislatures Power to Cut
  - State Budget, Holdaway, K. . . . . HB 109 (F)
- Restriction of Funding on State Entity whose Policy, Rule,
  - or Action is Contrary to Law, Waddoups, M. . . . . SB 147 (F)

**BUILDING CODES**

- Amendments to Utah Uniform Building
  - Standards Act, Hellewell, P. . . . . SB 55 (P)

Impact Fees Act Amendments, Way, G. . . . . HB 184 (P)

## BUSINESS

Alcoholic Beverage Service – Warning Required, Walker, C. . . . . SB 13 (P)

Amendments to Construction Contracts Regarding

Unreasonable Delays, Jenkins, S. . . . . SB 78 (F)

Amendments to Utah Uniform Building Standards Act, Hellewell, P. SB 55 (P)

Assessment on Title Insurers and Title Insurance Agencies,

Hatch, T. . . . . HB 276 (P)

Business Entity Amendments, Valentine, J. . . . . SB 146 (P)

Cigarette Marketing Agreement Prohibitions, Hogue, D. . . . . HB 354 (F)

Cigarette Tax Stamp and Contraband Amendments, Allen, D. E. . . . . SB 7 (P)

Construction Services Commission, Clark, S. . . . . HB 205 (P)

Consumer Protection Amendments, Bradshaw, A. . . . . HB 64 (P)

Consumer Protection Amendments – Rental Motor

Vehicles, Biskupski, J. . . . . HB 108 (F)

Direct-entry Midwife Licensing Act, Hellewell, P. . . . . SB 53 (F)

Financial Institution Amendments, Gowans, J. . . . . HB 349 (F)

Financial Institutions Technical Amendments, Hickman, J. . . . . SB 184 (F)

Funding Formula for Alcohol Related Activities of

Local Governments, Waddoups, M. . . . . SB 30 (P)

Funding of the Controlled Substances Database, Valentine, J. . . . . SB 86 (P)

Insurance Law Amendments, Poulton, L. S. . . . . SB 122 (P)

Land Surveyor Amendments, Davis, G. . . . . SB 79 (F)

Licensing of Genetic Counselors Technical

Amendments, Julander, P. . . . . SB 109 (P)

Mechanics’ Lien Amendments, Garn, K. . . . . HB 234 (P)

Mobile Home Park Residency Act Amendments, Harper, W. . . . . HB 263 (P)

Mobile Home Park Residency Technical Revisions, Eastman, D. . . . . SB 115 (P)

Mortgage Lending Disclosures, Ray, P. . . . . HB 191 (F)

Mortgage Practices Act Revisions, Adair, G. . . . . HB 23 (P)

Motor Vehicle Insurance Coverage –

Arbitration Requirements, Waddoups, M. . . . . SB 120 (P)

New Automobile Franchise Act Amendments, Eastman, D. . . . . SB 42 (P)

Nonprofit Insurers, Bradshaw, A. . . . . HB 148 (F)

Obligations Related to Mortgage Loan Reserve

Accounts, Swallow, J. . . . . HB 291 (P)

Optional County Affordable Housing Funds Act, Hale, K. . . . . SB 126 (F)

Personal Information Protection, Aagard, D. . . . . HB 141 (F)

Pete Suazo Professional Athletic Commission

Amendments, Mayne, E. . . . . SB 108 (P)

## Professional Employer Organization Licensing

- Act Amendments, Curtis, G. . . . . HB 279 (P)  
 Proof of Age Under the Alcoholic Beverage Code, Bourdeaux, D. . HB 257 (P)  
 Real Estate Valuation Tax Appeal, Bramble, C. . . . . SB 84 (F)  
 Reconveyance of Trust Deed or Release of Mortgage, Hatch, T. . . . HB 202 (P)  
 Registration and Protection of Trademarks and  
 Service Marks, Hillyard, L. . . . . SB 150 (P)  
 Resolution Promoting Financial Literacy for  
 Utah Students, Hogue, D. . . . . HJR 15 (P)  
 Resolution Supporting America's Domestic  
 Steel Industry, Mayne, E. . . . . SJR 11 (P)  
 Resolution Supporting Businesses, Curtis, G. . . . . HCR 2 (P)  
 Restrictions on Telephone Solicitation, Morgan, K. . . . . HB 260 (F)  
 Termination of Joint Tenancy in Real Property, Hillyard, L. . . . . SB 103 (P)  
 Timely Payments of Insurance Claims, Valentine, J. . . . . SB 124 (P)  
 Treatment of Dishonored Checks, Bennion, C. . . . . HB 307 (P)  
 Trust Deeds Amendments, Clark, D. . . . . HB 44 (P)  
 Truth in Advertising Amendments, Daniels, S. . . . . HB 90 (F)  
 Unauthorized Electronic Transactions, Tyler, A. L. . . . . HB 134 (F)  
 Utah Construction Contracts Prompt Payment Act, Waddoups, M. . . SB 19 (F)  
 Utah Consumer Credit Reporting Act, Davis, G. . . . . SB 60 (F)  
 Utah Revised Nonprofit Corporation Act Amendments, Hillyard, L. SB 176 (P)

**BUSINESS DEVELOPMENT**

## Appropriation to Department of Community and

- Economic Development, Holdaway, K. . . . . HB 353 (F)  
 Limited Purpose Local Government Agencies  
 Amendments, Peterson, D. . . . . HB 137 (P)

**CAPITOL BUILDING**

- Legislative Area of State Capitol, Stephens, M. . . . . HB 62 (P)  
 Memorial Plaque of George E. Wahlen in the Capitol, Adair, G. . . HB 178 (F)  
 State Capitol Preservation Board – Chair, Adair, G. . . . . HB 311 (P)

**CEMETERIES**

- Cemetery Maintenance District Amendments, Anderson, E. . . . . HB 75 (P)

**CHARITIES**

- Charitable Solicitations Act Amendments, Hellewell, P. . . . . SB 175 (F)  
 Special License Plate, Bowman, D. . . . . HB 326 (F)

**CHILD CARE**

- Child Care Amendments, Siddoway, R. . . . . HB 36 (F)  
 Criminal Background Checks for Licensed Providers of  
 Human Services, Blackham, L. . . . . SB 101 (P)

**CHILD RESTRAINTS**

- Child Restraint Violations, Moss, C. . . . . HB 29 (P)

**CHILD SUPPORT**

- Child Support Guidelines, Fife, F. . . . . HB 355 (F)  
 Child Support Modifications, Hutchings, E. . . . . HB 332 (F)  
 Child Support Reductions, Swallow, J. . . . . HB 282 (F)  
 Divorce and Parent–time Revisions, Bennion, C. . . . . HB 196 (P)  
 Office of Recovery Services Amendments, Allen, D. E. . . . . SB 25 (P)

**CHILDREN**

- Child Placement Determinations, Eastman, D. . . . . SB 110 (P)  
 Child Welfare Enhanced Training, Litvack, D. . . . . HB 298 (F)  
 Child Welfare Parental Defense Act, Throckmorton, M. . . . . HB 304 (F)  
 DCFS Management Information System Amendments, Buttars, D. C. SB 17 (P)  
 Divorce – Children’s Testimony Limited, Spencer, T. . . . . SB 106 (P)  
 Divorce and Parent–time Revisions, Bennion, C. . . . . HB 196 (P)  
 Domestic Violence in Presence of Child Amendments, Steele, D. . . SB 76 (P)  
 Endangerment of Child or Elder Person with  
 Controlled Substance or Precursor, Beck, T. . . . . HB 125 (P)  
 Jury Trial for Termination of Parental Rights Cases, Wright, B. . . . SB 177 (F)  
 Parent Visitation Office, Allen, D. E. . . . . SB 168 (F)  
 Parent–time Amendments, Ferrin, J. . . . . HB 37 (F)  
 Resolution Urging Federal Constitutional Amendment to  
 Protect the Life of the Unborn, Way, G. . . . . HJR 10 (F)  
 Visitation Rights of Grandparents, Spencer, T. . . . . SB 87 (P)

**CLEAN FUELS**

- Resolution Encouraging Research and Development Grants  
 for Clean Coal Alternatives, Dmitrich, M. . . . . SJR 1 (P)  
 Utah Fire Prevention and Safety Act Amendments, Beshear, C. . . . HB 315 (F)

**CODE OF CRIMINAL PROCEDURE**

- Affidavit of Impecuniosity Amendments, Swallow, J. . . . . HB 290 (P)

Amendments to Guilty and Mentally Ill, Gladwell, D. . . . .	SB 27 (P)
Arrest Authority of Peace Officers, Donnelson, G. . . . .	HB 188 (F)
Competency to Stand Trial Amendments, Daniels, S. . . . .	HB 288 (F)
Criminal Action – Defense to Civil Action for Damages, Hellewell, P. . . . .	SB 74 (P)
Criminal Background Checks for Licensed Providers of Human Services, Blackham, L. . . . .	SB 101 (P)
Criminal Restitution Amendments, Allen, S. . . . .	HB 190 (P)
DNA Evidence – Removing Statute of Limitations, Hillyard, L. . .	SB 139 (F)
Forensic Mental Health Coordinating Council, Hale, K. . . . .	SB 97 (P)
Peace Officer Arrest Quotas, Bennion, C. . . . .	HB 194 (F)
Rights of a Defendant in a Criminal Trial, Donnelson, G. . . . .	HB 170 (F)
Spouse Abuse Amendments, Adair, G. . . . .	HB 237 (P)

### COMMERCE AND TRADE

Amendments to Construction Contracts Regarding Unreasonable Delays, Jenkins, S. . . . .	SB 78 (F)
Charitable Solicitations Act Amendments, Hellewell, P. . . . .	SB 175 (F)
Consumer Protection Amendments, Bradshaw, A. . . . .	HB 64 (P)
New Automobile Franchise Act Amendments, Eastman, D. . . . .	SB 42 (P)
No Telephone Solicitation List, Allen, D. E. . . . .	SB 67 (F)
Personal Information Protection, Aagard, D. . . . .	HB 141 (F)
Pete Suazo Professional Athletic Commission Amendments, Mayne, E. . . . .	SB 108 (P)
Restrictions on Telephone Solicitation, Morgan, K. . . . .	HB 260 (F)
Truth in Advertising Amendments, Daniels, S. . . . .	HB 90 (F)
Utah Construction Contracts Prompt Payment Act, Waddoups, M. . .	SB 19 (F)
Utah Consumer Credit Reporting Act, Davis, G. . . . .	SB 60 (F)

### COMMITTEES, LEGISLATIVE

House Rules Amendments Resolution, Hatch, T. . . . .	HR 3 (P)
House Rules Resolution – Rules Committee Power, Bennion, C. . . .	HR 4 (F)
Interim Committee Membership, Stephens, M. . . . .	HB 199 (P)
Joint and Interim Rules Revisions Resolution, Waddoups, M. . . . .	SJR 9 (P)
Joint Rules Resolution – Appropriations Subcommittee Names, Hendrickson, N. . . . .	HJR 7 (P)
Joint Rules Resolution – Legislative Review Notes on Bills, Ure, D. . .	HJR 16 (F)
Legislative Committee Names Revisions, Knudson, P. . . . .	SB 38 (P)
Reports to Health and Human Services, Spencer, T. . . . .	SB 4 (F)
Resolution Changing House Committee Names, Hutchings, E. . . . .	HR 1 (P)
Resolution Changing Senate Committee Names, Knudson, P. . . . .	SR 1 (P)

- Rules Resolution – Committee Notes on Bills, Bigelow, R. . . . . HJR 2 (P)  
 Senate Rules Amendments Resolution, Waddoups, M. . . . . SR 2 (P)

### COMMUNITY DEVELOPMENT

- Funding a Community Legal Center, Hillyard, L. . . . . SB 44 (F)  
 Oil and Gas Severance Tax – Board, Restricted Account,  
 and Use of Revenues, Seitz, J. . . . . HB 152 (P)  
 Resolution Calling for Support of the Principles of the  
 Alliance for Unity, Bigelow, R. . . . . HJR 5 (P)  
 Utah Housing Corporation Amendments, Bigelow, R. . . . . HB 255 (P)

### CONSTITUTION

- Creation of Redistricting Commission Resolution, Morgan, K. . . . . HJR 3 (F)  
 Joint Resolution – Debt Limits for Political  
 Subdivisions, Harper, W. . . . . HJR 14 (P)  
 Resolution Amending Revenue and Taxation Provisions  
 of Utah Constitution, Valentine, J. . . . . SJR 10 (P)  
 Resolution Authorizing the Calling of Special Sessions  
 by the Legislature, Hickman, J. . . . . SJR 5 (F)  
 Resolution on Special Sessions of the Legislature, Bennion, C. . . . HJR 13 (F)  
 Resolution Requiring Public Notice Prior to  
 Special Sessions, Urquhart, S. . . . . HJR 11 (P)  
 Resolution to Expand the Government Property  
 Tax Exemption, Clark, D. . . . . HJR 30 (P)

### CONSTRUCTION INDUSTRIES

- Amendments to Construction Contracts Regarding  
 Unreasonable Delays, Jenkins, S. . . . . SB 78 (F)  
 Amendments to Utah Uniform Building Standards Act, Hellewell, P. SB 55 (P)  
 Bid Requirements on County or Municipal  
 Construction Projects, Stephenson, H. . . . . SB 102 (F)  
 Construction Services Commission, Clark, S. . . . . HB 205 (P)  
 Natural Gas Technician Certification, Snow, G. . . . . HB 133 (P)  
 Resolution Approving Landfill for Construction and  
 Demolition Debris, Hatch, T. . . . . HCR 7 (P)  
 Utah Construction Contracts Prompt Payment Act, Waddoups, M. . . SB 19 (F)

### CONSUMER PROTECTION

- Consumer Protection Amendments, Bradshaw, A. . . . . HB 64 (P)  
 Consumer Protection Amendments –  
 Rental Motor Vehicles, Biskupski, J. . . . . HB 108 (F)

Personal Information Protection, Aagard, D. . . . .	HB 141 (F)
Restrictions on Sexually Explicit Email, Winn, B. . . . .	HB 143 (P)
State Responsibility for Regulation of Postsecondary Proprietary Schools, Bradshaw, A. . . . .	HB 111 (P)
Unsolicited Commercial Email, Arent, P. . . . .	HB 80 (P)
Utah Consumer Credit Reporting Act, Davis, G. . . . .	SB 60 (F)
Venue for Consumer Transactions, Valentine, J. . . . .	SB 123 (P)

### **CONTRACTS**

Personal Information Protection, Aagard, D. . . . .	HB 141 (F)
Venue for Consumer Transactions, Valentine, J. . . . .	SB 123 (P)

### **CONTROLLED SUBSTANCES**

Control of Precursor Chemicals, Tyler, A. L. . . . .	HB 220 (F)
Controlled Substances Act Amendments, Anderson, E. . . . .	HB 128 (P)
Endangerment of Child or Elder Person with Controlle Substance or Precursor, Beck, T. . . . .	HB 125 (P)
Expungement of Driving Under the Influence Convictions, Tyler, A. L. . . . .	HB 303 (P)
Funding of the Controlled Substances Database, Valentine, J. . . . .	SB 86 (P)
Insurance Coverage of Contraceptives, Poulton, L. S. . . . .	SB 112 (F)
Medical Recommendations for Children, Bryson, K. . . . .	HB 123 (P)
Multiple Driving Under the Influence Offenses, Tyler, A. L. . . . .	HB 17 (P)
Pharmaceutical Access and Drug Policy Advisory Subcommittee, Hogue, D. . . . .	HB 106 (F)
Pharmacist Licensing Amendments, Knudson, P. . . . .	SB 100 (P)
Standards for Illegal Drug Lab Decontamination, Tyler, A. L. . . . .	HB 153 (F)
Women's Health Care Parity, Julander, P. . . . .	SB 54 (F)

### **CORPORATE TAX**

Corporate Franchise and Income Taxes – Treatment of Certain Cooperatives, Valentine, J. . . . .	SB 57 (P)
Historic Building Rehabilitation Tax Credits, Bennion, C. . . . .	HB 285 (F)
Tax Credits – Removal of Tax Credit from Tax Form and Prohibition on Claiming or Carrying Forward Tax Credit, Bramble, C. . . . .	SB 28 (P)
Tax Credits for Donated Textbooks, Thompson, M. . . . .	HB 302 (F)
Tax Credits for Manufacturing Capital Investments, Hansen, N. . . . .	HB 149 (F)
Tuition Tax Credits, Buttars, D. C. . . . .	SB 69 (F)

### **CORPORATIONS**

Business Entity Amendments, Valentine, J. . . . .	SB 146 (P)
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Registration and Protection of Trademarks and Service Marks, Hillyard, L. . . . .	SB 150 (P)
Utah Revised Nonprofit Corporation Act Amendments, Hillyard, L. . . . .	SB 176 (P)

## COUNTIES

Access to Fluoridated Water, Hogue, D. . . . .	HB 43 (P)
Adjustments of County Boundaries, Walker, C. . . . .	SB 80 (P)
Agricultural Protection Act Amendments, Blackham, L. . . . .	SB 94 (P)
Annexations in Counties of the First Class, Poulton, L. S. . . . .	SB 201 (F)
Basic Human Needs Referendum Act, Dmitrich, M. . . . .	SB 198 (F)
Bid Requirements on County or Municipal Construction Projects, Stephenson, H. . . . .	SB 102 (F)
County and Municipal Campaign Finance Amendments, Beck, T. . . . .	HB 334 (P)
County Ballot Questions, Butters, C. . . . .	HB 127 (P)
County Health Departments – Operational Structure, Garn, K. . . . .	HB 241 (P)
County Law Revisions, Gladwell, D. . . . .	SB 65 (P)
County Personnel Management Act Amendments, Evans, B. . . . .	SB 82 (P)
Firemen’s Civil Service Council Amendments, Philpot, J. M. . . . .	HB 254 (P)
Fluoridation of Public Water Systems in an Emergency, Tyler, A. L. . . . .	HB 42 (P)
Impounded Livestock – Sale by County, Hatch, T. . . . .	HB 83 (P)
Joint Resolution on Changes to County Boundaries, Walker, C. . . . .	SJR 4 (P)
Justice Court Judges, Evans, B. . . . .	SB 148 (F)
License Plate Requirements, King, B. . . . .	HB 31 (P)
Local Government Officials Amendments, Thompson, M. . . . .	HB 116 (F)
Obscenity and Pornography Complaints Ombudsman Duties, Harper, W. . . . .	HB 107 (P)
Optional County Affordable Housing Funds Act, Hale, K. . . . .	SB 126 (F)
Outdoor Advertising Sign Proximity to Utility Lines, Spencer, T. . . . .	SB 145 (P)
Payment for Bailiff and Other Services in Courts of Record, Seitz, J. . . . .	HB 69 (F)
Planetarium Board Amendments, Newbold, M. . . . .	HB 280 (F)
Planetarium Board of Directors Amendments, Davis, G. . . . .	SB 129 (P)
Prohibiting Residential Lots from Crossing County Lines, Hogue, D. . . . .	HB 20 (F)
Protection of Unincorporated Areas in Counties of the First Class, Tyler, A. L. . . . .	HB 324 (F)
Reporting of Data to the Automated Geographic Reference Center, Pace, L. . . . .	HB 131 (P)
Resolution Providing for Changing County Lines, Peterson, M. . . . .	SJR 3 (F)
Subdivision of Agricultural Land, Parker, B. . . . .	HB 68 (F)
Technical Corrections to County Code, Cox, D. . . . .	HB 26 (P)
Transfer of Development Rights, Parker, B. . . . .	HB 216 (F)

- Unincorporated County Amendments, Allen, R. . . . . SB 95 (P)
- Use of County General Fund Expenses, Hutchings, E. . . . . HB 330 (P)
- Voter Residence Where Lot Is Divided by
  - County Boundary Line, Walker, C. . . . . SB 35 (P)
- Workforce Services Amendments, Evans, B. . . . . SB 23 (P)

**COUNTY GOVERNMENT**

- Planetarium Board Amendments, Newbold, M. . . . . HB 280 (F)

**COURT PROCEDURE**

- Attempted Murder Amendments, Gladwell, D. . . . . SB 22 (P)
- Capital Felony Sentencing Procedures, Snow, G. . . . . HB 73 (P)
- Consecutive Sentencing, McCartney, T. . . . . HB 99 (P)

**COURTS**

- Amendments to Guilty and Mentally Ill, Gladwell, D. . . . . SB 27 (P)
- Competency to Stand Trial Amendments, Daniels, S. . . . . HB 288 (F)
- Court Ordered Counseling, Thompson, M. . . . . HB 265 (F)
- Court Records of Driving Under the Influence Cases, Tyler, A. L. . . HB 18 (P)
- Criminal Action – Defense to Civil Action
  - for Damages, Hellewell, P. . . . . SB 74 (P)
- Expungement of Driving Under the Influence
  - Convictions, Tyler, A. L. . . . . HB 303 (P)
- Expungement of Juvenile Records, Daniels, S. . . . . HB 35 (P)
- Extension of Sunset Dates on Office of Court
  - Administrator and Alternative Dispute Resolution, Way, G. . . . . HB 47 (P)
- Judicial Conduct Commission Amendments, Bryson, K. . . . . HB 136 (P)
- Justice Court Judges, Evans, B. . . . . SB 148 (F)
- Payment for Bailiff and Other Services in Courts of Record, Seitz, J. HB 69 (F)
- Punitive Damage Awards, Hillyard, L. . . . . SB 141 (P)
- Reallocation of Judges, Hickman, J. . . . . SB 140 (P)
- Resolution Closing Court Facility, Bennion, C. . . . . HJR 17 (P)
- Rights of a Defendant in a Criminal Trial, Donnelson, G. . . . . HB 170 (F)
- Statutory Revisions for State Funding Adjustments, Blackham, L. . . SB 200 (P)
- Storage of Firearms on Facilities with Secure Areas, Swallow, J. . . . HB 82 (P)
- Structured Settlement Agreements, Hillyard, L. . . . . SB 163 (P)
- Traffic Offense Adjudication, Knudson, P. . . . . SB 16 (F)

**CREDIT**

- Utah Consumer Credit Reporting Act, Davis, G. . . . . SB 60 (F)

## CRIMINAL CODE

- Agricultural Protection Act Amendments, Blackham, L. . . . . SB 94 (P)
- Antiterrorism Amendments, Ray, P. . . . . HB 283 (P)
- Attempted Murder Amendments, Gladwell, D. . . . . SB 22 (P)
- Blood and Breath Alcohol Testing, Ray, P. . . . . HB 16 (P)
- Capital Felony Sentencing Procedures, Snow, G. . . . . HB 73 (P)
- Cigarette Marketing Agreement Prohibitions, Hogue, D. . . . . HB 354 (F)
- Consecutive Sentencing, McCartney, T. . . . . HB 99 (P)
- Consumer Protection Amendments, Bradshaw, A. . . . . HB 64 (P)
- Costs Assessed for Wrongfully Enjoining a
  - State Project, Spencer, T. . . . . SB 183 (P)
- Criminal Code Amendments, Suazo, A. . . . . SB 64 (F)
- Criminal Code Definition Amendment, Adair, G. . . . . HB 100 (P)
- Criminal History Background Information, Bourdeaux, D. . . . . HB 102 (F)
- Criminal Sentencing – Mitigation Amendments, Hogue, D. . . . . HB 77 (P)
- Damage Caused by Stray Livestock, Clark, S. . . . . HB 163 (F)
- DNA Evidence – Removing Statute of Limitations, Hillyard, L. . . SB 139 (F)
- Domestic Violence in Presence of Child Amendments, Steele, D. . . SB 76 (P)
- Electronic Monitoring of Probationers
  - Criminal Interference, Bryson, K. . . . . HB 227 (F)
- Endangerment of Child or Elder Person with Controlled
  - Substance or Precursor, Beck, T. . . . . HB 125 (P)
- Firearm Fee Amendments, Philpot, J. M. . . . . HB 219 (F)
- Giving False Information to Police Officer, Morgan, K. . . . . HB 224 (P)
- Gun Show Background Check, Daniels, S. . . . . HB 78 (F)
- Hate Crimes Amendments, Litvack, D. . . . . HB 151 (F)
- Indecent Public Display Amendments, Wallace, P. . . . . HB 236 (P)
- Law Enforcement Revolving Account, Knudson, P. . . . . SB 191 (P)
- Pawnbroker Industry Revisions, Waddoups, M. . . . . SB 165 (F)
- Penalty for Misuse of Lawful Substances, Hogue, D. . . . . HB 72 (P)
- Prisoner Escape Amendment, Morgan, K. . . . . HB 45 (P)
- Prohibiting Intimacy with Youth Receiving
  - State Services, Julander, P. . . . . SB 11 (P)
- Protecting the Unborn Child, Poulton, L. S. . . . . SB 178 (P)
- Protection of Sports Officials from Violent Abuse, Hogue, D. . . . HB 195 (F)
- Punitive Damage Awards, Hillyard, L. . . . . SB 141 (P)
- Repeal of Weapons Law, Daniels, S. . . . . HB 211 (F)
- Resolution Opposing Increased Violence in Sports
  - Against Sports Officials, Hogue, D. . . . . HJR 22 (P)
- Statute of Limitations Amendments, Bryson, K. . . . . HB 39 (P)
- Underage Possession of Tobacco Amendments, Saunders, C. . . . . HB 55 (P)

Use of Force, Including Deadly Force, in Defense  
of Property, Thompson, M. . . . . HB 336 (P)

**CRIMINAL IDENTIFICATION**

Firearm Criminal Background Check Amendments, Philpot, J. M. . HB 183 (F)  
Firearm Fee Amendments, Philpot, J. M. . . . . HB 219 (F)

**DEATH**

Birth Certificate for Stillborn Child, Allen, R. . . . . SB 45 (P)  
Criminal Sentencing – Mitigation Amendments, Hogue, D. . . . . HB 77 (P)  
Protecting the Unborn Child, Poulton, L. S. . . . . SB 178 (P)  
Use of Force, Including Deadly Force, in  
Defense of Property, Thompson, M. . . . . HB 336 (P)  
Workers’ Compensation – Death Benefit, Clark, D. . . . . HB 229 (F)

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

Child Welfare Parental Defense Act, Throckmorton, M. . . . . HB 304 (F)  
State Fleet Operations Amendments, Adair, G. . . . . HB 323 (F)  
Wildlife Remediation on Private Property, Styler, M. . . . . HB 164 (P)

**DEPARTMENT OF AGRICULTURE AND FOOD**

Insect Control on Federal Lands, Urquhart, S. . . . . HB 113 (P)

**DEPARTMENT OF COMMUNITY AND ECONOMIC**

Appropriation to Department of Community and  
Economic Development, Holdaway, K. . . . . HB 353 (F)

**DEPARTMENT OF CORRECTIONS**

Jail Reimbursement Amendments, Curtis, G. . . . . HB 319 (P)

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

Environmental Self-evaluation Act Amendments, Wright, B. . . . . SB 88 (P)  
Pawnbroker Industry Revisions, Waddoups, M. . . . . SB 165 (F)  
Resolution Approving Landfill for Construction  
and Demolition Debris, Hatch, T. . . . . HCR 7 (P)  
Solid and Hazardous Waste, Ure, D. . . . . HB 293 (F)  
Uranium Mill Tailings Oversight, Wright, B. . . . . SB 96 (P)  
Waste Amendments, Walker, C. . . . . SB 196 (F)

**DEPARTMENT OF HEALTH**

Department of Health Collection of Information, Hogue, D. . . . . HB 215 (F)

- Health Care Access Reform, Buttars, D. C. . . . . SB 58 (F)
- Health Care Workforce Loan Repayment Assistance, Knudson, P. . . SB 113 (P)
- Health Insurance Benefit Design, Lockhart, R. . . . . HB 122 (P)
- Pharmaceutical Access and Drug Policy
  - Advisory Subcommittee, Hogue, D. . . . . HB 106 (F)
- Public Health Authority Amendments, Allen, S. . . . . HB 231 (P)
- Resolution Encouraging Cultural Competency in
  - the Delivery of Health Care, Buffmire, J. . . . . HJR 4 (P)
- Restructuring Medicaid Spend down, Beck, T. . . . . HB 117 (F)
- Tobacco Settlement Restricted Account, Steele, D. . . . . SB 135 (P)

**DEPARTMENT OF HUMAN RESOURCE MANAGEMENT**

- Department of Human Resource Management –
  - Report of Funded Vacant Positions, Blackham, L. . . . . SB 162 (P)
  - Leave of Absence for Disabled Employees, Bennion, C. . . . . HB 176 (P)
  - Personnel Management Act Revision, Peterson, D. . . . . HB 267 (F)
  - Repeal of Human Resource Advisory Committee, Bowman, D. . . . HB 13 (P)

**DEPARTMENT OF HUMAN SERVICES**

- Environmental Compliance for Minerals Regulatory
  - Program, Knudson, P. . . . . SB 159 (P)
- Prohibiting Intimacy with Youth Receiving
  - State Services, Julander, P. . . . . SB 11 (P)
- Wildlife Remediation on Private Property, Styler, M. . . . . HB 164 (P)

**DEPARTMENT OF NATURAL RESOURCES**

- Bear River Development Projects, Waddoups, M. . . . . SB 92 (P)
- Bow Hunter Safety, Hansen, N. . . . . HB 294 (F)
- Coal Mining and Reclamation Amendments, Dmitrich, M. . . . . SB 72 (P)
- Division and Board of Water Resources
  - Name Change, Buffmire, J. . . . . HB 120 (F)
- Division of Water Rights Funding and Notification
  - Amendments, Styler, M. . . . . HB 340 (P)
- Hunting License Fee Refund, Styler, M. . . . . HB 223 (P)
- Utah Energy Office Amendments, Urquhart, S. . . . . HB 145 (P)
- Water Commissioner Assessment Amendments, Ure, D. . . . . HB 269 (P)
- Wildlife Resources and Wildlife Board Amendments, Gladwell, D. SB 134 (F)
- Youth Fishing License Amendments, Fife, F. . . . . HB 81 (P)

**DEPARTMENT OF PUBLIC SAFETY**

- Criminal History Background Information, Bourdeaux, D. . . . . HB 102 (F)

Public Safety Bureau Name Change, Bowman, D. . . . . HB 6 (P)  
 Public Safety Communications Network, Ure, D. . . . . HB 142 (F)  
 Racial Profiling, Bourdeaux, D. . . . . HB 101 (P)  
 Vehicle History Information, Eastman, D. . . . . SB 151 (F)

### **DEPARTMENT OF TRANSPORTATION**

Manual on Uniform Traffic Control Devices  
     for Streets, Holdaway, K. . . . . HB 198 (P)  
 Over Weight Vehicle Amendments, Hatch, T. . . . . HB 218 (P)

### **DEPARTMENT OF WORKFORCE SERVICES**

Workforce Services Amendments, Evans, B. . . . . SB 23 (P)

### **DISABILITIES**

Division of Services for People with Disabilities, Lockhart, R. . . . . HB 339 (P)  
 Driver License Reporting, Peterson, M. . . . . SB 14 (F)  
 Education of Persons with a Disability, Mayne, E. . . . . SB 81 (P)  
 Election Law Amendments – Disabled Voters, Siddoway, R. . . . . HB 284 (P)  
 Mobility Assistance Fund, Hutchings, E. . . . . HB 310 (P)  
 Reauthorization of Individual Income Tax Credit –  
     Tutoring Disabled Dependents, Buffimire, J. . . . . HB 185 (P)

### **DISEASES**

Department of Health Collection of Information, Hogue, D. . . . . HB 215 (F)

### **DIVISION OF CHILD AND FAMILY SERVICES**

Child Welfare Enhanced Training, Litvack, D. . . . . HB 298 (F)  
 DCFS Management Information System  
     Amendments, Buttars, D. C. . . . . SB 17 (P)  
 Division of Child and Family Services Treatment  
     Plans and Reunification Services, Lockhart, R. . . . . HB 286 (F)  
 Jury Trial for Termination of Parental Rights Cases, Wright, B. . . . . SB 177 (F)  
 Medical Recommendations for Children, Bryson, K. . . . . HB 123 (P)  
 Office of Recovery Services Amendments, Allen, D. E. . . . . SB 25 (P)  
 Release of Custodial or Noncustodial Parent’s Address, Allen, D. E. . . . . SB 24 (P)  
 Responsibility of Attorney General to Represent Division  
     of Child and Family Services, Throckmorton, M. . . . . HB 204 (P)  
 Taking Minor into Protective Custody Without Warrant, Hatch, T. . . . . HB 295 (P)  
 Termination of Parental Rights Amendments, Throckmorton, M. . . . . HB 226 (P)

### **DOMESTIC VIOLENCE**

Domestic Violence in Presence of Child Amendments, Steele, D. . . . . SB 76 (P)

Spouse Abuse Amendments, Adair, G. . . . . HB 237 (P)

**DRIVER LICENSE**

Application for Driver License Amendments, Wright, B. . . . . SB 133 (F)  
 Driver License Fraud Amendments, Holdaway, K. . . . . HB 187 (P)  
 Driver License Reporting, Peterson, M. . . . . SB 14 (F)  
 Driver License Restrictions, Throckmorton, M. . . . . HB 350 (F)  
 Mobility Assistance Fund, Hutchings, E. . . . . HB 310 (P)  
 Organ Donation Checkoff, Hale, K. . . . . SB 15 (P)  
 Racial Profiling, Bourdeaux, D. . . . . HB 101 (P)

**DRIVING UNDER THE INFLUENCE (DUI)**

Amendments to Driving Under the Influence, Walker, C. . . . . SB 9 (P)  
 Blood and Breath Alcohol Testing, Ray, P. . . . . HB 16 (P)  
 Court Records of Driving Under the Influence Cases, Tyler, A. L. . . HB 18 (P)  
 Expungement of Driving Under the Influence  
     Convictions, Tyler, A. L. . . . . HB 303 (P)  
 Governmental Immunity – Exception for Perjury, Throckmorton, M. HB 318 (F)  
 Governmental Immunity Amendments, Harper, W. . . . . HB 28 (P)  
 Motorboating and Boating Under the Influence Provisions, Pace, L. . HB 4 (P)  
 Multiple Driving Under the Influence Offenses, Tyler, A. L. . . . . HB 17 (P)

**ECONOMIC DEVELOPMENT**

Agricultural Sustainability Task Force, Buttars, C. . . . . HB 299 (F)  
 Appropriation for Nature Center in Ogden, Adair, G. . . . . HB 277 (F)  
 Limited Purpose Local Government Agencies  
     Amendments, Peterson, D. . . . . HB 137 (P)  
 Oil and Gas Severance Tax – Board, Restricted Account,  
     and Use of Revenues, Seitz, J. . . . . HB 152 (P)  
 Resolution Promoting Cooperative Regulatory Environment  
     and Economic Development in Utah, Bennion, C. . . . . HJR 26 (P)  
 Tourism Amendments, Allen, S. . . . . HB 34 (P)  
 Utah Housing Corporation Amendments, Bigelow, R. . . . . HB 255 (P)

**EDUCATION**

Admission Policies for Higher Education, Dayton, M. . . . . HB 343 (F)  
 Adult Lifelong Learning and Literacy Resolution, Steele, D. . . . . SCR 1 (F)  
 Annual Report on State School Fund, Ferrin, J. . . . . HB 177 (P)  
 Annual Reports Given to the Legislature, Dillree, M. . . . . HB 46 (P)  
 Appropriation for Long Distance Graduate Program, Evans, B. . . . . SB 73 (F)

- Appropriation for School Districts Impacted by  
 Fee Waivers, Shurtliff, L. . . . . HB 271 (F)
- Appropriation for Teacher Mentoring Programs, Moss, C. . . . . HB 328 (F)
- Approval of Education Association Leave, Allen, S. . . . . HB 278 (F)
- Authority of the State Board of Education, Cox, D. . . . . HB 338 (F)
- Bid Requirements on County or Municipal  
 Construction Projects, Stephenson, H. . . . . SB 102 (F)
- Charter Schools Amendments, Stephenson, H. . . . . SB 138 (P)
- Child Immunization Amendments, Lockhart, R. . . . . HB 243 (F)
- Classroom Amplification, Hogue, D. . . . . HB 213 (F)
- Core Curriculum Amendments, Gladwell, D. . . . . SB 99 (P)
- Credit Allowed in Teacher Transfer, Thompson, M. . . . . HB 244 (F)
- Education Association Leave, Wright, B. . . . . SB 132 (P)
- Education Budget Reserve Account, Blackham, L. . . . . SB 155 (F)
- Education Curriculum Amendments, Wright, B. . . . . SB 71 (F)
- Education Law Amendments, Bourdeaux, D. . . . . HB 346 (F)
- Education of Persons with a Disability, Mayne, E. . . . . SB 81 (P)
- Exemption from Nonresident Tuition, Ure, D. . . . . HB 144 (P)
- Health Care Workforce Loan Repayment Assistance, Knudson, P. . . . . SB 113 (P)
- Higher Education Budget Authority, Hillyard, L. . . . . SB 142 (P)
- Higher Education Savings Incentive Program  
 Amendments, Bryson, K. . . . . HB 52 (P)
- Higher Education Technology Amendments, Hillyard, L. . . . . SB 181 (P)
- Licenses for Educators, Allen, S. . . . . HB 207 (P)
- Local School Board Employer Powers, Wright, B. . . . . SB 157 (F)
- Mental Health Professional Financial Assistance  
 Grants – Technical Amendments, Buffmire, J. . . . . HB 225 (P)
- Minimum School Program Act Amendments, Stephenson, H. . . . . SB 3 (P)
- New Century Scholarship Program Amendments, Bradshaw, A. . . . . HB 206 (P)
- Nonresident Tuition for Higher Education, Alexander, J. . . . . HB 331 (P)
- Nutritional Food in Schools, Jones, P. . . . . HB 200 (F)
- Parental Involvement in Public Education, Walker, C. . . . . SB 85 (F)
- Process for Creation of New School Districts, Cox, D. . . . . HB 76 (F)
- Public Education – Alternative Language Programs, Bourdeaux, D. . . . . HB 150 (F)
- Public Education Capital Outlay Act Amendments, Cox, D. . . . . HB 240 (F)
- Public Education Vending Contracts, Jones, P. . . . . HB 228 (F)
- Reauthorization of Individual Income Tax Credit –  
 Tutoring Disabled Dependents, Buffmire, J. . . . . HB 185 (P)
- Repeal of Education Mandates and Programs, Stephenson, H. . . . . SB 105 (P)
- Resolution on Adult Lifelong Learning and Literacy, Steele, D. . . . . SR 4 (P)

- Resolution on Investment of State School Fund and  
 Uniform School Fund, Hillyard, L. . . . . SJR 2 (P)
- Resolution Promoting Character and Citizenship  
 Education, Morgan, K. . . . . HJR 23 (F)
- Resolution Promoting Financial Literacy for  
 Utah Students, Hogue, D. . . . . HJR 15 (P)
- Retention of Educator Licenses, Throckmorton, M. . . . . HB 189 (F)
- Revenues from Federal Land Exchange Parcels, Dmitrich, M. . . . . SB 66 (P)
- Rural Schools – Equity in Education, Johnson, B. . . . . HB 253 (P)
- School and School District Size Task Force, Cox, D. . . . . HB 222 (F)
- School Community Councils, Wright, B. . . . . SB 167 (P)
- School Display of Motto of the United States, Siddoway, R. . . . . HB 79 (P)
- School Emergency Response Plans for Sports Injuries, Valentine, J. SB 156 (P)
- School Uniform Amendments, Morgan, K. . . . . HB 5 (P)
- Secure Facilities Amendments, Gladwell, D. . . . . SB 164 (P)
- State Board of Education Budget Authority, Dillree, M. . . . . HB 275 (P)
- State Board of Education Rules and Reports, Dayton, M. . . . . HB 221 (P)
- State Responsibility for Regulation of Postsecondary  
 Proprietary Schools, Bradshaw, A. . . . . HB 111 (P)
- Student Education Plans, Newbold, M. . . . . HB 262 (P)
- Supplemental Adult Teacher, Biskupski, J. . . . . HB 348 (F)
- Supplemental Minimum School Program Act  
 Amendments, Dillree, M. . . . . HB 274 (P)
- Tax Credits for Donated Textbooks, Thompson, M. . . . . HB 302 (F)
- Truancy Amendments, Bourdeaux, D. . . . . HB 209 (F)
- Tuition Tax Credits, Buttars, D. C. . . . . SB 69 (F)
- Utah Education Network Amendments, Hatch, T. . . . . HB 272 (F)

### **ELDERLY**

- Adult Protective Services Amendments, Jones, P. . . . . HB 25 (P)
- Age Discrimination in Employment, Mayne, E. . . . . SB 56 (F)
- Criminal Background Checks for Licensed Providers  
 of Human Services, Blackham, L. . . . . SB 101 (P)
- Driver License Reporting, Peterson, M. . . . . SB 14 (F)
- Endangerment of Child or Elder Person with Controlled  
 Substance or Precursor, Beck, T. . . . . HB 125 (P)
- Mobility Assistance Fund, Hutchings, E. . . . . HB 310 (P)

### **ELECTIONS**

- Certification and Testing of Voting Equipment, Buttars, C. . . . . HB 33 (P)
- County and Municipal Campaign Finance Amendments, Beck, T. . . . . HB 334 (P)

County Ballot Questions, Buttars, C. . . . .	HB 127 (P)
Election Campaign Fund Checkoff Amendments, Buttars, C. . . . .	HB 19 (P)
Election Law Amendments – Disabled Voters, Siddoway, R. . . . .	HB 284 (P)
Election Law Commission, Buffmire, J. . . . .	HB 175 (F)
Election Law Revisions, Donnelson, G. . . . .	HB 306 (F)
Election Process Amendments, Curtis, G. . . . .	HB 351 (P)
Eliminate Straight Party Voting Option, Beck, T. . . . .	HB 71 (F)
Judicial Conduct Commission Amendments, Bryson, K. . . . .	HB 136 (P)
Midterm Vacancies in the Legislature, Becker, R. . . . .	HB 169 (F)
Overseas and Military Voters Amendments, Bush, D. . . . .	HB 32 (P)
Personal Use of Campaign Funds, Hale, K. . . . .	SB 131 (F)
Provisional Ballot, Hickman, J. . . . .	SB 36 (P)
Publication Notice of Constitutional Amendments, Arent, P. . . . .	HB 86 (P)
Technical Changes to Election Law, Pace, L. . . . .	HB 115 (P)
Voter Identification Requirements, Lockhart, R. . . . .	HB 258 (F)
Voter Residence Where Lot Is Divided by County	
Boundary Line, Walker, C. . . . .	SB 35 (P)

### **ELECTRICITY**

Electric Energy Efficiency and Conservation Tariff, Blackham, L. . . . .	SB 152 (P)
Electric Power Facilities Amendments, Blackham, L. . . . .	SB 32 (F)
Interlocal Cooperation Act and Electric Power	
Facilities Amendments, Blackham, L. . . . .	SB 29 (P)
Net Metering of Electricity, Snow, G. . . . .	HB 7 (P)
Renewable Energy Amendments, Gowans, J. . . . .	HB 308 (F)
Sale of Municipal Power Systems, Hickman, J. . . . .	SB 104 (P)

### **ELECTRONIC APPLICATIONS**

Electronic Monitoring of Probationers –	
Criminal Interference, Bryson, K. . . . .	HB 227 (F)

### **ELECTRONIC DATABASES**

Expansion of DNA Database, Way, G. . . . .	HB 154 (P)
Pawnbroker Industry Revisions, Waddoups, M. . . . .	SB 165 (F)
Private Records Amendments, Steele, D. . . . .	SB 34 (P)
Racial Profiling, Bourdeaux, D. . . . .	HB 101 (P)

### **ELECTRONIC INFORMATION**

Electronic Government Services Amendments –	
Agriculture, Siddoway, R. . . . .	HB 21 (P)

- Electronic Government Services Amendments –
  - Transportation, Siddoway, R. . . . . HB 22 (P)
- Reporting of Data to the Automated Geographic
  - Reference Center, Pace, L. . . . . HB 131 (P)
- Restrictions on Sexually Explicit Email, Winn, B. . . . . HB 143 (P)
- Unsolicited Commercial Email, Arent, P. . . . . HB 80 (P)

**EMERGENCY MANAGEMENT**

- Emergency Responder Priority, Holdaway, K. . . . . HB 180 (F)
- Public Safety – Division Name Change, Bowman, D. . . . . HB 40 (P)
- Utah 911 Committee, McCartney, T. . . . . HB 313 (P)

**EMINENT DOMAIN (GOVERNMENT LAND TAKE OVER)**

- Mitigation of Damages in Condemnation Proceedings, Curtis, G. . . HB 233 (P)

**EMISSIONS CONTROL**

- Low–speed Electric Vehicles on Certain Highways, Bush, D. . . . . HB 171 (P)

**EMPLOYEES AND COMPENSATION, LEGISLATURE**

- Amendments to Legislative Salary Process, Newbold, M. . . . . HB 135 (F)
- Joint Resolution – Rejecting Recommended Salary
  - Increase for Legislators, Way, G. . . . . HJR 9 (P)
- Joint Resolution Rejecting Salary Recommendations
  - of Legislative Compensation Commission, King, B. . . . . HJR 12 (F)
- Resolution on Compensation of In–session Employees, Evans, B. . . SJR 7 (P)

**ENERGY**

- Electric Power Facilities Amendments, Blackham, L. . . . . SB 32 (F)
- Interlocal Cooperation Act and Electric Power
  - Facilities Amendments, Blackham, L. . . . . SB 29 (P)
- Renewable Energy Amendments, Gowans, J. . . . . HB 308 (F)
- Resolution Encouraging Research and Development Grants
  - for Clean Coal Alternatives, Dmitrich, M. . . . . SJR 1 (P)
- Sales and Use Taxes – Exemption for Certain Sales
  - of Electricity, Shurtliff, L. . . . . HB 129 (P)
- Utah Energy Office Amendments, Urquhart, S. . . . . HB 145 (P)

**ENVIRONMENT**

- Access to Fluoridated Water, Hogue, D. . . . . HB 43 (P)
- Air Quality Act Amendments, Wright, B. . . . . SB 192 (F)

- Drinking Water Board Loan and Grant Amendments, Wright, B. . . . SB 90 (P)  
 Environmental Self–evaluation Act Amendments, Wright, B. . . . . SB 88 (P)  
 Fluoridation of Public Water Systems in an Emergency, Tyler, A. L. HB 42 (P)  
 Public Water Systems Amendments, Barrus, R. . . . . HB 309 (F)  
 Repeal of Environmental Quality Coordinating  
   Committee, Bigelow, R. . . . . HB 15 (P)  
 Resolution Authorizing Bear River Migratory Bird  
   Refuge Settlement, Ferry, B. . . . . HJR 27 (P)  
 Resolution Encouraging Research and Development  
   Grants for Clean Coal Alternatives, Dmitrich, M. . . . . SJR 1 (P)  
 Resolution Promoting Cooperative Regulatory Environment  
   and Economic Development in Utah, Bennion, C. . . . . HJR 26 (P)  
 Resolution Urging Federal Government Review of Alternatives  
   for Atlas Mill Tailings, Dmitrich, M. . . . . SJR 12 (P)  
 Safe Drinking Water Act – Administrative  
   Procedure Amendments, Wright, B. . . . . SB 89 (P)  
 Safe Drinking Water Act Amendments, Donnelson, G. . . . . HB 158 (F)  
 Smoke–free Workplace Law, Daniels, S. . . . . HB 168 (F)  
 Solid and Hazardous Waste, Ure, D. . . . . HB 293 (F)  
 Standards for Illegal Drug Lab Decontamination, Tyler, A. L. . . . HB 153 (F)  
 Use of Bear River Bird Refuge Settlement Monies, Ferry, B. . . . HB 162 (P)  
 Waste Amendments, Walker, C. . . . . SB 196 (F)

### ETHICS

- Ethics Amendments, Poulton, L. S. . . . . SB 149 (P)  
 Personal Use of Campaign Funds, Hale, K. . . . . SB 131 (F)

### EXECUTIVE BRANCH

- Attorney General Amendments, Wright, B. . . . . SB 63 (F)  
 Governor and Legislatures Power to Cut  
   State Budget, Holdaway, K. . . . . HB 109 (F)  
 Political Fundraising Restrictions on Governor, Hansen, N. . . . . HB 70 (F)  
 Reauthorization of Administrative Rules, Stephenson, H. . . . . SB 170 (P)  
 Resolution on Special Sessions of the Legislature, Bennion, C. . . . HJR 13 (F)  
 Resolution Requiring Public Notice Prior to  
   Special Sessions, Urquhart, S. . . . . HJR 11 (P)

### FAMILY

- Divorce and Parent–time Revisions, Bennion, C. . . . . HB 196 (P)  
 Jury Trial for Termination of Parental Rights Cases, Wright, B. . . . SB 177 (F)  
 Parent–time Amendments, Ferrin, J. . . . . HB 37 (F)

- Social Worker Licensing Act Amendments, Julander, P. . . . . SB 91 (F)  
 Visitation Rights of Grandparents, Spencer, T. . . . . SB 87 (P)

### **FAMILY EMPLOYMENT PROGRAM–CASH ASSISTANCE**

- Employment Support Provisions, Litvack, D. . . . . HB 139 (F)

### **FEDERAL GOVERNMENT**

- Federal Government Acquisition of Real  
 Property in the State, Johnson, B. . . . . HB 208 (P)  
 Resolution Encouraging Congressional Approval  
 of Farm Bill, Butters, C. . . . . HJR 21 (F)  
 Resolution on Yucca Mountain as Nuclear Waste  
 Repository, Davis, G. . . . . SJR 14 (F)  
 Resolution Recognizing Contributions of  
 Congressman James V. Hansen, Dillree, M. . . . . HCR 4 (P)  
 Resolution Urging Federal Government Review  
 of Alternatives for Atlas Mill Tailings, Dmitrich, M. . . . . SJR 12 (P)  
 Resolution Urging Vegetation Management  
 Practices on BLM Ground, Blackham, L. . . . . SCR 2 (P)  
 Taxes or Charges on Telecommunications Service, Bramble, C. . . . . SB 153 (P)

### **FEES**

- Pete Suazo Professional Athletic Commission  
 Amendments, Mayne, E. . . . . SB 108 (P)

### **FINANCIAL INSTITUTIONS**

- Obligations Related to Mortgage Loan  
 Reserve Accounts, Swallow, J. . . . . HB 291 (P)  
 Treatment of Dishonored Checks, Bennion, C. . . . . HB 307 (P)  
 Unauthorized Electronic Transactions, Tyler, A. L. . . . . HB 134 (F)

### **FIRE PROTECTION**

- Fire Prevention and Safety Amendments, Beshear, C. . . . . HB 247 (F)  
 Fire Prevention and Safety Revisions, Beshear, C. . . . . HB 316 (F)  
 Firemen's Civil Service Council Amendments, Philpot, J. M. . . . . HB 254 (P)  
 Utah Fire Prevention and Safety Act Amendments, Beshear, C. . . . . HB 315 (F)  
 Workers' Compensation – Fire Department Employees, Murray, J. . . . . HB 174 (F)  
 Workers' Compensation Benefits for Volunteer  
 Safety Officers, Hansen, N. . . . . HB 192 (P)

### **FISH AND GAME**

- Bow Hunter Safety, Hansen, N. . . . . HB 294 (F)

Highway and Freeway Underpasses for Wildlife, Styler, M. . . . . HB 312 (F)  
 Hunting License Fee Refund, Styler, M. . . . . HB 223 (P)  
 Indian Affairs Related Amendments, Evans, B. . . . . SB 46 (P)  
 Wildlife Remediation on Private Property, Styler, M. . . . . HB 164 (P)  
 Wildlife Resources and Wildlife Board Amendments, Gladwell, D. SB 134 (F)  
 Youth Fishing License Amendments, Fife, F. . . . . HB 81 (P)

### **FOSTER CARE**

Child Placement Determinations, Eastman, D. . . . . SB 110 (P)

### **FRAUD**

Driver License Fraud Amendments, Holdaway, K. . . . . HB 187 (P)  
 Unemployment Insurance Fraud Amendments, McCartney, T. . . . HB 232 (F)

### **GOVERNMENT OPERATIONS (STATE ISSUES)**

#### 2002 General Obligation Bond and Capital

Facilities Authorizations, Adair, G. . . . . HB 2 (P)  
 2002 Special Highway General Obligation Bonds, Harper, W. . . . HB 296 (P)  
 Amendments to Settlement Agreements Requirements, Dayton, M. HB 173 (P)  
 Appropriation for State Fair Park, Suazo, A. . . . . SB 197 (F)  
 Appropriations Act, Blackham, L. . . . . SB 1 (P)  
 Approval Required for Federal Assistance Programs, Bramble, C. . SB 174 (F)  
 Attorney General Amendments, Wright, B. . . . . SB 63 (F)  
 Ban on Gifts, Becker, R. . . . . HB 89 (F)  
 Capitol Arts Placement Commission Amendments, Siddoway, R. . HB 321 (F)  
 Certification and Testing of Voting Equipment, Buttars, C. . . . . HB 33 (P)  
 Constitutional Defense Council Amendments, Urquhart, S. . . . . HB 256 (P)  
 Constitutional Rights of State Employees, Thompson, M. . . . . HB 287 (P)  
 County Ballot Questions, Buttars, C. . . . . HB 127 (P)  
 Debt Collection Amendments, Allen, S. . . . . HB 124 (P)  
 Debt Service and Rainy Day Fund Amendments, Hellewell, P. . . . SB 154 (P)  
 Department of Human Resource Management –  
 Report of Funded Vacant Positions, Blackham, L. . . . . SB 162 (P)  
 Designation of State Building, Way, G. . . . . HB 179 (F)  
 Election Law Amendments – Disabled Voters, Siddoway, R. . . . . HB 284 (P)  
 Election Law Commission, Buffmire, J. . . . . HB 175 (F)  
 Election Law Revisions, Donnelson, G. . . . . HB 306 (F)  
 Election Process Amendments, Curtis, G. . . . . HB 351 (P)  
 Eliminate Straight Party Voting Option, Beck, T. . . . . HB 71 (F)  
 Essential Services Amendments, Valentine, J. . . . . SB 189 (F)  
 Ethics Amendments, Poulton, L. S. . . . . SB 149 (P)

- Federal Government Acquisition of Real Property  
in the State, Johnson, B. . . . . HB 208 (P)
- Fiscal Accountability Standards, Litvack, D. . . . . HB 147 (F)
- Funds Consolidation, Alexander, J. . . . . HB 61 (P)
- Funds Consolidation, Budget Procedures, and  
Fund Reclassification Amendments, Bigelow, R. . . . . HB 264 (P)
- General Obligation Bonds for Engineering Buildings, Adair, G. . . . . HB 252 (P)
- Government Law Changes, Biskupski, J. . . . . HB 347 (F)
- Government Law Revisions, King, B. . . . . HB 341 (F)
- Government Records Access & Management Act –  
Technical Revisions, Suazo, A. . . . . SB 137 (P)
- Government Records Access and Management –  
Records Related to Explosives, Wright, B. . . . . SB 61 (P)
- Governmental Functions – Amendments, Arent, P. . . . . HB 344 (F)
- Governmental Immunity – Exception for Perjury,  
Throckmorton, M. . . . . HB 318 (F)
- Governor and Legislatures Power to  
Cut State Budget, Holdaway, K. . . . . HB 109 (F)
- Leave of Absence for Disabled Employees, Bennion, C. . . . . HB 176 (P)
- Lobbyist and Public Officials Ethics Amendments, Becker, R. . . . . HB 335 (F)
- Memorial Plaque of George E. Wahlen in the Capitol, Adair, G. . . . . HB 178 (F)
- Open and Public Meetings Revisions, Davis, G. . . . . SB 128 (P)
- Organ Donor Leave for State Employees, Hale, K. . . . . SB 125 (P)
- Overseas and Military Voters Amendments, Bush, D. . . . . HB 32 (P)
- Personnel Management Act Revision, Peterson, D. . . . . HB 267 (F)
- Political Fundraising Restrictions on Governor, Hansen, N. . . . . HB 70 (F)
- Private Records Amendments, Steele, D. . . . . SB 34 (P)
- Private Records Amendments Under Government  
Records Access and Management Act, Waddoups, M. . . . . SB 143 (P)
- Procurement Code Amendments, Gladwell, D. . . . . SB 47 (P)
- Prohibiting Gifts to Legislators, Holdaway, K. . . . . HB 161 (F)
- Provisional Ballot, Hickman, J. . . . . SB 36 (P)
- Publication Notice of Constitutional Amendments, Arent, P. . . . . HB 86 (P)
- Redistricting Procedures, Siddoway, R. . . . . HB 104 (F)
- Repeal of Environmental Quality Coordinating  
Committee, Bigelow, R. . . . . HB 15 (P)
- Repeal of Human Resource Advisory Committee, Bowman, D. . . . . HB 13 (P)
- Repeal of Investment Advisory Committee, Winn, B. . . . . HB 10 (P)
- Repeal of National Guard Advisory Board, Peterson, M. . . . . SB 8 (P)
- Repeal of State Advisory Planning Committee, Wallace, P. . . . . HB 14 (P)
- Resolution Recommending Changes to State Government, King, B. HJR 28 (F)

Restriction of Funding on State Entity whose Policy, Rule, or Action is Contrary to Law, Waddoups, M. . . . .	SB 147 (F)
Restrictions on Public Officials Becoming Lobbyists, Daniels, S. . .	HB 121 (F)
Revisions to Senate Advise and Consent Powers, Allen, R. . . . .	SB 10 (P)
Sale of State Lands At Developmental Center, Dayton, M. . . . .	HB 132 (P)
Special 2002 Highway General Obligation Bonds, Eastman, D. . . .	SB 190 (F)
State Fair Park Amendments, Bourdeaux, D. . . . .	HB 345 (F)
State Fleet Operations Amendments, Adair, G. . . . .	HB 323 (F)
State Vegetable and Historic State Vegetable, Wright, B. . . . .	SB 136 (P)
Statutory Annual Report Requirement, Julander, P. . . . .	SB 75 (F)
Supplemental Appropriations Act, Alexander, J. . . . .	HB 1 (P)
Supplemental Appropriations II, Alexander, J. . . . .	HB 3 (P)
Technical Changes to Election Law, Pace, L. . . . .	HB 115 (P)
Utah Procurement Code Amendments, Dmitrich, M. . . . .	SB 68 (P)
Utah Substance Abuse and Anti–violence Coordinating Council Amendments, Hendrickson, N. . . . .	HB 41 (P)
Veterans’ Homes, Adair, G. . . . .	HB 130 (F)
Voter Identification Requirements, Lockhart, R. . . . .	HB 258 (F)

### **GOVERNMENT PURCHASING**

Procurement Code Amendments, Gladwell, D. . . . .	SB 47 (P)
Utah Procurement Code Amendments, Dmitrich, M. . . . .	SB 68 (P)

### **GOVERNMENT RECORDS**

Classification of Certain Legislative Records, Knudson, P. . . . .	SB 93 (P)
Government Records Access & Management Act – Technical Revisions, Suazo, A. . . . .	SB 137 (P)
Government Records Access and Management – Records Related to Explosives, Wright, B. . . . .	SB 61 (P)
Privacy Protections in Divorce Proceedings, Davis, G. . . . .	SB 199 (F)
Private Records Amendments, Steele, D. . . . .	SB 34 (P)
Private Records Amendments Under Government Records Access and Management Act, Waddoups, M. . . . .	SB 143 (P)

### **GOVERNMENTAL IMMUNITY**

Expansion of Governmental Immunity, Barrus, R. . . . .	HB 203 (F)
Governmental Immunity – Exception for Perjury, Throckmorton, M. . . . .	HB 318 (F)
Governmental Immunity Amendments, Harper, W. . . . .	HB 28 (P)

## HAZARDOUS MATERIALS TRANSPORTATION

- Resolution Urging Hazardous Materials Not Be Transported  
by Train During the Olympics, Fife, F. . . . . HJR 20 (F)

## HAZARDOUS SUBSTANCES

- Resolution on Yucca Mountain as Nuclear  
Waste Repository, Davis, G. . . . . SJR 14 (F)  
Solid and Hazardous Waste, Ure, D. . . . . HB 293 (F)  
Uranium Mill Tailings Oversight, Wright, B. . . . . SB 96 (P)  
Waste Amendments, Walker, C. . . . . SB 196 (F)

## HEALTH

- Access to Health Care and Coverage Task Force, Knudson, P. . . . . SB 33 (P)  
Appointments to City and County Health Boards, Davis, G. . . . . SB 127 (F)  
Birth Certificate for Stillborn Child, Allen, R. . . . . SB 45 (P)  
Cigarette and Tobacco Tax Amendments, Saunders, C. . . . . HB 238 (P)  
Cigarette Tax Stamp and Contraband Amendments, Allen, D. E. . . . . SB 7 (P)  
County Health Departments – Operational Structure, Garn, K. . . . . HB 241 (P)  
Department of Health Collection of Information, Hogue, D. . . . . HB 215 (F)  
Emergency Responder Priority, Holdaway, K. . . . . HB 180 (F)  
Essential Hospital Services, Lockhart, R. . . . . HB 320 (F)  
Extension of Sunset on Telehealth Commission, Hogue, D. . . . . HB 214 (P)  
Funding of State and County Health and Human Services  
Legislative Task Force, Seitz, J. . . . . HB 251 (P)  
Genetic Privacy and Discrimination, Ray, P. . . . . HB 56 (P)  
Health Care Access Reform, Buttars, D. C. . . . . SB 58 (F)  
Health Care Malpractice Act Amendments, Garn, K. . . . . HB 112 (P)  
Health Care Workforce Loan Repayment Assistance, Knudson, P. . . . . SB 113 (P)  
Health Insurance Benefit Design, Lockhart, R. . . . . HB 122 (P)  
Hearing Instrument Specialist Amendments, Bradshaw, A. . . . . HB 266 (P)  
Insurance Coverage of Contraceptives, Poulton, L. S. . . . . SB 112 (F)  
Nurse Practice Act Amendments, Julander, P. . . . . SB 51 (P)  
Nutritional Food in Schools, Jones, P. . . . . HB 200 (F)  
Oral Health Task Force, Knudson, P. . . . . SB 158 (F)  
Organ Donation Checkoff, Hale, K. . . . . SB 15 (P)  
Organ Donor Leave for State Employees, Hale, K. . . . . SB 125 (P)  
Pharmaceutical Access and Drug Policy Advisory  
Subcommittee, Hogue, D. . . . . HB 106 (F)  
Pharmacist Licensing Amendments, Knudson, P. . . . . SB 100 (P)  
Practice of Radiology Technology Licensure  
Amendments, Philpot, J. M. . . . . HB 242 (F)

Public Health Authority Amendments, Allen, S. . . . .	HB 231 (P)
Regulation of Restraint Therapy, Thompson, M. . . . .	HB 261 (F)
Repeal of Medical Examiner Committee, Hansen, N. . . . .	HB 9 (P)
Reports to Health and Human Services, Spencer, T. . . . .	SB 4 (F)
Restructuring Medicaid Spend down, Beck, T. . . . .	HB 117 (F)
Technical Amendments to Tobacco Settlement	
Trust Fund, Morgan, K. . . . .	HB 53 (P)
Tobacco Amendments, Saunders, C. . . . .	HB 54 (P)
Tobacco Settlement Restricted Account, Steele, D. . . . .	SB 135 (P)
Use of Tobacco Settlement Interest Proceeds, Morgan, K. . . . .	HB 12 (F)
Utah Medical Practice Act Amendments, Allen, D. E. . . . .	SB 50 (P)
Women’s Health Care Parity, Julander, P. . . . .	SB 54 (F)

### **HEALTH CARE**

Access to Health Care and Coverage Task Force, Knudson, P. . . . .	SB 33 (P)
Genetic Privacy and Discrimination, Ray, P. . . . .	HB 56 (P)
Health Care Access Reform, Buttars, D. C. . . . .	SB 58 (F)
Health Care Malpractice Act Amendments, Garn, K. . . . .	HB 112 (P)
Health Care Workforce Loan Repayment Assistance, Knudson, P. . . . .	SB 113 (P)
Oral Health Task Force, Knudson, P. . . . .	SB 158 (F)
Resolution Encouraging Cultural Competency in the	
Delivery of Health Care, Buffmire, J. . . . .	HJR 4 (P)
Women’s Health Care Parity, Julander, P. . . . .	SB 54 (F)

### **HEALTH CARE FACILITIES**

Health Care Malpractice Act Amendments, Garn, K. . . . .	HB 112 (P)
Health Insurance Prompt Pay Amendments, Knudson, P. . . . .	SB 172 (F)
Utah Labor Commission Amendments, Mayne, E. . . . .	SB 107 (P)
Veterans’ Homes, Adair, G. . . . .	HB 130 (F)

### **HEALTH CARE PROVIDERS**

Allocation of State Hospital Beds, Seitz, J. . . . .	HB 181 (P)
Direct–entry Midwife Licensing Act, Hellewell, P. . . . .	SB 53 (F)
Emergency Responder Priority, Holdaway, K. . . . .	HB 180 (F)
Health Insurance Prompt Pay Amendments, Knudson, P. . . . .	SB 172 (F)
Hearing Instrument Specialist Amendments, Bradshaw, A. . . . .	HB 266 (P)
Nurse Practice Act Amendments, Julander, P. . . . .	SB 51 (P)
Public Health Authority Amendments, Allen, S. . . . .	HB 231 (P)
Resolution Honoring Service of Pamela Atkinson, Stephens, M. . . . .	HCR 3 (P)
Utah Medical Practice Act Amendments, Allen, D. E. . . . .	SB 50 (P)

**HIGHER EDUCATION**

- Admission Policies for Higher Education, Dayton, M. . . . . HB 343 (F)  
 Adult Lifelong Learning and Literacy Resolution, Steele, D. . . . . SCR 1 (F)  
 Amendments to Sex Offender Registry, Bradshaw, A. . . . . HB 245 (P)  
 Annual Reports Given to the Legislature, Dillree, M. . . . . HB 46 (P)  
 Appropriation for Long Distance Graduate Program, Evans, B. . . . . SB 73 (F)  
 Exemption from Nonresident Tuition, Ure, D. . . . . HB 144 (P)  
 General Obligation Bonds for Engineering Buildings, Adair, G. . . . . HB 252 (P)  
 Higher Education Budget Authority, Hillyard, L. . . . . SB 142 (P)  
 Higher Education Savings Incentive Program  
     Amendments, Bryson, K. . . . . HB 52 (P)  
 Higher Education Technology Amendments, Hillyard, L. . . . . SB 181 (P)  
 New Century Scholarship Program Amendments, Bradshaw, A. . . . . HB 206 (P)  
 Nonresident Tuition for Higher Education, Alexander, J. . . . . HB 331 (P)  
 Secure Facilities Amendments, Gladwell, D. . . . . SB 164 (P)  
 Special 2002 Highway General Obligation Bonds, Eastman, D. . . . . SB 190 (F)  
 State Responsibility for Regulation of Postsecondary  
     Proprietary Schools, Bradshaw, A. . . . . HB 111 (P)  
 Tuition Assistance Appropriation for National Guard, Knudson, P. . . . . SB 40 (F)  
 Utah Education Network Amendments, Hatch, T. . . . . HB 272 (F)

**HIGHWAYS**

- 2002 Special Highway General Obligation Bonds, Harper, W. . . . . HB 296 (P)  
 Designation of I-80, Bush, D. . . . . HB 273 (P)  
 Designation of Memorial Highway, Ure, D. . . . . HB 217 (P)  
 Funding for Highways, Hickman, J. . . . . SB 2 (P)  
 Highway and Freeway Underpasses for Wildlife, Styler, M. . . . . HB 312 (F)  
 Highway Designation, Knudson, P. . . . . SB 39 (P)  
 Left Lane Restriction Amendments, Eastman, D. . . . . SB 52 (P)  
 Low-speed Electric Vehicles on Certain Highways, Bush, D. . . . . HB 171 (P)  
 Master State Highway Amendments, Murray, J. . . . . HB 30 (P)  
 State Park Access Highways Amendments, Bowman, D. . . . . HB 65 (P)

**HOMELESS PERSONS**

- Affidavit of Impecuniosity Amendments, Swallow, J. . . . . HB 290 (P)  
 Basic Human Needs Referendum Act, Dmitrich, M. . . . . SB 198 (F)

**HOUSING**

- Historic Building Rehabilitation Tax Credits, Bennion, C. . . . . HB 285 (F)  
 Mobile Home Park Residency Act Amendments, Harper, W. . . . . HB 263 (P)

Mobile Home Park Residency Technical Revisions, Eastman, D. . . SB 115 (P)  
 Municipal Plan for Moderate Income Housing, Ray, P. . . . . HB 49 (F)  
 Optional County Affordable Housing Funds Act, Hale, K. . . . . SB 126 (F)  
 Utah Housing Corporation Amendments, Bigelow, R. . . . . HB 255 (P)

## HUMAN SERVICES

Adult Protective Services Amendments, Jones, P. . . . . HB 25 (P)  
 Allocation of State Hospital Beds, Seitz, J. . . . . HB 181 (P)  
 Amendments to Guardian Ad Litem Statutes, Throckmorton, M. . . HB 300 (P)  
 Charitable Solicitations Act Amendments, Hellewell, P. . . . . SB 175 (F)  
 Child Placement Determinations, Eastman, D. . . . . SB 110 (P)  
 Child Welfare Enhanced Training, Litvack, D. . . . . HB 298 (F)  
 Child Welfare Parental Defense Act, Throckmorton, M. . . . . HB 304 (F)  
 Combining Divisions of Substance Abuse and  
   Mental Health, Seitz, J. . . . . HB 314 (F)  
 Criminal Background Checks for Licensed Providers  
   of Human Services, Blackham, L. . . . . SB 101 (P)  
 Division of Child and Family Services Treatment  
   Plans and Reunification Services, Lockhart, R. . . . . HB 286 (F)  
 Division of Services for People with Disabilities, Lockhart, R. . . . HB 339 (P)  
 Divorce and Parent–time Revisions, Bennion, C. . . . . HB 196 (P)  
 Domestic Violence in Presence of Child Amendments, Steele, D. . . SB 76 (P)  
 Forensic Mental Health Coordinating Council, Hale, K. . . . . SB 97 (P)  
 Funding of State and County Health and Human Services  
   Legislative Task Force, Seitz, J. . . . . HB 251 (P)  
 Governmental Immunity Amendments, Harper, W. . . . . HB 28 (P)  
 Jury Trial for Termination of Parental Rights Cases, Wright, B. . . . SB 177 (F)  
 Limitation on Alimony, Spencer, T. . . . . SB 161 (F)  
 Mental Health Practitioner in Parental  
   Rights Action, Thompson, M. . . . . HB 270 (P)  
 Office of Recovery Services Amendments, Allen, D. E. . . . . SB 25 (P)  
 Parent Visitation Office, Allen, D. E. . . . . SB 168 (F)  
 Parental Consent to Interview a Child, Ferrin, J. . . . . HB 159 (F)  
 Prohibition of Restraint Practices, Thompson, M. . . . . HB 356 (F)  
 Protecting the Unborn Child, Poulton, L. S. . . . . SB 178 (P)  
 Release of Custodial or Noncustodial Parent’s Address, Allen, D. E. . SB 24 (P)  
 Reports to Health and Human Services, Spencer, T. . . . . SB 4 (F)  
 Responsibility of Attorney General to Represent  
   Division of Child and Family Services, Throckmorton, M. . . . . HB 204 (P)  
 Social Worker Licensing Act Amendments, Julander, P. . . . . SB 91 (F)  
 Taking Minor into Protective Custody Without Warrant, Hatch, T. . . HB 295 (P)

- Task Force on Involuntary Commitment of the  
 Mentally Ill, Blackham, L. . . . . SB 77 (P)  
 Termination of Parental Rights Amendments, Throckmorton, M. . . HB 226 (P)  
 Transfer of Youth Services Oversight, Buttar, D. C. . . . . SB 12 (P)  
 Visitation Rights of Grandparents, Spencer, T. . . . . SB 87 (P)

### **INCOME TAX**

- Corporate Franchise and Income Taxes – Treatment  
 of Certain Cooperatives, Valentine, J. . . . . SB 57 (P)  
 Election Campaign Fund Checkoff Amendments, Buttar, C. . . . . HB 19 (P)  
 Historic Building Rehabilitation Tax Credits, Bennion, C. . . . . HB 285 (F)  
 Individual Income Tax – Bracket Adjustments, Bramble, C. . . . . SB 31 (F)  
 Individual Income Tax – State Earned Income Tax Credit, Hatch, T. HB 60 (F)  
 Individual Income Tax – Treatment of Certain  
 Military Income, Bramble, C. . . . . SB 166 (F)  
 Individual Income Tax Deduction for Net Capital Gain, Ferrin, J. . HB 103 (F)  
 Individual Income Tax Personal Retirement Exemption  
 and Deduction for Retirement Income – Eliminating  
 Marriage Tax Penalties, Harper, W. . . . . HB 50(F)  
 Reauthorization of Individual Income Tax Credit –  
 Tutoring Disabled Dependents, Buffmire, J. . . . . HB 185 (P)  
 Tax Credits – Removal of Tax Credit from Tax Form and  
 Prohibition on Claiming or Carrying Forward  
 Tax Credit, Bramble, C. . . . . SB 28 (P)  
 Tax Credits for Donated Textbooks, Thompson, M. . . . . HB 302 (F)  
 Tax Credits for Manufacturing Capital Investments, Hansen, N. . . HB 149 (F)  
 Tuition Tax Credits, Buttar, D. C. . . . . SB 69 (F)

### **INDIAN AFFAIRS**

- Indian Affairs Related Amendments, Evans, B. . . . . SB 46 (P)  
 Resolution Recognizing Discover Navajo – People of the  
 Fourth World Day, Dmitrich, M. . . . . SR 3 (P)

### **INFORMATION TECHNOLOGY**

- Electronic Government Services Amendments –  
 Agriculture, Siddoway, R. . . . . HB 21 (P)  
 Electronic Government Services Amendments –  
 Transportation, Siddoway, R. . . . . HB 22 (P)  
 Fiscal Accountability Standards, Litvack, D. . . . . HB 147 (F)  
 Higher Education Technology Amendments, Hillyard, L. . . . . SB 181 (P)  
 Network Marketing, Hellewell, P. . . . . SB 193 (F)

- No Telephone Solicitation List, Allen, D. E. . . . . SB 67 (F)
- Private Records Amendments, Steele, D. . . . . SB 34 (P)
- Repeal of Local Government Information Technology
  - Review Committee, Hendrickson, N. . . . . HB 8 (P)
- Restrictions on Sexually Explicit Email, Winn, B. . . . . HB 143 (P)
- Unsolicited Commercial Email, Arent, P. . . . . HB 80 (P)

**INMATES**

- Jail Reimbursement Amendments, Curtis, G. . . . . HB 319 (P)
- Prisoner Escape Amendment, Morgan, K. . . . . HB 45 (P)

**INSURANCE**

- Health Insurance Prompt Pay Amendments, Knudson, P. . . . . SB 172 (F)
- Insurance Law Amendments, Poulton, L. S. . . . . SB 122 (P)
- Motor Vehicle Insurance and Credit Information, Wallace, P. . . . . HB 110 (P)
- Nonprofit Insurers, Bradshaw, A. . . . . HB 148 (F)
- Public Agency Insurance Mutual Amendments, Hickman, J. . . . . SB 48 (P)
- Repeal of Health Benefit Plan Committee, Bush, D. . . . . HB 38 (P)
- Timely Payments of Insurance Claims, Valentine, J. . . . . SB 124 (P)
- Workers' Compensation Insurance Related
  - Amendments, Poulton, L. S. . . . . SB 119 (P)

**INSURANCE DEPARTMENT**

- Assessment on Title Insurers and Title Insurance
  - Agencies, Hatch, T. . . . . HB 276 (P)

**INSURANCE, HEALTH**

- Classification of State Employees for Insurance Purposes, Seitz, J. . . . . HB 248 (P)
- Health Insurance Benefit Design, Lockhart, R. . . . . HB 122 (P)
- Health Insurance Mandates Program, Lockhart, R. . . . . HB 105 (P)
- Health Insurance Prompt Pay Amendments, Knudson, P. . . . . SB 172 (F)
- Insurance Coverage of Contraceptives, Poulton, L. S. . . . . SB 112 (F)
- Repeal of Health Benefit Plan Committee, Bush, D. . . . . HB 38 (P)
- Women's Health Care Parity, Julander, P. . . . . SB 54 (F)

**INTERLOCAL COOPERATION ENTITIES**

- Interlocal Cooperation Act and Electric Power
  - Facilities Amendments, Blackham, L. . . . . SB 29 (P)

**JUDICIARY**

- Amendments to Guardian Ad Litem Statutes, Throckmorton, M. . . . . HB 300 (P)

- Amendments to Guilty and Mentally Ill, Gladwell, D. . . . . SB 27 (P)
- Amendments to Sex Offender Registry, Bradshaw, A. . . . . HB 245 (P)
- Arrest Authority of Peace Officers, Donnelson, G. . . . . HB 188 (F)
- Attempted Murder Amendments, Gladwell, D. . . . . SB 22 (P)
- Child Placement Determinations, Eastman, D. . . . . SB 110 (P)
- Child Support Guidelines, Fife, F. . . . . HB 355 (F)
- Child Support Modifications, Hutchings, E. . . . . HB 332 (F)
- Child Support Reductions, Swallow, J. . . . . HB 282 (F)
- Child Welfare Parental Defense Act, Throckmorton, M. . . . . HB 304 (F)
- Competency to Stand Trial Amendments, Daniels, S. . . . . HB 288 (F)
- Concealed Firearm Permit Amendments, Jenkins, S. . . . . SB 121 (F)
- Costs Assessed for Wrongfully Enjoining a  
     State Project, Spencer, T. . . . . SB 183 (P)
- Court Ordered Counseling, Thompson, M. . . . . HB 265 (F)
- Criminal Action – Defense to Civil Action  
     for Damages, Hellewell, P. . . . . SB 74 (P)
- Criminal Restitution Amendments, Allen, S. . . . . HB 190 (P)
- DCFS Management Information System  
     Amendments, Buttars, D. C. . . . . SB 17 (P)
- Debt Collection Amendments, Allen, S. . . . . HB 124 (P)
- Division of Child and Family Services Treatment  
     Plans and Reunification Services, Lockhart, R. . . . . HB 286 (F)
- Division of Home in a Divorce, Spencer, T. . . . . SB 111 (F)
- Divorce – Children’s Testimony Limited, Spencer, T. . . . . SB 106 (P)
- DNA Evidence – Removing Statute of Limitations, Hillyard, L. . . . . SB 139 (F)
- Expungement of Juvenile Records, Daniels, S. . . . . HB 35 (P)
- Firearm Fee Amendments, Philpot, J. M. . . . . HB 219 (F)
- Funding a Community Legal Center, Hillyard, L. . . . . SB 44 (F)
- Gun Show Background Check, Daniels, S. . . . . HB 78 (F)
- Judicial Conduct Commission Amendments, Bryson, K. . . . . HB 136 (P)
- Judiciary Amendments, Arent, P. . . . . HB 66 (P)
- Jury Trial for Termination of Parental Rights Cases, Wright, B. . . . . SB 177 (F)
- Justice Court Judges, Evans, B. . . . . SB 148 (F)
- Limitation on Alimony, Spencer, T. . . . . SB 161 (F)
- Medical Recommendations for Children, Bryson, K. . . . . HB 123 (P)
- Mental Health Practitioner in Parental Rights  
     Action, Thompson, M. . . . . HB 270 (P)
- Mitigation of Damages in Condemnation Proceedings, Curtis, G. . . . . HB 233 (P)
- Parent–time Amendments, Ferrin, J. . . . . HB 37 (F)
- Payment for Bailiff and Other Services in Courts of Record, Seitz, J. . . . . HB 69 (F)
- Power of Attorney for Trust, Newbold, M. . . . . HB 292 (F)

Privacy Protections in Divorce Proceedings, Davis, G. . . . .	SB 199 (F)
Punitive Damage Awards, Hillyard, L. . . . .	SB 141 (P)
Reallocation of Judges, Hickman, J. . . . .	SB 140 (P)
Repeal of Weapons Law, Daniels, S. . . . .	HB 211 (F)
Resolution Closing Court Facility, Bennion, C. . . . .	HJR 17 (P)
Rights of a Defendant in a Criminal Trial, Donnelson, G. . . . .	HB 170 (F)
Rights of Creditors Against Trust Property, Newbold, M. . . . .	HB 138 (P)
Serious Youth Offender Amendments, Hillyard, L. . . . .	SB 26 (P)
Spouse Abuse Amendments, Adair, G. . . . .	HB 237 (P)
Storage of Firearms on Facilities with Secure Areas, Swallow, J. . . . .	HB 82 (P)
Structured Settlement Agreements, Hillyard, L. . . . .	SB 163 (P)
Taking Minor into Protective Custody Without Warrant, Hatch, T. . . . .	HB 295 (P)
Termination of Parental Rights Amendments, Throckmorton, M. . . . .	HB 226 (P)
Traffic Offense Adjudication, Knudson, P. . . . .	SB 16 (F)
Truancy Amendments, Bourdeaux, D. . . . .	HB 209 (F)
Trust Amendments, Valentine, J. . . . .	SB 117 (P)
Uniform Arbitration Act, Hillyard, L. . . . .	SB 171 (P)
Uniform Trust Act, Hillyard, L. . . . .	SB 43 (F)
Utah Exemption Act Amendments, Gladwell, D. . . . .	SB 49 (P)
Venue for Consumer Transactions, Valentine, J. . . . .	SB 123 (P)
Youth Court Amendments, Gladwell, D. . . . .	SB 130 (P)

### JUVENILES

Court Ordered Counseling, Thompson, M. . . . .	HB 265 (F)
Expungement of Juvenile Records, Daniels, S. . . . .	HB 35 (P)
Serious Youth Offender Amendments, Hillyard, L. . . . .	SB 26 (P)

### LABOR

Age Discrimination in Employment, Mayne, E. . . . .	SB 56 (F)
Costs Assessed for Wrongfully Enjoining	
a State Project, Spencer, T. . . . .	SB 183 (P)
Genetic Privacy and Discrimination, Ray, P. . . . .	HB 56 (P)
Labor Code Revisions, Spencer, T. . . . .	SB 188 (F)
Public Agency Insurance Mutual Amendments, Hickman, J. . . . .	SB 48 (P)
Structured Settlement Agreements, Hillyard, L. . . . .	SB 163 (P)
Utah Labor Commission Amendments, Mayne, E. . . . .	SB 107 (P)
Utah Occupational Safety and Health Advisory	
Council Amendments, Bush, D. . . . .	HB 11 (P)
Workers' Compensation – Death Benefit, Clark, D. . . . .	HB 229 (F)
Workers' Compensation – Fire Department Employees, Murray, J. . . . .	HB 174 (F)
Workers' Compensation Benefits for Volunteer	
Safety Officers, Hansen, N. . . . .	HB 192 (P)

## LABOR ORGANIZATIONS

Labor Code Revisions, Spencer, T. . . . . SB 188 (F)

## LAW ENFORCEMENT AND CRIMINAL JUSTICE

Affidavit of Impecuniosity Amendments, Swallow, J. . . . . HB 290 (P)  
 Antiterrorism Amendments, Ray, P. . . . . HB 283 (P)  
 Appropriation for Sexual Violence Victim  
     Assistance Programs, Spencer, T. . . . . SB 5 (F)  
 Capital Felony Sentencing Procedures, Snow, G. . . . . HB 73 (P)  
 Concealed Firearm Permit Amendments, Jenkins, S. . . . . SB 121 (F)  
 Consecutive Sentencing, McCartney, T. . . . . HB 99 (P)  
 Control of Precursor Chemicals, Tyler, A. L. . . . . HB 220 (F)  
 Controlled Substances Act Amendments, Anderson, E. . . . . HB 128 (P)  
 Criminal Code Amendments, Suazo, A. . . . . SB 64 (F)  
 Criminal Code Definition Amendment, Adair, G. . . . . HB 100 (P)  
 Criminal History Background Information, Bourdeaux, D. . . . . HB 102 (F)  
 Criminal Sentencing – Mitigation Amendments, Hogue, D. . . . . HB 77 (P)  
 DCFS Management Information System  
     Amendments, Buttars, D. C. . . . . SB 17 (P)  
 Electronic Monitoring of Probationers –  
     Criminal Interference, Bryson, K. . . . . HB 227 (F)  
 Endangerment of Child or Elder Person with  
     Controlled Substance or Precursor, Beck, T. . . . . HB 125 (P)  
 Expansion of DNA Database, Way, G. . . . . HB 154 (P)  
 Fire Prevention and Safety Amendments, Beshear, C. . . . . HB 247 (F)  
 Fire Prevention and Safety Revisions, Beshear, C. . . . . HB 316 (F)  
 Firearm Criminal Background Check Amendments, Philpot, J. M. . HB 183 (F)  
 Giving False Information to Police Officer, Morgan, K. . . . . HB 224 (P)  
 Hate Crimes Amendments, Litvack, D. . . . . HB 151 (F)  
 Indecent Public Display Amendments, Wallace, P. . . . . HB 236 (P)  
 Jail Reimbursement Amendments, Curtis, G. . . . . HB 319 (P)  
 Law Enforcement Revolving Account, Knudson, P. . . . . SB 191 (P)  
 Licensing Amendments Regarding Background  
     Checks, Bradshaw, A. . . . . HB 63 (P)  
 Local Substance Abuse Authority Amendments, Ray, P. . . . . HB 48 (P)  
 Pawnbroker Industry Revisions, Waddoups, M. . . . . SB 165 (F)  
 Peace Officer Arrest Quotas, Bennion, C. . . . . HB 194 (F)  
 Penalty for Misuse of Lawful Substances, Hogue, D. . . . . HB 72 (P)  
 Penalty for Stealing Motor Fuel, Saunders, C. . . . . HB 114 (F)  
 Prisoner Escape Amendment, Morgan, K. . . . . HB 45 (P)

## Prohibiting Intimacy with Youth Receiving

- State Services, Julander, P. . . . . SB 11 (P)
- Protection of Sports Officials from Violent Abuse, Hogue, D. . . . . HB 195 (F)
- Public Safety – Division Name Change, Bowman, D. . . . . HB 40 (P)
- Public Safety Bureau Name Change, Bowman, D. . . . . HB 6 (P)
- Racial Profiling, Bourdeaux, D. . . . . HB 101 (P)
- Resolution Opposing Increased Violence in Sports
  - Against Sports Officials, Hogue, D. . . . . HJR 22 (P)
- Retirement Cost–of–living Adjustment for Public Safety, Ray, P. . . . . HB 97 (F)
- Retirement of Public Safety Officials, Bigelow, R. . . . . HB 230 (P)
- Statute of Limitations Amendments, Bryson, K. . . . . HB 39 (P)
- Tax Commission Criminal Investigators Designation
  - as Special Function Officers, Bramble, C. . . . . SB 62 (P)
- Transfer of Youth Services Oversight, Buttar, D. C. . . . . SB 12 (P)
- Underage Possession of Tobacco Amendments, Saunders, C. . . . . HB 55 (P)
- Use of Force, Including Deadly Force, in Defense
  - of Property, Thompson, M. . . . . HB 336 (P)
- Utah 911 Committee, McCartney, T. . . . . HB 313 (P)
- Utah Fire Prevention and Safety Act Amendments, Beshear, C. . . . . HB 315 (F)

**LEGISLATIVE AFFAIRS**

- Amendments to Legislative Salary Process, Newbold, M. . . . . HB 135 (F)
- Classification of Certain Legislative Records, Knudson, P. . . . . SB 93 (P)
- Creation of Redistricting Commission Resolution, Morgan, K. . . . . HJR 3 (F)
- House Rules Amendments Resolution, Hatch, T. . . . . HR 3 (P)
- House Rules Resolution – Process Revisions, Harper, W. . . . . HR 2 (P)
- House Rules Resolution – Rules Committee Power, Bennion, C. . . . . HR 4 (F)
- Interim Committee Membership, Stephens, M. . . . . HB 199 (P)
- Joint and Interim Rules Revisions Resolution, Waddoups, M. . . . . SJR 9 (P)
- Joint Resolution – Rejecting Recommended Salary Increase
  - for Legislators, Way, G. . . . . HJR 9 (P)
- Joint Resolution Authorizing Appointment of Attorney
  - for State Officers, Valentine, J. . . . . SJR 13 (F)
- Joint Resolution Rejecting Salary Recommendations
  - of Legislative Compensation Commission, King, B. . . . . HJR 12 (F)
- Joint Rules Resolution – Establishing a Ways
  - and Means Committee, Ure, D. . . . . HJR 31 (F)
- Joint Rules Resolution – Legislative Review Notes
  - on Bills, Ure, D. . . . . HJR 16 (F)
- Joint Rules Resolution Requiring Certain Special
  - Session Procedures, Bennion, C. . . . . HJR 19 (F)

- Legislative Area of State Capitol, Stephens, M. . . . . HB 62 (P)
- Legislative Committee Names Revisions, Knudson, P. . . . . SB 38 (P)
- Legislative Task Force Amendments, Buttars, C. . . . . HB 317 (P)
- Master Study Resolution, Poulton, L. S. . . . . SJR 15 (P)
- Personal Use of Campaign Funds, Hale, K. . . . . SB 131 (F)
- Resolution Approving Landfill for Construction and  
Demolition Debris, Hatch, T. . . . . HCR 7 (P)
- Resolution Asserting Water Rights Issued Under the Authority  
of the State Are Subject to State Law, Young, M. . . . . HJR 29 (F)
- Resolution Calling for Support of the Principles of the  
Alliance for Unity, Bigelow, R. . . . . HJR 5 (P)
- Resolution Changing House Committee Names, Hutchings, E. . . . . HR 1 (P)
- Resolution Changing Senate Committee Names, Knudson, P. . . . . SR 1 (P)
- Resolution Encouraging Congressional Approval  
of Farm Bill, Buttars, C. . . . . HJR 21 (F)
- Resolution Encouraging Cultural Competency in the  
Delivery of Health Care, Buffmire, J. . . . . HJR 4 (P)
- Resolution Honoring Gold and Blue Star Mothers, Philpot, J. M. . . . . HCR 8 (P)
- Resolution Honoring Princess Aisha Bint Al Hussein, Allen, S. . . . . HJR 24 (P)
- Resolution Honoring Service of Pamela Atkinson, Stephens, M. . . . . HCR 3 (P)
- Resolution on Adult Lifelong Learning and Literacy, Steele, D. . . . . SR 4 (P)
- Resolution on Compensation of In-session Employees, Evans, B. . . . . SJR 7 (P)
- Resolution on Special Sessions of the Legislature, Bennion, C. . . . . HJR 13 (F)
- Resolution on Yucca Mountain as Nuclear  
Waste Repository, Davis, G. . . . . SJR 14 (F)
- Resolution Opposing Increased Violence in Sports  
Against Sports Officials, Hogue, D. . . . . HJR 22 (P)
- Resolution Promoting Character and Citizenship  
Education, Morgan, K. . . . . HJR 23 (F)
- Resolution Promoting Cooperative Regulatory Environment  
and Economic Development in Utah, Bennion, C. . . . . HJR 26 (P)
- Resolution Promoting Financial Literacy  
for Utah Students, Hogue, D. . . . . HJR 15 (P)
- Resolution Reappointing Legislative  
Auditor General, Stephens, M. . . . . HJR 1 (P)
- Resolution Recognizing Contributions of  
Congressman James V. Hansen, Dillree, M. . . . . HCR 4 (P)
- Resolution Recognizing Discover Navajo –  
People of the Fourth World Day, Dmitrich, M. . . . . SR 3 (P)
- Resolution Recognizing Military, President, and  
Congress' Role in War on Terrorism, Swallow, J. . . . . HCR 5 (P)

Resolution Recognizing Public Safety Workers for Olympics, Mansell, L. A. . . . .	SJR 16 (P)
Resolution Recognizing the Life and Contributions of Ronald Reagan, Throckmorton, M. . . . .	HJR 18 (F)
Resolution Recognizing Utah Shakespearean Festival Distinguished Service Award, Bowman, D. . . . .	HCR 10 (P)
Resolution Regarding United States Minting of the Utah Quarter, Hansen, N. . . . .	HCR 1 (F)
Resolution Supporting America's Domestic Steel Industry, Mayne, E. . . . .	SJR 11 (P)
Resolution Supporting Businesses, Curtis, G. . . . .	HCR 2 (P)
Resolution Supporting Designation of San Rafael Swell as National Monument, Johnson, B. . . . .	HCR 9 (F)
Resolution Supporting Utah Quality Growth Commission, Allen, R. . . . .	SJR 8 (F)
Resolution Urging an End to the Persecution of Falun Gong Practitioners, Throckmorton, M. . . . .	HJR 6 (F)
Resolution Urging Federal Constitutional Amendment to Protect the Life of the Unborn, Way, G. . . . .	HJR 10 (F)
Resolution Urging Federal Government Review of Alternatives for Atlas Mill Tailings, Dmitrich, M. . . . .	SJR 12 (P)
Resolution Urging Hazardous Materials Not Be Transported by Train During the Olympics, Fife, F. . . . .	HJR 20 (F)
Resolution Welcoming the World to Utah – 2002 Olympic Winter Games, Ferry, B. . . . .	HCR 6 (P)
Revisions to Senate Advise and Consent Powers, Allen, R. . . . .	SB 10 (P)
Senate Rules Amendments Resolution, Waddoups, M. . . . .	SR 2 (P)
State Capitol Preservation Board – Chair, Adair, G. . . . .	HB 311 (P)
Sunset Act Reauthorizations, Mascaro, S. . . . .	HB 246 (P)

## LEGISLATURE

Amendments to Settlement Agreements Requirements, Dayton, M. . . . .	HB 173 (P)
Annual Reports Given to the Legislature, Dillree, M. . . . .	HB 46 (P)
Ban on Gifts, Becker, R. . . . .	HB 89 (F)
Governor and Legislatures Power to Cut State Budget, Holdaway, K. . . . .	HB 109 (F)
House Rules Amendments Resolution, Hatch, T. . . . .	HR 3 (P)
Joint Resolution – Rejecting Recommended Salary Increase for Legislators, Way, G. . . . .	HJR 9 (P)
Joint Resolution Rejecting Salary Recommendations of Legislative Compensation Commission, King, B. . . . .	HJR 12 (F)
Midterm Vacancies in the Legislature, Becker, R. . . . .	HB 169 (F)

- Resolution Authorizing the Calling of Special Sessions  
by the Legislature, Hickman, J. . . . . SJR 5 (F)
- Resolution Requiring Public Notice Prior to  
Special Sessions, Urquhart, S. . . . . HJR 11 (P)
- Sale of State Lands At Developmental Center, Dayton, M. . . . . HB 132 (P)

**LICENSURE, HUMAN SERVICES PROGRAMS**

- Licensing of Genetic Counselors Technical Amendments,  
Julander, P. . . . . SB 109 (P)
- Mental Health Professional Financial Assistance  
Grants – Technical Amendments, Buffmire, J. . . . . HB 225 (P)
- Social Worker Licensing Act Amendments, Julander, P. . . . . SB 91 (F)

**LIENS**

- Division of Home in a Divorce, Spencer, T. . . . . SB 111 (F)
- Mechanics’ Lien Amendments, Garn, K. . . . . HB 234 (P)

**LIMITED LIABILITY COMPANY**

- Business Entity Amendments, Valentine, J. . . . . SB 146 (P)

**LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES**

- Revisions to Redevelopment Agency Laws, Harper, W. . . . . HB 24 (P)
- Uniform Withdrawal Procedures for Special Districts, Gladwell, D. . . . . SB 18 (P)

**LIVESTOCK**

- Damage Caused by Stray Livestock, Clark, S. . . . . HB 163 (F)
- Impounded Livestock – Sale by County, Hatch, T. . . . . HB 83 (P)

**LOBBYING**

- Ban on Gifts, Becker, R. . . . . HB 89 (F)
- Ethics Amendments, Poulton, L. S. . . . . SB 149 (P)
- Political Fundraising Restrictions on Governor, Hansen, N. . . . . HB 70 (F)
- Restrictions on Public Officials Becoming Lobbyists, Daniels, S. . . . . HB 121 (F)

**LOCAL BOARDS OF EDUCATION**

- Approval of Education Association Leave, Allen, S. . . . . HB 278 (F)
- Education Association Leave, Wright, B. . . . . SB 132 (P)
- Local School Board Employer Powers, Wright, B. . . . . SB 157 (F)
- Process for Creation of New School Districts, Cox, D. . . . . HB 76 (F)

Public Education Vending Contracts, Jones, P. . . . . HB 228 (F)  
School Emergency Response Plans for Sports Injuries, Valentine, J. SB 156 (P)

**LOCAL HEALTH DEPARTMENTS**

Appointments to City and County Health Boards, Davis, G. . . . . SB 127 (F)  
Child Immunization Amendments, Lockhart, R. . . . . HB 243 (F)  
County Health Departments – Operational Structure, Garn, K. . . . . HB 241 (P)

**LOCAL TAXATION OF UTILITIES**

Taxes or Charges on Telecommunications Service, Bramble, C. . . . . SB 153 (P)

**MARRIAGE / DIVORCE**

Division of Home in a Divorce, Spencer, T. . . . . SB 111 (F)  
Divorce – Children’s Testimony Limited, Spencer, T. . . . . SB 106 (P)  
Divorce and Parent–time Revisions, Bennion, C. . . . . HB 196 (P)  
Limitation on Alimony, Spencer, T. . . . . SB 161 (F)  
Parent Visitation Office, Allen, D. E. . . . . SB 168 (F)  
Parent–time Amendments, Ferrin, J. . . . . HB 37 (F)  
Privacy Protections in Divorce Proceedings, Davis, G. . . . . SB 199 (F)  
Release of Custodial or Noncustodial Parent’s Address, Allen, D. E. SB 24 (P)

**MEDICAID**

Health Insurance Benefit Design, Lockhart, R. . . . . HB 122 (P)  
Pharmaceutical Access and Drug Policy Advisory  
    Subcommittee, Hogue, D. . . . . HB 106 (F)  
Restructuring Medicaid Spend down, Beck, T. . . . . HB 117 (F)

**MENTAL HEALTH**

Allocation of State Hospital Beds, Seitz, J. . . . . HB 181 (P)  
Amendments to Guilty and Mentally Ill, Gladwell, D. . . . . SB 27 (P)  
Combining Divisions of Substance Abuse and  
    Mental Health, Seitz, J. . . . . HB 314 (F)  
Criminal Sentencing – Mitigation Amendments, Hogue, D. . . . . HB 77 (P)  
Forensic Mental Health Coordinating Council, Hale, K. . . . . SB 97 (P)  
Mental Health Practitioner in Parental Rights Action, Thompson, M. HB 270  
    (P)  
Mental Health Professional Financial Assistance Grants–  
    Technical Amendments, Buffmire, J. . . . . HB 225 (P)  
Prohibition of Restraint Practices, Thompson, M. . . . . HB 356 (F)  
Regulation of Restraint Therapy, Thompson, M. . . . . HB 261 (F)

Task Force on Involuntary Commitment of the  
Mentally Ill, Blackham, L. . . . . SB 77 (P)

**MILITARY SERVICES**

Designation of I-80, Bush, D. . . . . HB 273 (P)  
Designation of Memorial Highway, Ure, D. . . . . HB 217 (P)  
Individual Income Tax – Treatment of Certain  
Military Income, Bramble, C. . . . . SB 166 (F)  
Overseas and Military Voters Amendments, Bush, D. . . . . HB 32 (P)  
Repeal of National Guard Advisory Board, Peterson, M. . . . . SB 8 (P)  
Resolution Honoring Gold and Blue Star Mothers, Philpot, J. M. . . . . HCR 8 (P)  
Resolution Recognizing Military, President, and Congress’  
Role in War on Terrorism, Swallow, J. . . . . HCR 5 (P)  
Tuition Assistance Appropriation for National Guard, Knudson, P. . . . . SB 40 (F)  
Use of State Armories, Beshear, C. . . . . HB 259 (P)  
Veterans – Parks and Recreation Benefit, Adair, G. . . . . HB 333 (F)  
Veterans’ Homes, Adair, G. . . . . HB 130 (F)  
Veterans Service Organizations Special License Plates, Mascaro, S. HB 337 (P)

**MINERAL LEASE FUNDS**

Revenues from Federal Land Exchange Parcels, Dmitrich, M. . . . . SB 66 (P)

**MINES AND MINING**

Coal Mining and Reclamation Amendments, Dmitrich, M. . . . . SB 72 (P)  
Environmental Compliance for Minerals Regulatory  
Program, Knudson, P. . . . . SB 159 (P)  
Mineral Production Tax Withholding Amendments, Snow, G. . . . . HB 91 (P)  
Resolution Urging Federal Government Review of Alternatives  
for Atlas Mill Tailings, Dmitrich, M. . . . . SJR 12 (P)  
Uranium Mill Tailings Oversight, Wright, B. . . . . SB 96 (P)

**MINORS**

Indecent Public Display Amendments, Wallace, P. . . . . HB 236 (P)  
Judiciary Amendments, Arent, P. . . . . HB 66 (P)  
Medical Recommendations for Children, Bryson, K. . . . . HB 123 (P)  
Proof of Age Under the Alcoholic Beverage Code, Bourdeaux, D. . . . . HB 257 (P)  
Taking Minor into Protective Custody Without Warrant, Hatch, T. . . . . HB 295 (P)  
Tobacco Amendments, Saunders, C. . . . . HB 54 (P)  
Underage Possession of Tobacco Amendments, Saunders, C. . . . . HB 55 (P)

**MORTGAGE**

Assessment on Title Insurers and Title Insurance Agencies, Hatch, T. HB 276  
(P)

- Mortgage Lending Disclosures, Ray, P. . . . . HB 191 (F)  
 Mortgage Practices Act Revisions, Adair, G. . . . . HB 23 (P)  
 Obligations Related to Mortgage Loan Reserve  
     Accounts, Swallow, J. . . . . HB 291 (P)  
 Reconveyance of Trust Deed or Release of Mortgage, Hatch, T. . . . HB 202 (P)

### **MOTOR FUEL AND SPECIAL FUEL TAXES**

- Joint Resolution Amending Highway User and  
     Motor Fuel Funds, Daniels, S. . . . . HJR 8 (F)  
 Special Fuel Tax Amendments, Ferry, B. . . . . HB 94 (P)

### **MOTOR VEHICLE INSURANCE**

- Motor Vehicle Insurance and Credit Information, Wallace, P. . . . . HB 110 (P)  
 Motor Vehicle Insurance Coverage –  
     Arbitration Requirements, Waddoups, M. . . . . SB 120 (P)  
 Recovery of Administrative Fee for Damages  
     Sustained to a Rental Motor Vehicle, Curtis, G. . . . . HB 342 (P)  
 Timely Payment of Motor Vehicle Insurance Claims, Waddoups, M. SB 179 (F)

### **MOTOR VEHICLE SAFETY INSPECTION**

- Regulation of Personal Motorized Mobility Devices, Curtis, G. . . . HB 281 (P)  
 Safety Inspections Regarding Window Tinting, Bowman, D. . . . . HB 74 (P)  
 Vehicle Safety Inspection Amendments, Harper, W. . . . . HB 172 (P)

### **MOTOR VEHICLES**

- Amendments to Driving Under the Influence, Walker, C. . . . . SB 9 (P)  
 Application for Vehicle Title Amendments, Eastman, D. . . . . SB 6 (P)  
 Blood and Breath Alcohol Testing, Ray, P. . . . . HB 16 (P)  
 Child Restraint Violations, Moss, C. . . . . HB 29 (P)  
 Consumer Protection Amendments – Rental  
     Motor Vehicles, Biskupski, J. . . . . HB 108 (F)  
 Court Records of Driving Under the Influence Cases, Tyler, A. L. . . HB 18 (P)  
 Emergency Vehicle Amendments, Ray, P. . . . . HB 235 (P)  
 Left Lane Restriction Amendments, Eastman, D. . . . . SB 52 (P)  
 License Plate Requirements, King, B. . . . . HB 31 (P)  
 Low-speed Electric Vehicles on Certain Highways, Bush, D. . . . . HB 171 (P)  
 Manual on Uniform Traffic Control Devices  
     for Streets, Holdaway, K. . . . . HB 198 (P)  
 Motor Vehicle Insurance and Credit Information, Wallace, P. . . . . HB 110 (P)  
 Motor Vehicle Registration Amendments, Steele, D. . . . . SB 21 (P)

Motor Vehicle Registration for Fleets, Eastman, D. . . . .	SB 173 (P)
Motorboating and Boating Under the Influence Provisions, Pace, L. . .	HB 4 (P)
Multiple Driving Under the Influence Offenses, Tyler, A. L. . . . .	HB 17 (P)
New Automobile Franchise Act Amendments, Eastman, D. . . . .	SB 42 (P)
Organ Donation Checkoff, Hale, K. . . . .	SB 15 (P)
Over Weight Vehicle Amendments, Hatch, T. . . . .	HB 218 (P)
Peace Officer Arrest Quotas, Bennion, C. . . . .	HB 194 (F)
Penalty for Distracted Driving, Holdaway, K. . . . .	HB 67 (F)
Penalty for Stealing Motor Fuel, Saunders, C. . . . .	HB 114 (F)
Powersport Vehicle Franchise Act, Curtis, G. . . . .	HB 167 (P)
Recreational Vehicle – Length and Width Amendments, Bush, D. . .	HB 210 (P)
Regulation of Personal Motorized Mobility Devices, Curtis, G. . . .	HB 281 (P)
Safety Inspections Regarding Window Tinting, Bowman, D. . . . .	HB 74 (P)
Salvage Vehicle Amendments, Hogue, D. . . . .	HB 239 (F)
Seat Belt Requirements, Moss, C. . . . .	HB 92 (F)
Special License Plate, Bowman, D. . . . .	HB 326 (F)
Special License Plates for Search and Rescue Teams, Ferry, B. . . .	HB 118 (P)
State Fleet Operations Amendments, Adair, G. . . . .	HB 323 (F)
Traffic Offense Adjudication, Knudson, P. . . . .	SB 16 (F)
Unmarked Vehicle Amendments, Bowman, D. . . . .	HB 87 (F)
Utah Exemption Act Amendments, Gladwell, D. . . . .	SB 49 (P)
Vehicle History Information, Eastman, D. . . . .	SB 151 (F)
Veterans Service Organizations Special License Plates, Mascaro, S.	HB 337 (P)

### NATURAL GAS

Natural Gas Technician Certification, Snow, G. . . . .	HB 133 (P)
Utah Energy Office Amendments, Urquhart, S. . . . .	HB 145 (P)

### NATURAL RESOURCES

Appropriation for Archery and Nature Park in Tooele, Bennion, C.	HB 322 (F)
Appropriation for Nature Center in Ogden, Adair, G. . . . .	HB 277 (F)
Bear River Development Projects, Waddoups, M. . . . .	SB 92 (P)
Bow Hunter Safety, Hansen, N. . . . .	HB 294 (F)
Coal Mining and Reclamation Amendments, Dmitrich, M. . . . .	SB 72 (P)
Environmental Compliance for Minerals	
Regulatory Program, Knudson, P. . . . .	SB 159 (P)
Forfeited Water Right Allocation, Peterson, D. . . . .	HB 57 (P)
Hunting License Fee Refund, Styler, M. . . . .	HB 223 (P)
Licensure of Geologists, Becker, R. . . . .	HB 96 (P)
Mutual Water Company Change Applications, Blackham, L. . . . .	SB 37 (P)
Resolution Authorizing Bear River Migratory	
Bird Refuge Settlement, Ferry, B. . . . .	HJR 27 (P)

## Resolution Urging Vegetation Management Practices

- on BLM Ground, Blackham, L. . . . . SCR 2 (P)
- Use of Bear River Bird Refuge Settlement Monies, Ferry, B. . . . . HB 162 (P)
- Utah Energy Office Amendments, Urquhart, S. . . . . HB 145 (P)
- Water Commissioner Assessment Amendments, Ure, D. . . . . HB 269 (P)
- Water Development and Conservation Task Force, Way, G. . . . . HB 85 (F)
- Water Forfeiture Amendments, Styler, M. . . . . HB 58 (P)
- Wildlife Remediation on Private Property, Styler, M. . . . . HB 164 (P)
- Wildlife Resources and Wildlife Board Amendments, Gladwell, D. SB 134 (F)

**OCCUPATIONAL LICENSING**

- Direct-entry Midwife Licensing Act, Hellewell, P. . . . . SB 53 (F)
- Fire Prevention and Safety Amendments, Beshear, C. . . . . HB 247 (F)
- Hearing Instrument Specialist Amendments, Bradshaw, A. . . . . HB 266 (P)
- Land Surveyor Amendments, Davis, G. . . . . SB 79 (F)
- Licensing Amendments Regarding Background
  - Checks, Bradshaw, A. . . . . HB 63 (P)
- Licensing of Genetic Counselors Technical
  - Amendments, Julander, P. . . . . SB 109 (P)
- Licensure of Geologists, Becker, R. . . . . HB 96 (P)
- Natural Gas Technician Certification, Snow, G. . . . . HB 133 (P)
- Pharmacist Licensing Amendments, Knudson, P. . . . . SB 100 (P)
- Practice of Radiology Technology Licensure
  - Amendments, Philpot, J. M. . . . . HB 242 (F)
- Professional Employer Organization Licensing
  - Act Amendments, Curtis, G. . . . . HB 279 (P)
  - Prohibition of Restraint Practices, Thompson, M. . . . . HB 356 (F)
  - Regulation of Restraint Therapy, Thompson, M. . . . . HB 261 (F)
  - Regulation of Termite Inspectors, Walker, C. . . . . SB 83 (F)
  - Utah Medical Practice Act Amendments, Allen, D. E. . . . . SB 50 (P)

**OCCUPATIONAL SAFETY AND HEALTH (OSHA)**

- Utah Occupational Safety and Health Advisory
  - Council Amendments, Bush, D. . . . . HB 11 (P)

**OCCUPATIONS AND PROFESSIONS**

- Amendments to Utah Uniform Building Standards Act, Hellewell, P. SB 55 (P)
- Construction Services Commission, Clark, S. . . . . HB 205 (P)
- Nurse Practice Act Amendments, Julander, P. . . . . SB 51 (P)

**OFFENSES**

- Attempted Murder Amendments, Gladwell, D. . . . . SB 22 (P)

- Criminal Code Amendments, Suazo, A. . . . . SB 64 (F)
- Hate Crimes Amendments, Litvack, D. . . . . HB 151 (F)
- Protection of Sports Officials from Violent Abuse, Hogue, D. . . . . HB 195 (F)
- Resolution Opposing Increased Violence in
  - Sports Against Sports Officials, Hogue, D. . . . . HJR 22 (P)
- Traffic Offense Adjudication, Knudson, P. . . . . SB 16 (F)

**OFF-HIGHWAY VEHICLES**

- Off-highway Vehicle Amendments, Goodfellow, B. . . . . HB 197 (P)

**OLYMPICS**

- Concurrent Resolution Recognizing the Salt Lake
  - Olympic Organizing Committee, Mitt Romney, Olympic
    - Volunteers, and Public Safety, Evans, B. . . . . SCR 3 (P)
- Distribution of Olympic Special Revenue
  - Fund Monies, Waddoups, M. . . . . SB 118 (F)
- Resolution on Utah Athletic Foundation, Ure, D. . . . . HJR 25 (P)
- Resolution Recognizing Public Safety Workers fo
  - Olympics, Mansell, L. A. . . . . SJR 16 (P)
- Resolution Urging Hazardous Materials Not Be Transported
  - by Train During the Olympics, Fife, F. . . . . HJR 20 (F)
- Resolution Welcoming the World to Utah –
  - 2002 Olympic Winter Games, Ferry, B. . . . . HCR 6 (P)

**PARKS**

- Appropriation for Archery and Nature Park in Tooele, Bennion, C. HB 322 (F)
- State Park Access Highways Amendments, Bowman, D. . . . . HB 65 (P)
- Veterans – Parks and Recreation Benefit, Adair, G. . . . . HB 333 (F)

**PARTNERSHIPS**

- Business Entity Amendments, Valentine, J. . . . . SB 146 (P)

**PEACE OFFICER**

- Arrest Authority of Peace Officers, Donnelson, G. . . . . HB 188 (F)
- Giving False Information to Police Officer, Morgan, K. . . . . HB 224 (P)
- Peace Officer Arrest Quotas, Bennion, C. . . . . HB 194 (F)

**PHARMACIES**

- Pharmacist Licensing Amendments, Knudson, P. . . . . SB 100 (P)

**POLITICAL SUBDIVISIONS (LOCAL ISSUES)**

- Adjustments of County Boundaries, Walker, C. . . . . SB 80 (P)

- Advisory Council on Intergovernmental Relations
- Amendments, Peterson, M. . . . . SB 41 (P)
  - Amendments to Utah Uniform Building Standards Act, Hellewell, P. SB 55 (P)
  - Amendments to Whistle Blowers Statute, Hansen, N. . . . . HB 98 (F)
  - Annexations in Counties of the First Class, Poulton, L. S. . . . . SB 201 (F)
  - Annexations Involving Townships, Duckworth, C. . . . . HB 126 (P)
  - Basic Human Needs Referendum Act, Dmitrich, M. . . . . SB 198 (F)
  - Bid Requirements on County or Municipal Construction
    - Projects, Stephenson, H. . . . . SB 102 (F)
  - Bonding Authority for Irrigation Districts, Gladwell, D. . . . . SB 20 (P)
  - Cemetery Maintenance District Amendments, Anderson, E. . . . . HB 75 (P)
  - County and Municipal Campaign Finance Amendments, Beck, T. . HB 334 (P)
  - County Clerk Responsibilities – Building Lot of Record, Ure, D. . . HB 325 (F)
  - County Law Revisions, Gladwell, D. . . . . SB 65 (P)
  - County Personnel Management Act Amendments, Evans, B. . . . . SB 82 (P)
  - Expansion of Governmental Immunity, Barrus, R. . . . . HB 203 (F)
  - Expansion of Special Service District Purposes, Buttars, C. . . . . HB 165 (F)
  - Firemen’s Civil Service Council Amendments, Philpot, J. M. . . . . HB 254 (P)
  - Funding Formula for Alcohol Related Activities of
    - Local Governments, Waddoups, M. . . . . SB 30 (P)
  - Impact Fees Act Amendments, Way, G. . . . . HB 184 (P)
  - Interlocal Cooperation Act and Electric Power
    - Facilities Amendments, Blackham, L. . . . . SB 29 (P)
  - Jail Reimbursement Amendments, Curtis, G. . . . . HB 319 (P)
  - Joint Resolution – Debt Limits for Political Subdivisions, Harper, W.HJR 14 (P)
  - Joint Resolution on Changes to County Boundaries, Walker, C. . . . . SJR 4 (P)
  - Limited Purpose Local Government Agencies
    - Amendments, Peterson, D. . . . . HB 137 (P)
  - Local Government Officials Amendments, Thompson, M. . . . . HB 116 (F)
  - Local Government Variable Rate Bonding Authority, Buttars, D. C. SB 116 (P)
  - Municipal Annexation Amendments, Peterson, D. . . . . HB 93 (P)
  - Municipal Plan for Moderate Income Housing, Ray, P. . . . . HB 49 (F)
  - Planetarium Board Amendments, Newbold, M. . . . . HB 280 (F)
  - Planetarium Board of Directors Amendments, Davis, G. . . . . SB 129 (P)
  - Prohibiting Residential Lots from Crossing
    - County Lines, Hogue, D. . . . . HB 20 (F)
  - Protection of Unincorporated Areas in Counties of the
    - First Class, Tyler, A. L. . . . . HB 324 (F)
  - Public Agency Insurance Mutual Amendments, Hickman, J. . . . . SB 48 (P)
  - Public Review of Municipal Appropriations and
    - Resources, Barrus, R. . . . . HB 166 (P)

- Redevelopment Agencies Notice Requirements, Stephens, M. . . . . HB 193 (P)
- Resolution Providing for Changing County Lines, Peterson, M. . . . . SJR 3 (F)
- Resolution Supporting Utah Quality Growth Commission, Allen, R. . . . . SJR 8 (F)
- Revisions to Redevelopment Agency Laws, Harper, W. . . . . HB 24 (P)
- Sale of Municipal Power Systems, Hickman, J. . . . . SB 104 (P)
- Special Service District Amendments, Anderson, E. . . . . HB 212 (P)
- Standards for Illegal Drug Lab Decontamination, Tyler, A. L. . . . . HB 153 (F)
- Subdivision of Agricultural Land, Parker, B. . . . . HB 68 (F)
- Technical Corrections to County Code, Cox, D. . . . . HB 26 (P)
- Technical Corrections to Municipal Code, Cox, D. . . . . HB 27 (P)
- Transfer of Development Rights, Parker, B. . . . . HB 216 (F)
- Uniform Withdrawal Procedures for Special Districts, Gladwell, D. . . . . SB 18 (P)
- Unincorporated County Amendments, Allen, R. . . . . SB 95 (P)
- Use of County General Fund Expenses, Hutchings, E. . . . . HB 330 (P)
- Voter Residence Where Lot Is Divided by County
  - Boundary Line, Walker, C. . . . . SB 35 (P)

**PORNOGRAPHY**

- Indecent Public Display Amendments, Wallace, P. . . . . HB 236 (P)
- Obscenity and Pornography Complaints
  - Ombudsman Duties, Harper, W. . . . . HB 107 (P)
- Restrictions on Sexually Explicit Email, Winn, B. . . . . HB 143 (P)

**PROPERTY TAX**

- Assessment of Property Subject to a Minimum
  - Parcel Size, Murray, J. . . . . HB 119 (P)
- Farmland Assessment Act – Rollback Taxes, Ure, D. . . . . HB 301 (F)
- Property Tax – Judgment Levy, Harper, W. . . . . HB 201 (P)
- Property Tax – Truth in Taxation Amendments, Young, M. . . . . HB 146 (F)
- Property Tax Amendments, Harper, W. . . . . HB 305 (P)
- Property Tax Assessments – Effect of Conservation
  - Easement, Becker, R. . . . . HB 84 (P)
- Property Tax Modifications, Bramble, C. . . . . SB 169 (P)
- Property Taxes – Farmland Assessment Act, Hatch, T. . . . . HB 155 (P)
- Property Taxes – Notice of Delinquency, Dillree, M. . . . . HB 95 (P)
- Resolution to Expand the Government Property
  - Tax Exemption, Clark, D. . . . . HJR 30 (P)

**PUBLIC DEBT – CONSTITUTION**

- Joint Resolution – Debt Limits for Political
  - Subdivisions, Harper, W. . . . . HJR 14 (P)

**PUBLIC EDUCATION**

- Annual Reports Given to the Legislature, Dillree, M. . . . . HB 46 (P)
- Appropriation for School Districts Impacted by  
    Fee Waivers, Shurtliff, L. . . . . HB 271 (F)
- Approval of Education Association Leave, Allen, S. . . . . HB 278 (F)
- Charter Schools Amendments, Stephenson, H. . . . . SB 138 (P)
- Child Immunization Amendments, Lockhart, R. . . . . HB 243 (F)
- Classroom Amplification, Hogue, D. . . . . HB 213 (F)
- Core Curriculum Amendments, Gladwell, D. . . . . SB 99 (P)
- Credit Allowed in Teacher Transfer, Thompson, M. . . . . HB 244 (F)
- Education Association Leave, Wright, B. . . . . SB 132 (P)
- Education Budget Reserve Account, Blackham, L. . . . . SB 155 (F)
- Education of Persons with a Disability, Mayne, E. . . . . SB 81 (P)
- Health Care Access Reform, Butters, D. C. . . . . SB 58 (F)
- Licenses for Educators, Allen, S. . . . . HB 207 (P)
- Local School Board Employer Powers, Wright, B. . . . . SB 157 (F)
- Medical Recommendations for Children, Bryson, K. . . . . HB 123 (P)
- Minimum School Program Act Amendments, Stephenson, H. . . . . SB 3 (P)
- Nutritional Food in Schools, Jones, P. . . . . HB 200 (F)
- Parental Involvement in Public Education, Walker, C. . . . . SB 85 (F)
- Process for Creation of New School Districts, Cox, D. . . . . HB 76 (F)
- Public Education – Alternative Language Programs, Bourdeaux, D. HB 150 (F)
- Public Education Capital Outlay Act Amendments, Cox, D. . . . . HB 240 (F)
- Public Education Vending Contracts, Jones, P. . . . . HB 228 (F)
- Repeal of Education Mandates and Programs, Stephenson, H. . . . . SB 105 (P)
- Resolution on Investment of State School Fund and  
    Uniform School Fund, Hillyard, L. . . . . SJR 2 (P)
- Retention of Educator Licenses, Throckmorton, M. . . . . HB 189 (F)
- Rural Schools – Equity in Education, Johnson, B. . . . . HB 253 (P)
- School and School District Size Task Force, Cox, D. . . . . HB 222 (F)
- School Community Councils, Wright, B. . . . . SB 167 (P)
- School Display of Motto of the United States, Siddoway, R. . . . . HB 79 (P)
- School Uniform Amendments, Morgan, K. . . . . HB 5 (P)
- State Board of Education Budget Authority, Dillree, M. . . . . HB 275 (P)
- State Board of Education Rules and Reports, Dayton, M. . . . . HB 221 (P)
- Student Education Plans, Newbold, M. . . . . HB 262 (P)
- Supplemental Minimum School Program Act  
    Amendments, Dillree, M. . . . . HB 274 (P)
- Truancy Amendments, Bourdeaux, D. . . . . HB 209 (F)
- Youth Court Amendments, Gladwell, D. . . . . SB 130 (P)

### PUBLIC FUNDS AND ACCOUNTS

- Aeronautics Construction Revolving Loan Fund, Hickman, J. . . . . SB 160 (P)
- Amendments to Settlement Agreements Requirements, Dayton, M. HB 173 (P)
- Annual Report on State School Fund, Ferrin, J. . . . . HB 177 (P)
- Debt Service and Rainy Day Fund Amendments, Hellewell, P. . . . . SB 154 (P)
- Distribution of Olympic Special Revenue
  - Fund Monies, Waddoups, M. . . . . SB 118 (F)
- Education Budget Reserve Account, Blackham, L. . . . . SB 155 (F)
- Funding Formula for Alcohol Related Activities
  - of Local Governments, Waddoups, M. . . . . SB 30 (P)
- Funding of the Controlled Substances Database, Valentine, J. . . . . SB 86 (P)
- Funds Consolidation, Alexander, J. . . . . HB 61 (P)
- Funds Consolidation, Budget Procedures, and
  - Fund Reclassification Amendments, Bigelow, R. . . . . HB 264 (P)
- Repeal of Investment Advisory Committee, Winn, B. . . . . HB 10 (P)
- State Board of Education Budget Authority, Dillree, M. . . . . HB 275 (P)
- Technical Amendments to Tobacco Settlement
  - Trust Fund, Morgan, K. . . . . HB 53 (P)
- Tobacco Settlement Restricted Account, Steele, D. . . . . SB 135 (P)
- Use of County General Fund Expenses, Hutchings, E. . . . . HB 330 (P)
- Use of Tobacco Settlement Interest Proceeds, Morgan, K. . . . . HB 12 (F)

### PUBLIC OFFICERS

- Open and Public Meetings Revisions, Davis, G. . . . . SB 128 (P)

### PUBLIC SAFETY

- Antiterrorism Amendments, Ray, P. . . . . HB 283 (P)
- Application for Driver License Amendments, Wright, B. . . . . SB 133 (F)
- Driver License Fraud Amendments, Holdaway, K. . . . . HB 187 (P)
- Driver License Reporting, Peterson, M. . . . . SB 14 (F)
- Driver License Restrictions, Throckmorton, M. . . . . HB 350 (F)
- Emergency Responder Priority, Holdaway, K. . . . . HB 180 (F)
- Expansion of DNA Database, Way, G. . . . . HB 154 (P)
- Fire Prevention and Safety Amendments, Beshear, C. . . . . HB 247 (F)
- Fire Prevention and Safety Revisions, Beshear, C. . . . . HB 316 (F)
- Motorboating and Boating Under the Influence Provisions, Pace, L. . HB 4 (P)
- Public Safety – Division Name Change, Bowman, D. . . . . HB 40 (P)
- Public Safety Bureau Name Change, Bowman, D. . . . . HB 6 (P)
- Resolution Recognizing Public Safety Workers
  - for Olympics, Mansell, L. A. . . . . SJR 16 (P)
- Retirement Cost-of-living Adjustment for Public Safety, Ray, P. . . . HB 97 (F)

Retirement of Public Safety Officials, Bigelow, R. . . . . HB 230 (P)  
 Secure Facilities Amendments, Gladwell, D. . . . . SB 164 (P)  
 Tax Commission Criminal Investigators Designation as  
 Special Function Officers, Bramble, C. . . . . SB 62 (P)  
 Unmarked Vehicle Amendments, Bowman, D. . . . . HB 87 (F)  
 Utah 911 Committee, McCartney, T. . . . . HB 313 (P)  
 Utah Fire Prevention and Safety Act Amendments, Beshear, C. . . . HB 315 (F)  
 Vehicle Safety Inspection Amendments, Harper, W. . . . . HB 172 (P)

### **PUBLIC SERVICE COMMISSION**

Electric Energy Efficiency and Conservation Tariff, Blackham, L. . . SB 152 (P)  
 Renewable Energy Amendments, Gowans, J. . . . . HB 308 (F)

### **PUBLIC TRANSIT DISTRICTS**

Sales and Use Tax Amendments, Hickman, J. . . . . SB 195 (P)

### **PUBLIC UTILITIES**

Cable TV Regulation, Bramble, C. . . . . SB 194 (F)  
 Competition in Telecommunications Industry Legislative  
 Task Force, Garn, K. . . . . HB 140 (P)  
 Electric Energy Efficiency and Conservation Tariff, Blackham, L. . . SB 152 (P)  
 Electric Power Facilities Amendments, Blackham, L. . . . . SB 32 (F)  
 Information Required to the Division of Public  
 Utilities, McCartney, T. . . . . HB 327 (F)  
 Interlocal Cooperation Act and Electric Power  
 Facilities Amendments, Blackham, L. . . . . SB 29 (P)  
 Municipal Telephone Utilities Amendments, Cox, D. . . . . HB 59 (F)  
 Natural Gas Technician Certification, Snow, G. . . . . HB 133 (P)  
 Net Metering of Electricity, Snow, G. . . . . HB 7 (P)  
 Renewable Energy Amendments, Gowans, J. . . . . HB 308 (F)  
 Sale of Municipal Power Systems, Hickman, J. . . . . SB 104 (P)  
 Taxes or Charges on Telecommunications Service, Bramble, C. . . . SB 153 (P)

### **PUBLICATIONS**

Property Tax – Truth in Taxation Amendments, Young, M. . . . . HB 146 (F)

### **QUASI GOVERNMENTAL ENTITY/ORGANIZATIONS**

Independent Entity Privatization Amendments, Stephens, M. . . . . HB 289 (P)  
 Public Safety Communications Network, Ure, D. . . . . HB 142 (F)  
 Retirement Law Recodification, Bigelow, R. . . . . HB 250 (P)

Utah Housing Corporation Amendments, Bigelow, R. . . . . HB 255 (P)  
 Workers' Compensation Insurance Related  
 Amendments, Poulton, L. S. . . . . SB 119 (P)

**RADIATION**

Practice of Radiology Technology Licensure  
 Amendments, Philpot, J. M. . . . . HB 242 (F)  
 Uranium Mill Tailings Oversight, Wright, B. . . . . SB 96 (P)

**REAL ESTATE**

Mobile Home Park Residency Act Amendments, Harper, W. . . . . HB 263 (P)  
 Mobile Home Park Residency Technical Revisions, Eastman, D. . . . . SB 115 (P)  
 Mortgage Lending Disclosures, Ray, P. . . . . HB 191 (F)  
 Mortgage Practices Act Revisions, Adair, G. . . . . HB 23 (P)  
 Real Estate Valuation Tax Appeal, Bramble, C. . . . . SB 84 (F)  
 Reconveyance of Trust Deed or Release of Mortgage, Hatch, T. . . . . HB 202 (P)  
 Termination of Joint Tenancy in Real Property, Hillyard, L. . . . . SB 103 (P)  
 Trust Deeds Amendments, Clark, D. . . . . HB 44 (P)

**RECODIFICATION**

Retirement Law Recodification, Bigelow, R. . . . . HB 250 (P)

**RECREATION**

Appropriation for Archery and Nature Park in Tooele, Bennion, C. . . . . HB 322 (F)  
 Off-highway Vehicle Amendments, Goodfellow, B. . . . . HB 197 (P)  
 Powersport Vehicle Franchise Act, Curtis, G. . . . . HB 167 (P)  
 Resolution on Utah Athletic Foundation, Ure, D. . . . . HJR 25 (P)  
 Veterans – Parks and Recreation Benefit, Adair, G. . . . . HB 333 (F)

**REDEVELOPMENT AGENCIES**

Limited Purpose Local Government Agencies  
 Amendments, Peterson, D. . . . . HB 137 (P)  
 Redevelopment Agencies Notice Requirements, Stephens, M. . . . . HB 193 (P)  
 Revisions to Redevelopment Agency Laws, Harper, W. . . . . HB 24 (P)

**REDISTRICTING**

Creation of Redistricting Commission Resolution, Morgan, K. . . . . HJR 3 (F)  
 Redistricting Procedures, Siddoway, R. . . . . HB 104 (F)

**REGISTRATION AND REGISTRATION FEES**

Motor Vehicle Registration Amendments, Steele, D. . . . . SB 21 (P)

Motor Vehicle Registration for Fleets, Eastman, D. . . . . SB 173 (P)  
 Organ Donation Checkoff, Hale, K. . . . . SB 15 (P)  
 Special License Plate, Bowman, D. . . . . HB 326 (F)  
 Special License Plates for Search and Rescue Teams, Ferry, B. . . . HB 118 (P)  
 Veterans Service Organizations Special License Plates, Mascaro, S. HB 337 (P)

## RESOLUTIONS

Adult Lifelong Learning and Literacy Resolution, Steele, D. . . . . SCR 1 (F)  
 Concurrent Resolution Recognizing the Salt Lake  
     Olympic Organizing Committee, Mitt Romney, Olympic  
     Volunteers, and Public Safety, Evans, B. . . . . SCR 3 (P)  
 Creation of Redistricting Commission Resolution, Morgan, K. . . . . HJR 3 (F)  
 House Rules Resolution – Process Revisions, Harper, W. . . . . HR 2 (P)  
 House Rules Resolution – Rules Committee Power, Bennion, C. . . . . HR 4 (F)  
 Joint and Interim Rules Revisions Resolution, Waddoups, M. . . . . SJR 9 (P)  
 Joint Resolution – Debt Limits for Political  
     Subdivisions, Harper, W. . . . . HJR 14 (P)  
 Joint Resolution – Rejecting Recommended Salary Increase  
     for Legislators, Way, G. . . . . HJR 9 (P)  
 Joint Resolution Amending Highway User and Motor  
     Fuel Funds, Daniels, S. . . . . HJR 8 (F)  
 Joint Resolution Authorizing Appointment of Attorney  
     for State Officers, Valentine, J. . . . . SJR 13 (F)  
 Joint Resolution on Changes to County Boundaries, Walker, C. . . . . SJR 4 (P)  
 Joint Resolution Rejecting Salary Recommendations  
     of Legislative Compensation Commission, King, B. . . . . HJR 12 (F)  
 Joint Resolution Urging a Study of Certain  
     Exemptions, Waddoups, M. . . . . SJR 6 (P)  
 Joint Rules Resolution – Appropriations Subcommittee  
     Names, Hendrickson, N. . . . . HJR 7 (P)  
 Joint Rules Resolution – Establishing a Ways and Means  
     Committee, Ure, D. . . . . HJR 31 (F)  
 Joint Rules Resolution – Legislative Review Notes on Bills, Ure, D. HJR 16 (F)  
 Joint Rules Resolution Requiring Certain Special Session  
     Procedures, Bennion, C. . . . . HJR 19 (F)  
 Master Study Resolution, Poulton, L. S. . . . . SJR 15 (P)  
 Resolution Amending Revenue and Taxation Provisions  
     of Utah Constitution, Valentine, J. . . . . SJR 10 (P)  
 Resolution Approving Landfill for Construction and  
     Demolition Debris, Hatch, T. . . . . HCR 7 (P)

- Resolution Asserting Water Rights Issued Under the Authority  
of the State Are Subject to State Law, Young, M. . . . . HJR 29 (F)
- Resolution Authorizing Bear River Migratory Bird  
Refuge Settlement, Ferry, B. . . . . HJR 27 (P)
- Resolution Authorizing the Calling of Special Sessions  
by the Legislature, Hickman, J. . . . . SJR 5 (F)
- Resolution Calling for Support of the Principles of the  
Alliance for Unity, Bigelow, R. . . . . HJR 5 (P)
- Resolution Changing House Committee Names, Hutchings, E. . . . . HR 1 (P)
- Resolution Changing Senate Committee Names, Knudson, P. . . . . SR 1 (P)
- Resolution Closing Court Facility, Bennion, C. . . . . HJR 17 (P)
- Resolution Encouraging Congressional Approval of  
Farm Bill, Butters, C. . . . . HJR 21 (F)
- Resolution Encouraging Cultural Competency in the  
Delivery of Health Care, Buffmire, J. . . . . HJR 4 (P)
- Resolution Encouraging Research and Development  
Grants for Clean Coal Alternatives, Dmitrich, M. . . . . SJR 1 (P)
- Resolution Honoring Gold and Blue Star Mothers, Philpot, J. M. . . . . HCR 8 (P)
- Resolution Honoring Princess Aisha Bint Al Hussein, Allen, S. . . . . HJR 24 (P)
- Resolution Honoring Service of Pamela Atkinson, Stephens, M. . . . . HCR 3 (P)
- Resolution on Adult Lifelong Learning and Literacy, Steele, D. . . . . SR 4 (P)
- Resolution on Compensation of In-session Employees, Evans, B. . . . . SJR 7 (P)
- Resolution on Investment of State School Fund and  
Uniform School Fund, Hillyard, L. . . . . SJR 2 (P)
- Resolution on Special Sessions of the Legislature, Bennion, C. . . . . HJR 13 (F)
- Resolution on Utah Athletic Foundation, Ure, D. . . . . HJR 25 (P)
- Resolution on Yucca Mountain as Nuclear  
Waste Repository, Davis, G. . . . . SJR 14 (F)
- Resolution Opposing Increased Violence in Sports  
Against Sports Officials, Hogue, D. . . . . HJR 22 (P)
- Resolution Promoting Character and Citizenship  
Education, Morgan, K. . . . . HJR 23 (F)
- Resolution Promoting Cooperative Regulatory  
Environment and Economic Development in Utah, Bennion, C. . . . . HJR 26 (P)
- Resolution Promoting Financial Literacy for  
Utah Students, Hogue, D. . . . . HJR 15 (P)
- Resolution Providing for Changing County Lines, Peterson, M. . . . . SJR 3 (F)
- Resolution Reappointing Legislative Auditor General, Stephens, M. . . . . HJR 1 (P)
- Resolution Recognizing Contributions of  
Congressman James V. Hansen, Dillree, M. . . . . HCR 4 (P)

- Resolution Recognizing Discover Navajo – People of the  
Fourth World Day, Dmitrich, M. . . . . SR 3 (P)
- Resolution Recognizing Military, President, and Congress’  
Role in War on Terrorism, Swallow, J. . . . . HCR 5 (P)
- Resolution Recognizing Public Safety Workers fo  
Olympics, Mansell, L. A. . . . . SJR 16 (P)
- Resolution Recognizing the Life and Contributions  
of Ronald Reagan, Throckmorton, M. . . . . HJR 18 (F)
- Resolution Recognizing Utah Shakespearean Festival  
Distinguished Service Award, Bowman, D. . . . . HCR 10 (P)
- Resolution Regarding United States Minting  
of the Utah Quarter, Hansen, N. . . . . HCR 1 (F)
- Resolution Requiring Public Notice Prior to  
Special Sessions, Urquhart, S. . . . . HJR 11 (P)
- Resolution Supporting America’s Domestic  
Steel Industry, Mayne, E. . . . . SJR 11 (P)
- Resolution Supporting Businesses, Curtis, G. . . . . HCR 2 (P)
- Resolution Supporting Designation of San Rafael  
Swell as National Monument, Johnson, B. . . . . HCR 9 (F)
- Resolution Supporting Utah Quality Growth Commission, Allen, R. SJR 8 (F)
- Resolution to Expand the Government Property  
Tax Exemption, Clark, D. . . . . HJR 30 (P)
- Resolution Urging an End to the Persecution of  
Falun Gong Practitioners, Throckmorton, M. . . . . HJR 6 (F)
- Resolution Urging Federal Constitutional Amendment  
to Protect the Life of the Unborn, Way, G. . . . . HJR 10 (F)
- Resolution Urging Federal Government Review of Alternatives  
for Atlas Mill Tailings, Dmitrich, M. . . . . SJR 12 (P)
- Resolution Urging Hazardous Materials Not Be  
Transported by Train During the Olympics, Fife, F. . . . . HJR 20 (F)
- Resolution Urging Vegetation Management Practices  
on BLM Ground, Blackham, L. . . . . SCR 2 (P)
- Resolution Welcoming the World to Utah – 2002  
Olympic Winter Games, Ferry, B. . . . . HCR 6 (P)
- Rules Resolution – Committee Notes on Bills, Bigelow, R. . . . . HJR 2 (P)
- Senate Rules Amendments Resolution, Waddoups, M. . . . . SR 2 (P)

### **RESOLUTIONS, CONSTITUTIONAL**

- Creation of Redistricting Commission Resolution, Morgan, K. . . . . HJR 3 (F)
- Joint Resolution – Debt Limits for Political  
Subdivisions, Harper, W. . . . . HJR 14 (P)

Joint Resolution Amending Highway User and Motor Fuel Funds, Daniels, S. . . . .	HJR 8 (F)
Joint Resolution on Changes to County Boundaries, Walker, C. . . . .	SJR 4 (P)
Resolution Amending Revenue and Taxation Provisions of Utah Constitution, Valentine, J. . . . .	SJR 10 (P)
Resolution Authorizing the Calling of Special Sessions by the Legislature, Hickman, J. . . . .	SJR 5 (F)
Resolution on Investment of State School Fund and Uniform School Fund, Hillyard, L. . . . .	SJR 2 (P)
Resolution on Special Sessions of the Legislature, Bennion, C. . . . .	HJR 13 (F)
Resolution Providing for Changing County Lines, Peterson, M. . . . .	SJR 3 (F)
Resolution Requiring Public Notice Prior to Special Sessions, Urquhart, S. . . . .	HJR 11 (P)
Resolution to Expand the Government Property Tax Exemption, Clark, D. . . . .	HJR 30 (P)

### **RESOLUTIONS, RULES**

House Rules Amendments Resolution, Hatch, T. . . . .	HR 3 (P)
House Rules Resolution – Process Revisions, Harper, W. . . . .	HR 2 (P)
House Rules Resolution – Rules Committee Power, Bennion, C. . . . .	HR 4 (F)
Joint and Interim Rules Revisions Resolution, Waddoups, M. . . . .	SJR 9 (P)
Joint Rules Resolution – Appropriations Subcommittee Names, Hendrickson, N. . . . .	HJR 7 (P)
Joint Rules Resolution – Legislative Review Notes on Bills, Ure, D. . . . .	HJR 16 (F)
Joint Rules Resolution Requiring Certain Special Session Procedures, Bennion, C. . . . .	HJR 19 (F)
Resolution Changing House Committee Names, Hutchings, E. . . . .	HR 1 (P)
Resolution Changing Senate Committee Names, Knudson, P. . . . .	SR 1 (P)
Rules Resolution – Committee Notes on Bills, Bigelow, R. . . . .	HJR 2 (P)
Senate Rules Amendments Resolution, Waddoups, M. . . . .	SR 2 (P)

### **RESTITUTION**

Criminal Restitution Amendments, Allen, S. . . . .	HB 190 (P)
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### **RETIREMENT**

Additional State Retirement Benefit, Shurtliff, L. . . . .	HB 268 (F)
Classification of State Employees for Insurance Purposes, Seitz, J. . . . .	HB 248 (P)
Firefighters Retirement, Davis, G. . . . .	SB 180 (F)
Health Insurance Mandates Program, Lockhart, R. . . . .	HB 105 (P)

Individual Income Tax Personal Retirement Exemption and Deduction for Retirement Income – Eliminating Marriage Tax Penalties, Harper, W. . . . .	HB 50(F)
Retirement Cost-of-living Adjustment for Public Safety, Ray, P. . . .	HB 97 (F)
Retirement Law Recodification, Bigelow, R. . . . .	HB 250 (P)
Retirement of Public Safety Officials, Bigelow, R. . . . .	HB 230 (P)
Retirement Office Amendments, Bigelow, R. . . . .	HB 297 (P)
State Retirement Conversion Window, King, B. . . . .	HB 186 (F)

## REVENUE AND TAXATION

Assessment of Property Subject to a Minimum Parcel Size, Murray, J. . . . .	HB 119 (P)
Basic Human Needs Referendum Act, Dmitrich, M. . . . .	SB 198 (F)
Cigarette Tax Stamp and Contraband Amendments, Allen, D. E. . . . .	SB 7 (P)
Corporate Franchise and Income Taxes – Treatment of Certain Cooperatives, Valentine, J. . . . .	SB 57 (P)
Distribution of Olympic Special Revenue Fund Monies, Waddoups, M. . . . .	SB 118 (F)
Election Campaign Fund Checkoff Amendments, Buttars, C. . . . .	HB 19 (P)
Farmland Assessment Act – Rollback Taxes, Ure, D. . . . .	HB 301 (F)
Higher Education Savings Incentive Program Amendments, Bryson, K. . . . .	HB 52 (P)
Historic Building Rehabilitation Tax Credits, Bennion, C. . . . .	HB 285 (F)
Individual Income Tax – Bracket Adjustments, Bramble, C. . . . .	SB 31 (F)
Individual Income Tax – State Earned Income Tax Credit, Hatch, T. . . .	HB 60 (F)
Individual Income Tax – Treatment of Certain Military Income, Bramble, C. . . . .	SB 166 (F)
Individual Income Tax Deduction for Net Capital Gain, Ferrin, J. . . . .	HB 103 (F)
Individual Income Tax Personal Retirement Exemption and Deduction for Retirement Income – Eliminating Marriage Tax Penalties, Harper, W. . . . .	HB 50(F)
Joint Resolution Urging a Study of Certain Exemptions, Waddoups, M. . . . .	SJR 6 (P)
Mineral Production Tax Withholding Amendments, Snow, G. . . . .	HB 91 (P)
Oil and Gas Severance Tax – Board, Restricted Account, and Use of Revenues, Seitz, J. . . . .	HB 152 (P)
Penalty and Interest Modifications, Bramble, C. . . . .	SB 182 (F)
Property Tax – Judgment Levy, Harper, W. . . . .	HB 201 (P)
Property Tax – Truth in Taxation Amendments, Young, M. . . . .	HB 146 (F)
Property Tax Amendments, Harper, W. . . . .	HB 305 (P)

## Property Tax Assessments – Effect of Conservation

- Easement, Becker, R. . . . . HB 84 (P)
- Property Tax Modifications, Bramble, C. . . . . SB 169 (P)
- Property Taxes – Farmland Assessment Act, Hatch, T. . . . . HB 155 (P)
- Property Taxes – Notice of Delinquency, Dillree, M. . . . . HB 95 (P)
- Public Agency Insurance Mutual Amendments, Hickman, J. . . . . SB 48 (P)
- RDA – for Parking Structure, Stephenson, H. . . . . SB 187 (F)
- Real Estate Valuation Tax Appeal, Bramble, C. . . . . SB 84 (F)
- Reauthorization of Individual Income Tax Credit –
  - Tutoring Disabled Dependents, Buffimire, J. . . . . HB 185 (P)
- Repeal of Sales and Use Tax on Food, Biskupski, J. . . . . HB 157 (F)
- Residential Property Tax Exemptions, Mayne, E. . . . . SB 70 (F)
- Revisions to General Government – Tobacco
  - Amendments, Hogue, D. . . . . HB 352 (P)
- Sales and Use Tax – Agricultural Exemption, Anderson, E. . . . . HB 88 (P)
- Sales and Use Tax – Definition of Regularly Rented, Waddoups, M. SB 144 (P)
- Sales and Use Tax – Exemption for Certain Coupons, Peterson, M. SB 185 (F)
- Sales and Use Tax – Location of Transactions, Harper, W. . . . . HB 249 (P)
- Sales and Use Tax – Taxation of Amounts Paid to a Telephone
  - Service Provider or Telegraph Corporation, Bramble, C. . . . . SB 59 (P)
- Sales and Use Tax Amendments, Hickman, J. . . . . SB 195 (P)
- Sales and Use Tax Modifications, Harper, W. . . . . HB 51 (P)
- Sales and Use Taxes – Exemption for Certain Sales of
  - Electricity, Shurtliff, L. . . . . HB 129 (P)
- Special Fuel Tax Amendments, Ferry, B. . . . . HB 94 (P)
- State and Education Voluntary Contribution Fund, Philpot, J. M. . . HB 329 (F)
- Statutory Revisions for State Funding Adjustments, Blackham, L. . . SB 200 (P)
- Tax Credits – Removal of Tax Credit from Tax Form and
  - Prohibition on Claiming or Carrying Forward
    - Tax Credit, Bramble, C. . . . . SB 28 (P)
- Tax Credits for Donated Textbooks, Thompson, M. . . . . HB 302 (F)
- Tax Credits for Manufacturing Capital Investments, Hansen, N. . . . HB 149 (F)
- Tax Review Commission Amendments, Bennion, C. . . . . HB 182 (P)
- Taxes or Charges on Telecommunications Service, Bramble, C. . . . SB 153 (P)
- Tourism Amendments, Allen, S. . . . . HB 34 (P)
- Tuition Tax Credits, Buttars, D. C. . . . . SB 69 (F)

## REVENUE AND TAXATION – CONSTITUTION

## Joint Resolution Amending Highway User and Motor

- Fuel Funds, Daniels, S. . . . . HJR 8 (F)

- Resolution Amending Revenue and Taxation Provisions of  
Utah Constitution, Valentine, J. . . . . SJR 10 (P)
- Resolution to Expand the Government Property  
Tax Exemption, Clark, D. . . . . HJR 30 (P)

**REVISOR LEGISLATION**

- Revisor’s Statute, Waddoups, M. . . . . SB 114 (P)

**SALES AND USE TAX**

- Basic Human Needs Referendum Act, Dmitrich, M. . . . . SB 198 (F)
- Revisions to General Government – Tobacco
  - Amendments, Hogue, D. . . . . HB 352 (P)
- Sales and Use Tax – Agricultural Exemption, Anderson, E. . . . . HB 88 (P)
- Sales and Use Tax – Definition of Regularly Rented, Waddoups, M. SB 144 (P)
- Sales and Use Tax – Exemption for Certain Coupons, Peterson, M. SB 185 (F)
- Sales and Use Tax – Location of Transactions, Harper, W. . . . . HB 249 (P)
- Sales and Use Tax – Taxation of Amounts Paid to a Telephone
  - Service Provider or Telegraph Corporation, Bramble, C. . . . . SB 59 (P)
- Sales and Use Tax Amendments, Hickman, J. . . . . SB 195 (P)
- Sales and Use Tax Modifications, Harper, W. . . . . HB 51 (P)
- Sales and Use Taxes – Exemption for Certain Sales of
  - Electricity, Shurtliff, L. . . . . HB 129 (P)
- Statutory Revisions for State Funding Adjustments, Blackham, L. . SB 200 (P)
- Taxes or Charges on Telecommunications Service, Bramble, C. . . . SB 153 (P)

**SCHOOL FINANCE**

- Appropriation for School Districts Impacted by
  - Fee Waivers, Shurtliff, L. . . . . HB 271 (F)
- Appropriation for Teacher Mentoring Programs, Moss, C. . . . . HB 328 (F)
- Education Budget Reserve Account, Blackham, L. . . . . SB 155 (F)
- Minimum School Program Act Amendments, Stephenson, H. . . . . SB 3 (P)
- Public Education Capital Outlay Act Amendments, Cox, D. . . . . HB 240 (F)
- Supplemental Minimum School Program Act
  - Amendments, Dillree, M. . . . . HB 274 (P)

**SCHOOL PERSONNEL**

- Approval of Education Association Leave, Allen, S. . . . . HB 278 (F)
- Credit Allowed in Teacher Transfer, Thompson, M. . . . . HB 244 (F)
- Licenses for Educators, Allen, S. . . . . HB 207 (P)
- Retention of Educator Licenses, Throckmorton, M. . . . . HB 189 (F)

**SCHOOL SAFETY**

School Emergency Response Plans for Sports Injuries, Valentine, J. SB 156 (P)

**SEAT BELT LAWS**

Child Restraint Violations, Moss, C. . . . . HB 29 (P)

Seat Belt Requirements, Moss, C. . . . . HB 92 (F)

**SECURITY LICENSING**

Licensing Amendments Regarding Background

Checks, Bradshaw, A. . . . . HB 63 (P)

**SEVERANCE TAX**

Oil and Gas Severance Tax – Board, Restricted Account,

and Use of Revenues, Seitz, J. . . . . HB 152 (P)

**SEXUAL OFFENSES**

Amendments to Sex Offender Registry, Bradshaw, A. . . . . HB 245 (P)

Appropriation for Sexual Violence Victim Assistance

Programs, Spencer, T. . . . . SB 5 (F)

Prohibiting Intimacy with Youth Receiving

State Services, Julander, P. . . . . SB 11 (P)

**SIGNS**

Outdoor Advertising Amendments, Waddoups, M. . . . . SB 98 (P)

Outdoor Advertising Sign Proximity to Utility Lines, Spencer, T. . . SB 145 (P)

**SIZE LIMITS, MOTOR VEHICLES**

Over Weight Vehicle Amendments, Hatch, T. . . . . HB 218 (P)

Recreational Vehicle – Length and Width Amendments, Bush, D. . HB 210 (P)

**SOLID WASTE**

Resolution Approving Landfill for Construction and

Demolition Debris, Hatch, T. . . . . HCR 7 (P)

Solid and Hazardous Waste, Ure, D. . . . . HB 293 (F)

Waste Amendments, Walker, C. . . . . SB 196 (F)

**SPECIAL DISTRICTS**

Bonding Authority for Irrigation Districts, Gladwell, D. . . . . SB 20 (P)

Cemetery Maintenance District Amendments, Anderson, E. . . . .	HB 75 (P)
Expansion of Special Service District Purposes, Buttars, C. . . . .	HB 165 (F)
Local Government Variable Rate Bonding Authority, Buttars, D. C. . . . .	SB 116 (P)
Local Substance Abuse Authority Amendments, Ray, P. . . . .	HB 48 (P)
Public Water Systems Amendments, Barrus, R. . . . .	HB 309 (F)
Special Service District Amendments, Anderson, E. . . . .	HB 212 (P)
Uniform Withdrawal Procedures for Special Districts, Gladwell, D. . . . .	SB 18 (P)

### **SPECIAL SESSION**

Joint Rules Resolution Requiring Certain Special Session Procedures, Bennion, C. . . . .	HJR 19 (F)
Resolution Authorizing the Calling of Special Sessions by the Legislature, Hickman, J. . . . .	SJR 5 (F)
Resolution on Special Sessions of the Legislature, Bennion, C. . . . .	HJR 13 (F)
Resolution Requiring Public Notice Prior to Special Sessions, Urquhart, S. . . . .	HJR 11 (P)

### **STATE AFFAIRS IN GENERAL**

Advisory Council on Intergovernmental Relations Amendments, Peterson, M. . . . .	SB 41 (P)
Repeal of State Advisory Planning Committee, Wallace, P. . . . .	HB 14 (P)
Revisor's Statute, Waddoups, M. . . . .	SB 114 (P)
Use of Bear River Bird Refuge Settlement Monies, Ferry, B. . . . .	HB 162 (P)
Utah Procurement Code Amendments, Dmitrich, M. . . . .	SB 68 (P)
Veterans – Parks and Recreation Benefit, Adair, G. . . . .	HB 333 (F)

### **STATE BOARD OF EDUCATION**

Appropriation for School Districts Impacted by Fee Waivers, Shurtliff, L. . . . .	HB 271 (F)
Appropriation for Teacher Mentoring Programs, Moss, C. . . . .	HB 328 (F)
Charter Schools Amendments, Stephenson, H. . . . .	SB 138 (P)
Classroom Amplification, Hogue, D. . . . .	HB 213 (F)
Core Curriculum Amendments, Gladwell, D. . . . .	SB 99 (P)
Process for Creation of New School Districts, Cox, D. . . . .	HB 76 (F)
Public Education – Alternative Language Programs, Bourdeaux, D. . . . .	HB 150 (F)
Repeal of Education Mandates and Programs, Stephenson, H. . . . .	SB 105 (P)
Rural Schools – Equity in Education, Johnson, B. . . . .	HB 253 (P)
School and School District Size Task Force, Cox, D. . . . .	HB 222 (F)
State Board of Education Budget Authority, Dillree, M. . . . .	HB 275 (P)
State Board of Education Rules and Reports, Dayton, M. . . . .	HB 221 (P)

### STATE BOARD OF REGENTS

Drinking Water Board Loan and Grant Amendments, Wright, B. . . . SB 90 (P)  
 Election Law Commission, Buffmire, J. . . . . HB 175 (F)  
 Exemption from Nonresident Tuition, Ure, D. . . . . HB 144 (P)  
 Higher Education Budget Authority, Hillyard, L. . . . . SB 142 (P)  
 Uranium Mill Tailings Oversight, Wright, B. . . . . SB 96 (P)

### STATE BOARDS, COMMISSIONS, AND COUNCILS

Constitutional Defense Council Amendments, Urquhart, S. . . . . HB 256 (P)  
 Creation of Redistricting Commission Resolution, Morgan, K. . . . . HJR 3 (F)  
 Division of Services for People with Disabilities, Lockhart, R. . . . HB 339 (P)  
 Employment Support Provisions, Litvack, D. . . . . HB 139 (F)  
 Extension of Sunset on Telehealth Commission, Hogue, D. . . . . HB 214 (P)  
 Forensic Mental Health Coordinating Council, Hale, K. . . . . SB 97 (P)  
 Judicial Conduct Commission Amendments, Bryson, K. . . . . HB 136 (P)  
 Memorial Plaque of George E. Wahlen in the Capitol, Adair, G. . . HB 178 (F)  
 Repeal of Environmental Quality Coordinating  
     Committee, Bigelow, R. . . . . HB 15 (P)  
 Repeal of Health Benefit Plan Committee, Bush, D. . . . . HB 38 (P)  
 Repeal of Human Resource Advisory Committee, Bowman, D. . . . HB 13 (P)  
 Repeal of Investment Advisory Committee, Winn, B. . . . . HB 10 (P)  
 Repeal of Local Government Information Technology  
     Review Committee, Hendrickson, N. . . . . HB 8 (P)  
 Repeal of Medical Examiner Committee, Hansen, N. . . . . HB 9 (P)  
 Repeal of National Guard Advisory Board, Peterson, M. . . . . SB 8 (P)  
 Repeal of State Advisory Planning Committee, Wallace, P. . . . . HB 14 (P)  
 Revisions to Senate Advise and Consent Powers, Allen, R. . . . . SB 10 (P)  
 State Capitol Preservation Board – Chair, Adair, G. . . . . HB 311 (P)  
 Tax Review Commission Amendments, Bennion, C. . . . . HB 182 (P)  
 Utah Occupational Safety and Health Advisory  
     Council Amendments, Bush, D. . . . . HB 11 (P)  
 Utah Substance Abuse and Anti–violence Coordinating  
     Council Amendments, Hendrickson, N. . . . . HB 41 (P)  
 Wildlife Resources and Wildlife Board Amendments, Gladwell, D. SB 134 (F)

### STATE BUILDINGS

Designation of State Building, Way, G. . . . . HB 179 (F)  
 Resolution Recognizing the Life and Contributions of  
     Ronald Reagan, Throckmorton, M. . . . . HJR 18 (F)

**STATE LANDS**

- Federal Government Acquisition of Real Property  
 in the State, Johnson, B. . . . . HB 208 (P)  
 Sale of State Lands At Developmental Center, Dayton, M. . . . . HB 132 (P)

**STATE OFFICERS AND EMPLOYEES**

- Additional State Retirement Benefit, Shurtliff, L. . . . . HB 268 (F)  
 Amendments to Whistle Blowers Statute, Hansen, N. . . . . HB 98 (F)  
 Classification of State Employees for Insurance Purposes, Seitz, J. HB 248 (P)  
 Department of Human Resource Management –  
 Report of Funded Vacant Positions, Blackham, L. . . . . SB 162 (P)  
 Federal Government Acquisition of Real Property  
 in the State, Johnson, B. . . . . HB 208 (P)  
 Law Enforcement Revolving Account, Knudson, P. . . . . SB 191 (P)  
 Leave of Absence for Disabled Employees, Bennion, C. . . . . HB 176 (P)  
 Midterm Vacancies in the Legislature, Becker, R. . . . . HB 169 (F)  
 Obscenity and Pornography Complaints  
 Ombudsman Duties, Harper, W. . . . . HB 107 (P)  
 Organ Donor Leave for State Employees, Hale, K. . . . . SB 125 (P)  
 Personnel Management Act Revision, Peterson, D. . . . . HB 267 (F)  
 Resolution Reappointing Legislative Auditor General, Stephens, M. HJR 1 (P)  
 Responsibility of Attorney General to Represent Division  
 of Child and Family Services, Throckmorton, M. . . . . HB 204 (P)  
 Restrictions on Public Officials Becoming Lobbyists, Daniels, S. . . HB 121 (F)  
 Retirement Office Amendments, Bigelow, R. . . . . HB 297 (P)  
 State Retirement Conversion Window, King, B. . . . . HB 186 (F)

**STATE SYMBOLS**

- Resolution Regarding United States Minting  
 of the Utah Quarter, Hansen, N. . . . . HCR 1 (F)  
 State Vegetable and Historic State Vegetable, Wright, B. . . . . SB 136 (P)

**STATE TAX COMMISSION**

- Individual Income Tax – Bracket Adjustments, Bramble, C. . . . . SB 31 (F)  
 Individual Income Tax – State Earned Income Tax Credit, Hatch, T. HB 60 (F)  
 Penalty and Interest Modifications, Bramble, C. . . . . SB 182 (F)  
 Property Tax Modifications, Bramble, C. . . . . SB 169 (P)  
 Reporting of Data to the Automated Geographic  
 Reference Center, Pace, L. . . . . HB 131 (P)  
 Tax Commission Criminal Investigators Designation as  
 Special Function Officers, Bramble, C. . . . . SB 62 (P)

Tax Credits – Removal of Tax Credit from Tax Form and Prohibition  
on Claiming or Carrying Forward Tax Credit, Bramble, C. . . . . SB 28 (P)

**STATISTICS**

Birth Certificate for Stillborn Child, Allen, R. . . . . SB 45 (P)

**STATUTES (TITLE 68)**

Statutory Annual Report Requirement, Julander, P. . . . . SB 75 (F)

**SUBSTANCE ABUSE**

Combining Divisions of Substance Abuse and  
Mental Health, Seitz, J. . . . . HB 314 (F)  
Local Substance Abuse Authority Amendments, Ray, P. . . . . HB 48 (P)  
Penalty for Misuse of Lawful Substances, Hogue, D. . . . . HB 72 (P)  
Utah Substance Abuse and Anti–violence Coordinating  
Council Amendments, Hendrickson, N. . . . . HB 41 (P)

**SUNSET LEGISLATION**

Classroom Amplification, Hogue, D. . . . . HB 213 (F)  
Extension of Sunset Dates on Office of Court Administrator  
and Alternative Dispute Resolution, Way, G. . . . . HB 47 (P)  
Extension of Sunset on Telehealth Commission, Hogue, D. . . . . HB 214 (P)  
Municipal Telephone Utilities Amendments, Cox, D. . . . . HB 59 (F)  
Sunset Act Reauthorizations, Mascaro, S. . . . . HB 246 (P)

**TASK FORCE / COMMITTEES**

Access to Health Care and Coverage Task Force, Knudson, P. . . . . SB 33 (P)  
Agricultural Sustainability Task Force, Buttars, C. . . . . HB 299 (F)  
Competition in Telecommunications Industry Legislative  
Task Force, Garn, K. . . . . HB 140 (P)  
Funding of State and County Health and Human Services  
Legislative Task Force, Seitz, J. . . . . HB 251 (P)  
Legislative Task Force Amendments, Buttars, C. . . . . HB 317 (P)  
Oral Health Task Force, Knudson, P. . . . . SB 158 (F)  
School and School District Size Task Force, Cox, D. . . . . HB 222 (F)  
Task Force on Involuntary Commitment of the  
Mentally Ill, Blackham, L. . . . . SB 77 (P)  
Water Development and Conservation Task Force, Way, G. . . . . HB 85 (F)

**TELECOMMUNICATIONS**

Competition in Telecommunications Industry Legislative  
Task Force, Garn, K. . . . . HB 140 (P)

- Municipal Telephone Utilities Amendments, Cox, D. . . . . HB 59 (F)
- Public Safety Communications Network, Ure, D. . . . . HB 142 (F)
- Taxes or Charges on Telecommunications Service, Bramble, C. . . . . SB 153 (P)
- Utah Education Network Amendments, Hatch, T. . . . . HB 272 (F)

**TELEPHONE**

- Consumer Protection Amendments, Bradshaw, A. . . . . HB 64 (P)
- Municipal Telephone Utilities Amendments, Cox, D. . . . . HB 59 (F)
- No Telephone Solicitation List, Allen, D. E. . . . . SB 67 (F)
- Restrictions on Telephone Solicitation, Morgan, K. . . . . HB 260 (F)
- Sales and Use Tax – Taxation of Amounts Paid to a Telephone  
     Service Provider or Telegraph Corporation, Bramble, C. . . . . SB 59 (P)

**TOBACCO**

- Cigarette Marketing Agreement Prohibitions, Hogue, D. . . . . HB 354 (F)
- Revisions to General Government – Tobacco  
     Amendments, Hogue, D. . . . . HB 352 (P)
- Smoke-free Workplace Law, Daniels, S. . . . . HB 168 (F)
- Technical Amendments to Tobacco Settlement  
     Trust Fund, Morgan, K. . . . . HB 53 (P)
- Tobacco Amendments, Saunders, C. . . . . HB 54 (P)
- Tobacco Settlement Restricted Account, Steele, D. . . . . SB 135 (P)
- Underage Possession of Tobacco Amendments, Saunders, C. . . . . HB 55 (P)
- Use of Tobacco Settlement Interest Proceeds, Morgan, K. . . . . HB 12 (F)

**TOBACCO TAX**

- Cigarette and Tobacco Tax Amendments, Saunders, C. . . . . HB 238 (P)
- Cigarette Tax Stamp and Contraband Amendments, Allen, D. E. . . . . SB 7 (P)

**TOWNSHIPS**

- Annexations Involving Townships, Duckworth, C. . . . . HB 126 (P)

**TRADEMARKS**

- Registration and Protection of Trademarks and  
     Service Marks, Hillyard, L. . . . . SB 150 (P)

**TRANSPORTATION**

- Aeronautics Construction Revolving Loan Fund, Hickman, J. . . . . SB 160 (P)
- Amendments to Driving Under the Influence, Walker, C. . . . . SB 9 (P)
- Application for Driver License Amendments, Wright, B. . . . . SB 133 (F)

- Application for Vehicle Title Amendments, Eastman, D. . . . . SB 6 (P)
- Blood and Breath Alcohol Testing, Ray, P. . . . . HB 16 (P)
- Child Restraint Violations, Moss, C. . . . . HB 29 (P)
- Court Records of Driving Under the Influence Cases, Tyler, A. L. . . HB 18 (P)
- Designation of I-80, Bush, D. . . . . HB 273 (P)
- Designation of Memorial Highway, Ure, D. . . . . HB 217 (P)
- Driver License Fraud Amendments, Holdaway, K. . . . . HB 187 (P)
- Driver License Reporting, Peterson, M. . . . . SB 14 (F)
- Driver License Restrictions, Throckmorton, M. . . . . HB 350 (F)
- Electronic Government Services Amendments –
- Transportation, Siddoway, R. . . . . HB 22 (P)
- Emergency Vehicle Amendments, Ray, P. . . . . HB 235 (P)
- Expungement of Driving Under the Influence
- Convictions, Tyler, A. L. . . . . HB 303 (P)
- Funding for Highways, Hickman, J. . . . . SB 2 (P)
- Highway and Freeway Underpasses for Wildlife, Styler, M. . . . . HB 312 (F)
- Highway Designation, Knudson, P. . . . . SB 39 (P)
- Left Lane Restriction Amendments, Eastman, D. . . . . SB 52 (P)
- License Plate Requirements, King, B. . . . . HB 31 (P)
- Low-speed Electric Vehicles on Certain Highways, Bush, D. . . . . HB 171 (P)
- Manual on Uniform Traffic Control Devices
- for Streets, Holdaway, K. . . . . HB 198 (P)
- Master State Highway Amendments, Murray, J. . . . . HB 30 (P)
- Mobility Assistance Fund, Hutchings, E. . . . . HB 310 (P)
- Motor Vehicle Registration Amendments, Steele, D. . . . . SB 21 (P)
- Motor Vehicle Registration for Fleets, Eastman, D. . . . . SB 173 (P)
- Motorboating and Boating Under the Influence Provisions, Pace, L. . HB 4 (P)
- Multiple Driving Under the Influence Offenses, Tyler, A. L. . . . . HB 17 (P)
- Off-highway Vehicle Amendments, Goodfellow, B. . . . . HB 197 (P)
- Organ Donation Checkoff, Hale, K. . . . . SB 15 (P)
- Outdoor Advertising Amendments, Waddoups, M. . . . . SB 98 (P)
- Outdoor Advertising Sign Proximity to Utility Lines, Spencer, T. . . SB 145 (P)
- Over Weight Vehicle Amendments, Hatch, T. . . . . HB 218 (P)
- Penalty for Distracted Driving, Holdaway, K. . . . . HB 67 (F)
- Powersport Vehicle Franchise Act, Curtis, G. . . . . HB 167 (P)
- Recovery of Administrative Fee for Damages Sustained
- to a Rental Motor Vehicle, Curtis, G. . . . . HB 342 (P)
- Recreational Vehicle – Length and Width Amendments, Bush, D. . HB 210 (P)
- Regulation of Personal Motorized Mobility Devices, Curtis, G. . . . HB 281 (P)
- Safety Inspections Regarding Window Tinting, Bowman, D. . . . . HB 74 (P)
- Salvage Vehicle Amendments, Hogue, D. . . . . HB 239 (F)

Seat Belt Requirements, Moss, C. . . . . HB 92 (F)  
 Special Fuel Tax Amendments, Ferry, B. . . . . HB 94 (P)  
 Special License Plate, Bowman, D. . . . . HB 326 (F)  
 Special License Plates for Search and Rescue Teams, Ferry, B. . . . HB 118 (P)  
 State Park Access Highways Amendments, Bowman, D. . . . . HB 65 (P)  
 Traffic Offense Adjudication, Knudson, P. . . . . SB 16 (F)  
 Unmarked Vehicle Amendments, Bowman, D. . . . . HB 87 (F)  
 Utah Transportation Amendments, Bennion, C. . . . . HB 160 (F)  
 Vehicle History Information, Eastman, D. . . . . SB 151 (F)  
 Vehicle Registration Renewal, Swallow, J. . . . . HB 156 (F)  
 Vehicle Safety Inspection Amendments, Harper, W. . . . . HB 172 (P)  
 Veterans Service Organizations Special License Plates, Mascaro, S. HB 337 (P)

**TRAVEL AND TOURISM**

Tourism Amendments, Allen, S. . . . . HB 34 (P)

**TRUST LANDS**

Revenues from Federal Land Exchange Parcels, Dmitrich, M. . . . . SB 66 (P)

**TRUSTS**

Rights of Creditors Against Trust Property, Newbold, M. . . . . HB 138 (P)  
 Trust Amendments, Valentine, J. . . . . SB 117 (P)  
 Trust Deeds Amendments, Clark, D. . . . . HB 44 (P)  
 Uniform Trust Act, Hillyard, L. . . . . SB 43 (F)

**TRUSTS AND ESTATES**

Power of Attorney for Trust, Newbold, M. . . . . HB 292 (F)

**UNEMPLOYMENT COMPENSATION**

Unemployment Benefits – Exemption for Corporate  
 Officers, Hellewell, P. . . . . SB 186 (F)  
 Unemployment Insurance Fraud Amendments, McCartney, T. . . . . HB 232 (F)

**UNIFORM COMMERCIAL CODE**

Unauthorized Electronic Transactions, Tyler, A. L. . . . . HB 134 (F)

**UNIFORM LAWS**

Uniform Arbitration Act, Hillyard, L. . . . . SB 171 (P)  
 Uniform Trust Act, Hillyard, L. . . . . SB 43 (F)

### UNIFORM PROBATE CODE

Power of Attorney for Trust, Newbold, M. . . . .	HB 292 (F)
Rights of Creditors Against Trust Property, Newbold, M. . . . .	HB 138 (P)
Trust Amendments, Valentine, J. . . . .	SB 117 (P)
Uniform Trust Act, Hillyard, L. . . . .	SB 43 (F)

### UTAH HIGHWAY PATROL

Unmarked Vehicle Amendments, Bowman, D. . . . .	HB 87 (F)
---	-----------

### UTAH MUNICIPAL CODE

Annexations in Counties of the First Class, Poulton, L. S. . . . .	SB 201 (F)
Annexations Involving Townships, Duckworth, C. . . . .	HB 126 (P)
Arrest Authority of Peace Officers, Donnelson, G. . . . .	HB 188 (F)
Bid Requirements on County or Municipal Construction Projects, Stephenson, H. . . . .	SB 102 (F)
County and Municipal Campaign Finance Amendments, Beck, T. .	HB 334 (P)
Local Government Officials Amendments, Thompson, M. . . . .	HB 116 (F)
Municipal Annexation Amendments, Peterson, D. . . . .	HB 93 (P)
Municipal Plan for Moderate Income Housing, Ray, P. . . . .	HB 49 (F)
Municipal Telephone Utilities Amendments, Cox, D. . . . .	HB 59 (F)
Obscenity and Pornography Complaints Ombudsman Duties, Harper, W. . . . .	HB 107 (P)
Outdoor Advertising Sign Proximity to Utility Lines, Spencer, T. .	SB 145 (P)
Prohibiting Residential Lots from Crossing County Lines, Hogue, D. . . . .	HB 20 (F)
Protection of Unincorporated Areas in Counties of the First Class, Tyler, A. L. . . . .	HB 324 (F)
Public Review of Municipal Appropriations and Resources, Barrus, R. . . . .	HB 166 (P)
Sale of Municipal Power Systems, Hickman, J. . . . .	SB 104 (P)
Sales and Use Taxes – Exemption for Certain Sales of Electricity, Shurtliff, L. . . . .	HB 129 (P)
Technical Corrections to Municipal Code, Cox, D. . . . .	HB 27 (P)
Transfer of Development Rights, Parker, B. . . . .	HB 216 (F)

### VICTIMS' RIGHTS

Appropriation for Sexual Violence Victim Assistance Programs, Spencer, T. . . . .	SB 5 (F)
--	----------

**VOLUNTEER WORKERS**

- Concurrent Resolution Recognizing the Salt Lake Olympic Organizing Committee, Mitt Romney, Olympic Volunteers, and Public Safety, Evans, B . . . . . SCR 3 (P)
- Workers' Compensation Benefits for Volunteer Safety Officers, Hansen, N. . . . . HB 192 (P)

**WATER AND IRRIGATION**

- Bear River Development Projects, Waddoups, M. . . . . SB 92 (P)
- Bonding Authority for Irrigation Districts, Gladwell, D. . . . . SB 20 (P)
- Division and Board of Water Resources
  - Name Change, Buffmire, J. . . . . HB 120 (F)
- Division of Water Rights Funding and Notification
  - Amendments, Styler, M. . . . . HB 340 (P)
- Drinking Water Board Loan and Grant Amendments, Wright, B. . . . SB 90 (P)
- Forfeited Water Right Allocation, Peterson, D. . . . . HB 57 (P)
- Motorboating and Boating Under the Influence Provisions, Pace, L. . HB 4 (P)
- Mutual Water Company Change Applications, Blackham, L. . . . . SB 37 (P)
- Resolution Asserting Water Rights Issued Under the Authority of the State Are Subject to State Law, Young, M. . . . HJR 29 (F)
- Water Commissioner Assessment Amendments, Ure, D. . . . . HB 269 (P)
- Water Development and Conservation Task Force, Way, G. . . . . HB 85 (F)
- Water Forfeiture Amendments, Styler, M. . . . . HB 58 (P)

**WATER QUALITY**

- Access to Fluoridated Water, Hogue, D. . . . . HB 43 (P)
- Fluoridation of Public Water Systems in an Emergency, Tyler, A. L. HB 42 (P)
- Public Water Systems Amendments, Barrus, R. . . . . HB 309 (F)
- Safe Drinking Water Act – Administrative
  - Procedure Amendments, Wright, B. . . . . SB 89 (P)
- Safe Drinking Water Act Amendments, Donnelson, G. . . . . HB 158 (F)

**WEAPONS**

- Antiterrorism Amendments, Ray, P. . . . . HB 283 (P)
- Concealed Firearm Permit Amendments, Jenkins, S. . . . . SB 121 (F)
- Firearm Criminal Background Check Amendments, Philpot, J. M. . HB 183 (F)
- Firearm Fee Amendments, Philpot, J. M. . . . . HB 219 (F)
- Gun Show Background Check, Daniels, S. . . . . HB 78 (F)
- Repeal of Weapons Law, Daniels, S. . . . . HB 211 (F)
- Storage of Firearms on Facilities with Secure Areas, Swallow, J. . . . HB 82 (P)

Use of Force, Including Deadly Force, in Defense  
of Property, Thompson, M. . . . . HB 336 (P)

**WORKERS' COMPENSATION**

Utah Labor Commission Amendments, Mayne, E. . . . . SB 107 (P)  
Workers' Compensation – Death Benefit, Clark, D. . . . . HB 229 (F)  
Workers' Compensation – Fire Department Employees, Murray, J. HB 174 (F)  
Workers' Compensation Benefits for Volunteer  
Safety Officers, Hansen, N. . . . . HB 192 (P)  
Workers' Compensation Insurance Related  
Amendments, Poulton, L. S. . . . . SB 119 (P)

**WORKFORCE SERVICES CODE**

Child Care Amendments, Siddoway, R. . . . . HB 36 (F)  
Employment Support Provisions, Litvack, D. . . . . HB 139 (F)  
Unemployment Benefits – Exemption for Corporate  
Officers, Hellewell, P. . . . . SB 186 (F)  
Unemployment Insurance Fraud Amendments, McCartney, T. . . . HB 232 (F)  
Workforce Services Amendments, Evans, B. . . . . SB 23 (P)

**WORKING CONDITIONS**

Smoke-free Workplace Law, Daniels, S. . . . . HB 168 (F)

**YOUTH CORRECTIONS**

Prohibiting Intimacy with Youth Receiving  
State Services, Julander, P. . . . . SB 11 (P)  
Serious Youth Offender Amendments, Hillyard, L. . . . . SB 26 (P)  
Transfer of Youth Services Oversight, Buttars, D. C. . . . . SB 12 (P)  
Youth Court Amendments, Gladwell, D. . . . . SB 130 (P)

**ZONING**

Subdivision of Agricultural Land, Parker, B. . . . . HB 68 (F)

**PAGE  
INDEX**

SENATE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE

GENERAL SESSION

**January 21 through March 6, 2002**



<b>S.B. 1 — APPROPRIATIONS ACT (<i>L. Blackham</i>)</b>	
Read for the first time and referred to the Rules Committee	433
Committee report adopted and placed on calendar	721
Read the second time	725
Circled	725
Uncircled	728
Amendments	729
Read the second and third time	729
Transmitted to the House	729
Placed on Concurrence Calendar	750
Refuse to Concur	762
Returned to the House	762, 793
House Conference Committee	772
Joint Conference Committee	792
Amendments	792
Concurrence	792
Signed by the President and transmitted to the Governor	829
<b>S.B. 2 — FUNDING FOR HIGHWAYS (<i>J. Hickman</i>)</b>	
Read for the first time and referred to the Rules Committee	815
Placed on calendar	816
Read the second and third time	832
Transmitted to the House	832
Signed by the President and transmitted to the Governor	919
<b>S.B. 3 — MINIMUM SCHOOL PROGRAM ACT AMENDMENTS (<i>H. Stephenson</i>)</b>	
Read for the first time and referred to the Rules Committee	433
Committee report adopted and placed on calendar	721
Read the second and third time	725
Amendments	725
Transmitted to the House	726
Rejected by House	745
Returned to the House	749
Signed by the President and transmitted to the Governor	766
Returned to the Rules Committee	745
<b>S.B. 4 — REPORTS TO HEALTH AND HUMAN SERVICES (<i>T. Spencer</i>)</b>	
Read for the first time and referred to the Rules Committee	135
Placed on calendar	174
Read the second time	177
Circled	177
Uncircled	200, 247
Read the third time	220
Circled	220
Transmitted to the House	247
Returned to the Secretary of the Senate	366
Enacting Clause Stricken	926
<b>S.B. 5 — APPROPRIATION FOR SEXUAL VIOLENCE VICTIM ASSISTANCE PROGRAMS (<i>T. Spencer</i>)</b>	
Read for the first time and referred to the Rules Committee	136
Placed on calendar	174
Read the second time	177
Circled	177
Uncircled	210
Amendments	210
Read the third time	221
Circled	221
Uncircled	249
Circled	249

Uncircled . . . . .	282
Transmitted to the House . . . . .	282
Enacting Clause Stricken . . . . .	925
<b>S.B. 6</b> — APPLICATION FOR VEHICLE TITLE AMENDMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee . . . . .	136
Placed on calendar . . . . .	174
Read the second time . . . . .	177
Read the third time . . . . .	191
Transmitted to the House . . . . .	192
Signed by the President and transmitted to the Governor . . . . .	359
<b>S.B. 7</b> — CIGARETTE TAX STAMP AND CONTRABAND AMENDMENTS ( <i>D. E. Allen</i> )	
Read for the first time and referred to the Rules Committee . . . . .	136
Placed on calendar . . . . .	174
Read the second time . . . . .	179
Read the third time . . . . .	192
Transmitted to the House . . . . .	192
Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 8</b> — REPEAL OF NATIONAL GUARD ADVISORY BOARD ( <i>M. Peterson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	137
Placed on calendar . . . . .	174
Read the second time . . . . .	180
Read the third time . . . . .	193
Transmitted to the House . . . . .	193
Signed by the President and transmitted to the Governor . . . . .	261
<b>S.B. 9</b> — AMENDMENTS TO DRIVING UNDER THE INFLUENCE ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee . . . . .	137
Placed on calendar . . . . .	174
Read the second time . . . . .	179
Read the third time . . . . .	192
Circled . . . . .	192
Uncircled . . . . .	273
Transmitted to the House . . . . .	274
Signed by the President and transmitted to the Governor . . . . .	625
<b>S.B. 10</b> — REVISIONS TO SENATE ADVISE AND CONSENT POWERS ( <i>R. Allen</i> )	
Read for the first time and referred to the Rules Committee . . . . .	137
Placed on calendar . . . . .	174
Read the second time . . . . .	181
Circled . . . . .	181
Uncircled . . . . .	183
Read the third time . . . . .	195
Transmitted to the House . . . . .	195
Signed by the President and transmitted to the Governor . . . . .	261
<b>S.B. 11</b> — PROHIBITING INTIMACY WITH YOUTH RECEIVING STATE SERVICES ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee . . . . .	137
Placed on calendar . . . . .	174
Read the second time . . . . .	180
Read the third time . . . . .	193
Transmitted to the House . . . . .	193
Signed by the President and transmitted to the Governor . . . . .	359
<b>S.B. 12</b> — TRANSFER OF YOUTH SERVICES OVERSIGHT ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee . . . . .	138
Placed on calendar . . . . .	174
Read the second time . . . . .	181
Read the third time . . . . .	194

Transmitted to the House	194
Signed by the President and transmitted to the Governor	359
<b>S.B. 13</b> — ALCOHOLIC BEVERAGE SERVICE – WARNING REQUIRED ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	138
Placed on calendar	174
Read the second time	181
Read the third time	194
Circled	194
Uncircled	274
Transmitted to the House	274
Signed by the President and transmitted to the Governor	545
<b>S.B. 14</b> — DRIVER LICENSE REPORTING ( <i>M. Peterson</i> )	
Read for the first time and referred to the Rules Committee	138
Placed on calendar	174
Read the second time	182
Read the third time	194
Circled	194, 200, 201
Uncircled	200, 201, 300
Amendments	300
Circled	300
Uncircled	599
Enacting Clause Stricken	600, 926
<b>S.B. 15</b> — ORGAN DONATION CHECKOFF ( <i>K. Hale</i> )	
Read for the first time and referred to the Rules Committee	138
Placed on calendar	174
Read the second time	178
Substituted	178
Read the third time	192
Circled	192
Uncircled	198
Amendments	198
Transmitted to the House	199
Signed by the President and transmitted to the Governor	724
<b>S.B. 16</b> — TRAFFIC OFFENSE ADJUDICATION ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	139
Placed on calendar	174
Read the second time	182
Read the third time	194
Circled	194
Uncircled	301
Failed	301
Filed	301
Enacting Clause Stricken	926
<b>S.B. 17</b> — DCFS MANAGEMENT INFORMATION SYSTEM AMENDMENTS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	139
Substituted	204
Assigned to standing committee	204
Committee report adopted and placed on calendar	272
Read the second time	323
Circled	324, 488, 531
Uncircled	487, 514, 696
Substituted	487
Amendments	515
Read the third time	531
Amendments	696
Transmitted to the House	697

Concurrence . . . . .	899
Returned to the House . . . . .	900
Signed by the President and transmitted to the Governor . . . . .	919
<b>S.B. 18</b> — UNIFORM WITHDRAWAL PROCEDURES FOR SPECIAL DISTRICTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee . . . . .	140
Placed on calendar . . . . .	174
Read the second time . . . . .	183
Read the third time . . . . .	194
Transmitted to the House . . . . .	195
Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 19</b> — UTAH CONSTRUCTION CONTRACTS PROMPT PAYMENT ACT ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee . . . . .	140
Amendment . . . . .	205
Committee report adopted and placed on calendar . . . . .	209
Read the second time . . . . .	237
Read the third time . . . . .	256
Circled . . . . .	256, 380
Uncircled . . . . .	379, 442
Substituted . . . . .	380, 442
Circled . . . . .	443
Uncircled . . . . .	460, 592
Amendments . . . . .	460
Circled . . . . .	460, 592
Substituted . . . . .	592
Uncircled . . . . .	615
Failed . . . . .	615
Returned to the staff for filing . . . . .	616
Enacting Clause Stricken . . . . .	926
<b>S.B. 20</b> — BONDING AUTHORITY FOR IRRIGATION DISTRICTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee . . . . .	141
Placed on calendar . . . . .	174
Read the second time . . . . .	184
Read the third time . . . . .	195
Amendments . . . . .	195
Circled . . . . .	196
Uncircled . . . . .	199
Transmitted to the House . . . . .	200
Signed by the President and transmitted to the Governor . . . . .	388
<b>S.B. 21</b> — MOTOR VEHICLE REGISTRATION AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee . . . . .	141
Placed on calendar . . . . .	174
Read the second time . . . . .	184
Read the third time . . . . .	196
Transmitted to the House . . . . .	196
Signed by the President and transmitted to the Governor . . . . .	359
<b>S.B. 22</b> — ATTEMPTED MURDER AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee . . . . .	141
Placed on calendar . . . . .	174
Read the second time . . . . .	185
Read the third time . . . . .	196
Transmitted to the House . . . . .	197
Signed by the President and transmitted to the Governor . . . . .	261
<b>S.B. 23</b> — WORKFORCE SERVICES AMENDMENTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee . . . . .	142
Placed on calendar . . . . .	174

Read the second time . . . . .	186
Read the third time . . . . .	197
Transmitted to the House . . . . .	197
Concurrence . . . . .	360, 371
Returned to the House . . . . .	371
Signed by the President and transmitted to the Governor . . . . .	403
<b>S.B. 24 — RELEASE OF CUSTODIAL OR NONCUSTODIAL PARENT'S ADDRESS (<i>D. E. Allen</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	142
Placed on calendar . . . . .	174
Read the second time . . . . .	186
Read the third time . . . . .	197
Amendments . . . . .	197
Transmitted to the House . . . . .	198
Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 25 — OFFICE OF RECOVERY SERVICES AMENDMENTS (<i>D. E. Allen</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	142
Placed on calendar . . . . .	174
Read the second time . . . . .	200
Amendments . . . . .	201
Read the third time . . . . .	220
Transmitted to the House . . . . .	221
Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 26 — SERIOUS YOUTH OFFENDER AMENDMENTS (<i>L. Hillyard</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	142
Placed on calendar . . . . .	174
Read the second time . . . . .	210
Read the third time . . . . .	221
Transmitted to the House . . . . .	221
Concurrence . . . . .	365, 407
Returned to the House . . . . .	407
Signed by the President and transmitted to the Governor . . . . .	450
<b>S.B. 27 — AMENDMENTS TO GUILTY AND MENTALLY ILL (<i>D. Gladwell</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	143
Placed on calendar . . . . .	175
Read the second time . . . . .	211
Read the third time . . . . .	221
Transmitted to the House . . . . .	222
Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 28 — TAX CREDITS – REMOVAL OF TAX CREDIT FROM TAX FORM AND PROHIBITION ON CLAIMING OR CARRYING FORWARD TAX CREDIT (<i>C. Bramble</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	143
Committee report adopted and placed on calendar . . . . .	209
Read the second time . . . . .	267
Read the third time . . . . .	284
Amendments . . . . .	284
Transmitted to the House . . . . .	285
Signed by the President and transmitted to the Governor . . . . .	625
<b>S.B. 29 — INTERLOCAL COOPERATION ACT AMENDMENTS (<i>L. Blackham</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	143
Placed on calendar . . . . .	175
Read the second time . . . . .	211
Circled . . . . .	211, 482, 668
Uncircled . . . . .	472, 666

Read the third time . . . . .	481
Substituted . . . . .	667
Circled . . . . .	718
Uncircled . . . . .	718, 722
Transmitted to the House . . . . .	723
Amendments . . . . .	908
Concurrence . . . . .	910
Returned to the House . . . . .	911
Signed by the President and transmitted to the Governor . . . . .	919
<b>S.B. 30</b> — FUNDING FORMULA FOR ALCOHOL RELATED ACTIVITIES OF LOCAL GOVERNMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee . . . . .	144
Assigned to standing committee . . . . .	233
Committee report adopted and placed on calendar . . . . .	341
Read the second time . . . . .	443
Read the third time . . . . .	457
Transmitted to the House . . . . .	457
Signed by the President and transmitted to the Governor . . . . .	874
<b>S.B. 31</b> — INDIVIDUAL INCOME TAX – BRACKET ADJUSTMENTS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee . . . . .	144
Placed on calendar . . . . .	175
Read the second time . . . . .	211, 462
Returned to the Standing Committee . . . . .	211
Committee report adopted and placed on calendar . . . . .	392
Read the third time . . . . .	478
Circled . . . . .	478
Uncircled . . . . .	604
Enacting Clause Stricken . . . . .	604, 926
<b>S.B. 32</b> — ELECTRIC POWER FACILITIES AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee . . . . .	145
Placed on calendar . . . . .	175
Read the second time . . . . .	211
Circled . . . . .	211
Uncircled . . . . .	472
Read the third time . . . . .	482
Circled . . . . .	482
Returned to the Rules Committee . . . . .	668
Enacting Clause Stricken . . . . .	926
<b>S.B. 33</b> — ACCESS TO HEALTH CARE AND COVERAGE TASK FORCE ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	145
Placed on calendar . . . . .	175
Read the second time . . . . .	212
Read the third time . . . . .	222
Transmitted to the House . . . . .	222
Signed by the President and transmitted to the Governor . . . . .	874
<b>S.B. 34</b> — PRIVATE RECORDS AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee . . . . .	145
Placed on calendar . . . . .	175
Read the second time . . . . .	212
Substituted . . . . .	212
Read the third time . . . . .	222
Transmitted to the House . . . . .	223
Signed by the President and transmitted to the Governor . . . . .	388

<b>S.B. 35</b> — VOTER RESIDENCE WHERE LOT IS DIVIDED BY COUNTY	
BOUNDARY LINE ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	146
Placed on calendar	175
Read the second time	213
Read the third time	223
Transmitted to the House	223
Signed by the President and transmitted to the Governor	388
<b>S.B. 36</b> — PROVISIONAL BALLOT ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	146
Placed on calendar	175
Read the second time	213
Read the third time	223
Transmitted to the House	223
Signed by the President and transmitted to the Governor	388
<b>S.B. 37</b> — MUTUAL WATER COMPANY CHANGE APPLICATIONS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	146
Placed on calendar	175
Read the second time	214
Circled	214, 215
Uncircled	215
Uncircled	225
Read the third time	248
Transmitted to the House	248
Signed by the President and transmitted to the Governor	365
<b>S.B. 38</b> — LEGISLATIVE COMMITTEE NAMES REVISIONS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	146
Assigned to standing committee	177
Read the second time and placed on Consent Calendar	219
Read the third time	299
Circled	299
Uncircled	303
Transmitted to the House	303
Signed by the President and transmitted to the Governor	640
<b>S.B. 39</b> — HIGHWAY DESIGNATION ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	147
Amendment	205
Committee report adopted and placed on calendar	209
Read the second time	240
Read the third time	256
Transmitted to the House	257
Signed by the President and transmitted to the Governor	388
<b>S.B. 40</b> — TUITION ASSISTANCE APPROPRIATION FOR NATIONAL GUARD ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	147
Placed on calendar	175
Read the second time	214
Read the third time	224
Circled	224
Uncircled	231
Transmitted to the House	231
Enacting Clause Stricken	925
<b>S.B. 41</b> — ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS AMENDMENTS ( <i>M. Peterson</i> )	
Read for the first time and referred to the Rules Committee	147
Read the second time and placed on Consent Calendar	209

	Read the third time . . . . .	273
	Transmitted to the House . . . . .	273
	Signed by the President and transmitted to the Governor . . . . .	450
<b>S.B. 42</b>	— NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS ( <i>D. Eastman</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	147
	Substituted . . . . .	205
	Amendments . . . . .	205
	Committee report adopted and placed on calendar . . . . .	209
	Read the second time . . . . .	240
	Read the third time . . . . .	257
	Transmitted to the House . . . . .	257
	Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 43</b>	— UNIFORM TRUST ACT ( <i>L. Hillyard</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	148
	Assigned to standing committee . . . . .	176
	Returned to the Secretary of the Senate . . . . .	679
	Enacting Clause Stricken . . . . .	926
<b>S.B. 44</b>	— FUNDING A COMMUNITY LEGAL CENTER ( <i>L. Hillyard</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	148
	Assigned to standing committee . . . . .	176
	Committee report adopted and placed on calendar . . . . .	218
	Read the second time . . . . .	269
	Circled . . . . .	269
	Uncircled . . . . .	320
	Read the third time . . . . .	343
	Transmitted to the House . . . . .	343
	Enacting Clause Stricken . . . . .	925
<b>S.B. 45</b>	— BIRTH CERTIFICATE FOR STILLBORN CHILD ( <i>R. Allen</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	148
	Placed on calendar . . . . .	175
	Read the second time . . . . .	224
	Read the third time . . . . .	247
	Transmitted to the House . . . . .	248
	Signed by the President and transmitted to the Governor . . . . .	365
<b>S.B. 46</b>	— INDIAN AFFAIRS RELATED AMENDMENTS ( <i>B. Evans</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	148
	Assigned to standing committee . . . . .	176
	Substituted . . . . .	217
	Committee report adopted and placed on calendar . . . . .	218
	Read the second time . . . . .	269
	Read the third time . . . . .	285
	Transmitted to the House . . . . .	286
	Signed by the President and transmitted to the Governor . . . . .	625
<b>S.B. 47</b>	— PROCUREMENT CODE AMENDMENTS ( <i>D. Gladwell</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	148
	Placed on calendar . . . . .	175
	Read the second time . . . . .	225
	Read the third time . . . . .	248
	Transmitted to the House . . . . .	248
	Signed by the President and transmitted to the Governor . . . . .	625
<b>S.B. 48</b>	— PUBLIC AGENCY INSURANCE MUTUAL AMENDMENTS ( <i>J. Hickman</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	149
	Assigned to standing committee . . . . .	176
	Substituted . . . . .	244
	Committee report adopted and placed on calendar . . . . .	245

Read the second time	288
Circled	288, 363
Uncircled	362, 381
Substituted	363
Read the third time	408
Transmitted to the House	408
Concurrence	728
Before the Senate	752
Circled	752
Uncircled	762
Concurrence	762
Returned to the House	762
Signed by the President and transmitted to the Governor	793
<b>S.B. 49</b> — UTAH EXEMPTION ACT AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	149
Assigned to standing committee	177
Amendments	218
Committee report adopted and placed on calendar	218
Read the second time	287
Read the third time	303
Transmitted to the House	304
Signed by the President and transmitted to the Governor	625
<b>S.B. 50</b> — UTAH MEDICAL PRACTICE ACT AMENDMENTS ( <i>D. E. Allen</i> )	
Read for the first time and referred to the Rules Committee	149
Assigned to standing committee	176
Amendments	244
Committee report adopted and placed on calendar	245
Read the second time	288
Read the third time	304
Transmitted to the House	305
Signed by the President and transmitted to the Governor	625
<b>S.B. 51</b> — NURSE PRACTICE ACT AMENDMENTS ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	149
Placed on calendar	175
Read the second time	226
Read the third time	249
Transmitted to the House	249
Concurrence	767, 798
Before the Senate	795
Circled	795
Uncircled	798
Returned to the House	798
Signed by the President and transmitted to the Governor	829
<b>S.B. 52</b> — LEFT LANE RESTRICTION AMENDMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	150
Committee report adopted and placed on calendar	209
Read the second time	267
Amendments	267
Read the third time	285
Transmitted to the House	285
Signed by the President and transmitted to the Governor	625
<b>S.B. 53</b> — DIRECT-ENTRY MIDWIFE LICENSING ACT ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	150
Returned to the Senate Secretary	234
Enacting Clause Stricken	926

<b>S.B. 54</b> — WOMEN’S HEALTH CARE PARITY ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	389
Returned to the Secretary of the Senate	681
Enacting Clause Stricken	926
<b>S.B. 55</b> — AMENDMENTS TO UTAH UNIFORM BUILDING STANDARDS ACT ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	151
Placed on calendar	175
Read the second time	226
Circled	226, 334
Uncircled	333, 352
Substituted	333
Amendments	352
Read the third time	380
Transmitted to the House	381
Signed by the President and transmitted to the Governor	727
<b>S.B. 56</b> — AGE DISCRIMINATION IN EMPLOYMENT ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	152
Assigned to standing committee	262
Returned to the Rules Committee	679
Enacting Clause Stricken	926
<b>S.B. 57</b> — CORPORATE FRANCHISE AND INCOME TAXES – TREATMENT OF CERTAIN COOPERATIVES ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	152
Assigned to standing committee	177
Amendments	218
Committee report adopted and placed on calendar	218
Read the second time	269
Circled	269
Uncircled	323
Read the third time	345
Transmitted to the House	345
Signed by the President and transmitted to the Governor	640
<b>S.B. 58</b> — HEALTH CARE ACCESS REFORM ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	152
Assigned to standing committee	176
Returned to the Secretary of the Senate	680
Enacting Clause Stricken	926
<b>S.B. 59</b> — SALES AND USE TAX – TAXATION OF AMOUNTS PAID TO A TELEPHONE SERVICE PROVIDER OR TELEGRAPH CORPORATION ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	153
Assigned to standing committee	233
Committee report adopted and placed on calendar	341
Read the second time	399
Read the third time	418
Circled	418
Uncircled	419
Transmitted to the House	419
Signed by the President and transmitted to the Governor	640
<b>S.B. 60</b> — UTAH CONSUMER CREDIT REPORTING ACT ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee	153
Assigned to standing committee	233
Returned to the Secretary of the Senate	679
Enacting Clause Stricken	926

<b>S.B. 61</b> — GOVERNMENT RECORDS ACCESS AND MANAGEMENT — RECORDS RELATED TO EXPLOSIVES ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	153
Assigned to standing committee	204
Amendments	296
Committee report adopted and placed on calendar	297
Read the second time	332
Reconsideration	334
Before the Senate	334
Read the third time	351
Transmitted to the House	351
Signed by the President and transmitted to the Governor	640
<b>S.B. 62</b> — TAX COMMISSION CRIMINAL INVESTIGATORS DESIGNATION AS SPECIAL FUNCTION OFFICERS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	204
Committee report adopted and placed on calendar	272
Read the second time	324
Amendments	324
Read the third time	346
Transmitted to the House	346
Signed by the President and transmitted to the Governor	640
<b>S.B. 63</b> — ATTORNEY GENERAL AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	219
Assigned to standing committee	264
Returned to the Secretary of the Senate	682
Enacting Clause Stricken	926
<b>S.B. 64</b> — CRIMINAL CODE AMENDMENTS ( <i>A. Suazo</i> )	
Read for the first time and referred to the Rules Committee	234
Assigned to standing committee	526
Returned to the Secretary of the Senate	681
Enacting Clause Stricken	926
<b>S.B. 65</b> — COUNTY LAW REVISIONS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	264
Assigned to standing committee	317
Substituted	470
Committee report adopted and placed on calendar	471
Read the second time	494
Read the third time	511
Transmitted to the House	512
Signed by the President and transmitted to the Governor	894
<b>S.B. 66</b> — REVENUES FROM FEDERAL LAND EXCHANGE PARCELS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	265
Assigned to standing committee	317
Amendments	366
Committee report adopted and placed on calendar	368
Read the second time	443
Amendments	443
Read the third time	457
Transmitted to the House	458
Concurrence	776, 796
Returned to the House	796
Signed by the President and transmitted to the Governor	829
<b>S.B. 67</b> — NO TELEPHONE SOLICITATION LIST ( <i>D. Allen</i> )	
Read for the first time and referred to the Rules Committee	330
Enacting Clause Stricken	926

<b>S.B. 68</b> — UTAH PROCUREMENT CODE AMENDMENTS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	369
Assigned to standing committee	390
Committee report adopted and placed on calendar	471
Read the second time	492
Read the third time	510
Transmitted to the House	511
Signed by the President and transmitted to the Governor	727
<b>S.B. 69</b> — TUITION TAX CREDITS AND PAYMENTS TO SCHOOL DISTRICTS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	431
Assigned to standing committee	451
Committee report adopted and placed on calendar	502
Read the second time	536
Substituted	536
Circled	536
Committee report adopted and placed on calendar	746
Before the Senate	773
Amendments	773
Circled	773
Enacting Clause Stricken	926
<b>S.B. 70</b> — RESIDENTIAL PROPERTY TAX EXEMPTIONS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	433
Enacting Clause Stricken	926
<b>S.B. 71</b> — EDUCATION CURRICULUM AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	433
Enacting Clause Stricken	926
<b>S.B. 72</b> — COAL MINING AND RECLAMATION AMENDMENTS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	403
Assigned to standing committee	425
Committee report adopted and placed on calendar	502
Read the second time	536
Read the third time	560
Transmitted to the House	560
Signed by the President and transmitted to the Governor	727
<b>S.B. 73</b> — APPROPRIATION FOR LONG DISTANCE GRADUATE PROGRAM ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	404
Enacting Clause Stricken	926
<b>S.B. 74</b> — CRIMINAL ACTION – DEFENSE TO CIVIL ACTION FOR DAMAGES ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	404
Assigned to standing committee	425
Committee report adopted and placed on calendar	582
Read the second time	634
Read the third time	657
Transmitted to the House	657
Signed by the President and transmitted to the Governor	894
<b>S.B. 75</b> — STATUTORY ANNUAL REPORT REQUIREMENT ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	342
Assigned to standing committee	526
Returned to the Staff	582
Enacting Clause Stricken	926
<b>S.B. 76</b> — DOMESTIC VIOLENCE IN PRESENCE OF CHILD AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	245
Assigned to standing committee	263
Committee report adopted and placed on calendar	341

Read the second time	398
Read the third time	417
Transmitted to the House	417
Signed by the President and transmitted to the Governor	640
<b>S.B. 77 — TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL (<i>L. Blackham</i>)</b>	
Read for the first time and referred to the Rules Committee	246
Assigned to standing committee	263
Amendments	339
Committee report adopted and placed on calendar	341
Read the second time	398
Read the third time	417
Transmitted to the House	418
Signed by the President and transmitted to the Governor	838
<b>S.B. 78 — AMENDMENTS TO CONSTRUCTION CONTRACTS REGARDING UNREASONABLE DELAYS (<i>S. Jenkins</i>)</b>	
Read for the first time and referred to the Rules Committee	190
Assigned to standing committee	203
Committee report adopted and placed on calendar	297
Read the second time	326
Read the third time	348
Amendments	348
Transmitted to the House	349
Enacting Clause Stricken	925
<b>S.B. 79 — LAND SURVEYOR AMENDMENTS (<i>G. Davis</i>)</b>	
Read for the first time and referred to the Rules Committee	190
Assigned to standing committee	204
Committee report adopted and placed on calendar	297
Read the second time	333
Circled	333
Uncircled	493
Failed	493
Filed	494
Enacting Clause Stricken	926
<b>S.B. 80 — ADJUSTMENTS OF COUNTY BOUNDARIES (<i>C. Walker</i>)</b>	
Read for the first time and referred to the Rules Committee	154
Assigned to standing committee	177
Amendments	218
Committee report adopted and placed on calendar	218
Read the second time	269
Read the third time	286
Transmitted to the House	286
Signed by the President and transmitted to the Governor	640
<b>S.B. 81 — EDUCATION OF PERSONS WITH A DISABILITY (<i>E. Mayne</i>)</b>	
Read for the first time and referred to the Rules Committee	154
Assigned to standing committee	176
Committee report adopted and placed on calendar	245
Read the second time	288
Circled	288
Uncircled	289
Read the third time	305
Transmitted to the House	305
Concurrence	776, 796
Returned to the House	796
Signed by the President and transmitted to the Governor	829

<b>S.B. 82</b> — COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	154
Amendments	206
Committee report adopted and placed on calendar	206, 209
Read the second time	241
Read the third time	257
Transmitted to the House	258
Concurrence	728, 752
Returned to the House	752
Signed by the President and transmitted to the Governor	793
<b>S.B. 83</b> — REGULATION OF TERMITE INSPECTORS ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	154
Enacting Clause Stricken	926
<b>S.B. 84</b> — REAL ESTATE APPRAISER AMENDMENTS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	155
Placed on calendar	175
Read the second time	226
Returned to the Standing Committee	226
Substituted	391
Committee report adopted and placed on calendar	392
Read the second time	462
Substituted	462
Amendments	462
Read the third time	478
Amendments	478
Transmitted to the House	479
Enacting Clause Stricken	925
<b>S.B. 85</b> — PARENTAL INVOLVEMENT IN PUBLIC EDUCATION ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	155
Amendments	206
Committee report adopted and placed on calendar	209
Read the second time	241
Read the third time	258
Transmitted to the House	258
Enacting Clause Stricken	925
<b>S.B. 86</b> — FUNDING OF THE CONTROLLED SUBSTANCES DATABASE ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	155
Placed on calendar	175
Read the second time	226
Circled	226
Uncircled	258
Read the third time	280
Transmitted to the House	281
Signed by the President and transmitted to the Governor	545
<b>S.B. 87</b> — VISITATION RIGHTS OF GRANDPARENTS ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	156
Placed on calendar	175
Read the second time	226
Read the third time	249
Circled	249
Uncircled	283
Transmitted to the House	283
Concurrence	641
Concurrence	688
Returned to the House	689
Signed by the President and transmitted to the Governor	708

<b>S.B. 88</b> — ENVIRONMENTAL SELF-EVALUATION ACT AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	156
Placed on calendar	175
Read the second time	227
Read the third time	249
Transmitted to the House	250
Signed by the President and transmitted to the Governor	422
<b>S.B. 89</b> — SAFE DRINKING WATER ACT – ADMINISTRATIVE PROCEDURE AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	156
Placed on calendar	175
Read the second time	227
Read the third time	250
Transmitted to the House	250
Signed by the President and transmitted to the Governor	422
<b>S.B. 90</b> — DRINKING WATER BOARD LOAN AND GRANT AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	156
Placed on calendar	175
Read the second time	228
Read the third time	250
Transmitted to the House	251
Signed by the President and transmitted to the Governor	422
<b>S.B. 91</b> — SOCIAL WORKER LICENSING ACT AMENDMENTS ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	157
Amendments	206
Committee report adopted and placed on calendar	209
Read the second time	242
Circled	242
Uncircled	471
Failed	471
Filed	471
Enacting Clause Stricken	926
<b>S.B. 92</b> — BEAR RIVER DEVELOPMENT PROJECTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	157
Amendments	207
Committee report adopted and placed on calendar	207, 209
Read the second time	259
Read the third time	281
Transmitted to the House	281
Concurrence	623
Concurrence	644
Returned to the House	645
Signed by the President and transmitted to the Governor	684
<b>S.B. 93</b> — CLASSIFICATION OF CERTAIN LEGISLATIVE RECORDS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	157
Placed on calendar	175
Read the second time	228
Read the third time	251
Transmitted to the House	251
Concurrence	625
Concurrence	645
Returned to the House	646
Signed by the President and transmitted to the Governor	684
<b>S.B. 94</b> — AGRICULTURAL PROTECTION ACT AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	157

Placed on calendar . . . . .	175
Read the second time . . . . .	229
Circled . . . . .	229
Uncircled . . . . .	286
Read the third time . . . . .	300
Transmitted to the House . . . . .	301
Signed by the President and transmitted to the Governor . . . . .	623
<b>S.B. 95 — UNINCORPORATED COUNTY AMENDMENTS (<i>R. Allen</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	157
Placed on calendar . . . . .	175
Read the second time . . . . .	229
Circled . . . . .	229
Uncircled . . . . .	323
Read the third time . . . . .	344
Transmitted to the House . . . . .	345
Signed by the President and transmitted to the Governor . . . . .	545
<b>S.B. 96 — URANIUM MILL TAILINGS OVERSIGHT (<i>B. Wright</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	158
Substituted . . . . .	207
Committee report adopted and placed on calendar . . . . .	209
Read the second time . . . . .	260
Read the third time . . . . .	281
Circled . . . . .	281
Uncircled . . . . .	299
Transmitted to the House . . . . .	300
Signed by the President and transmitted to the Governor . . . . .	775
<b>S.B. 97 — FORENSIC MENTAL HEALTH COORDINATING COUNCIL (<i>K. Hale</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	158
Placed on calendar . . . . .	175
Read the second time . . . . .	229
Read the third time . . . . .	251
Circled . . . . .	252
Uncircled . . . . .	265
Transmitted to the House . . . . .	266
Signed by the President and transmitted to the Governor . . . . .	640
<b>S.B. 98 — OUTDOOR ADVERTISING AMENDMENTS (<i>M. Waddoups</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	158
Placed on calendar . . . . .	175
Read the second time . . . . .	230
Read the third time . . . . .	252
Transmitted to the House . . . . .	252
Concurrence . . . . .	624
Concurrence . . . . .	645
Returned to the House . . . . .	645
Signed by the President and transmitted to the Governor . . . . .	684
<b>S.B. 99 — CORE CURRICULUM AMENDMENTS (<i>D. Gladwell</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	158
Placed on calendar . . . . .	175
Read the second time . . . . .	230
Read the third time . . . . .	252
Transmitted to the House . . . . .	252
Concurrence . . . . .	626, 646
Returned to the House . . . . .	646
Signed by the President and transmitted to the Governor . . . . .	684

<b>S.B. 100</b> — PHARMACIST LICENSING AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	159
Assigned to standing committee	176
Amendments	295
Committee report adopted and placed on calendar	297
Read the second time	332
Read the third time	350
Circled	350
Uncircled	360
Amendments	360
Transmitted to the House	361
Concurrence	776, 797
Returned to the House	797
Signed by the President and transmitted to the Governor	829
<b>S.B. 101</b> — CRIMINAL BACKGROUND CHECKS FOR LICENSED PROVIDERS OF HUMAN SERVICES ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	159
Assigned to standing committee	176
Substituted	245
Amendments	245
Committee report adopted and placed on calendar	245
Read the second time	321
Substituted	321
Read the third time	343
Transmitted to the House	344
Concurrence	641
Concurrence	709
Returned to the House	710
Signed by the President and transmitted to the Governor	715
<b>S.B. 102</b> — BID REQUIREMENTS ON COUNTY OR MUNICIPAL CONSTRUCTION PROJECTS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee	160
Assigned to standing committee	203
Substituted	549
Committee report adopted and placed on calendar	550
Read the second time	589
Substituted	589
Circled	589
Uncircled	637
Read the third time	664
Amendments	664
Transmitted to the House	665
Enacting Clause Stricken	925
<b>S.B. 103</b> — TERMINATION OF JOINT TENANCY IN REAL PROPERTY ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	160
Assigned to standing committee	204
Committee report adopted and placed on calendar	272
Read the second time	325
Read the third time	346
Transmitted to the House	347
Signed by the President and transmitted to the Governor	740
<b>S.B. 104</b> — SALE OF MUNICIPAL POWER SYSTEMS ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	160
Assigned to standing committee	176
Substituted	452
Committee report adopted and placed on calendar	453

Read the second time	489
Amendments	489
Read the third time	509
Transmitted to the House	509
Signed by the President and transmitted to the Governor	775
<b>S.B. 105</b> — REPEAL OF EDUCATION MANDATES AND PROGRAMS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee	160
Placed on calendar	175
Read the second time	235
Circled	235
Uncircled	237
Amendments	238
Read the third time	256
Circled	256
Uncircled	259
Transmitted to the House	260
Concurrence	365, 407
Returned to the House	408
Signed by the President and transmitted to the Governor	450
<b>S.B. 106</b> — DIVORCE – CHILDREN’S TESTIMONY LIMITED ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	161
Assigned to standing committee	176
Substituted	367
Amendments	367
Committee report adopted and placed on calendar	368
Read the second time	446
Circled	446, 478
Uncircled	461, 480
Read the third time	478
Transmitted to the House	480
Signed by the President and transmitted to the Governor	775
<b>S.B. 107</b> — UTAH LABOR COMMISSION AMENDMENTS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	162
Placed on calendar	176
Read the second time	235
Read the third time	253
Transmitted to the House	253
Signed by the President and transmitted to the Governor	450
<b>S.B. 108</b> — PETE SUAZO PROFESSIONAL ATHLETIC COMMISSION AMENDMENTS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	162
Amendments	207
Committee report adopted and placed on calendar	209
Read the second time	260
Circled	260
Uncircled	266
Read the third time	284
Transmitted to the House	284
Signed by the President and transmitted to the Governor	545
<b>S.B. 109</b> — LICENSING OF GENETIC COUNSELORS TECHNICAL AMENDMENTS ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	162
Placed on calendar	176
Read the second time	235
Read the third time	253

Transmitted to the House	254
Signed by the President and transmitted to the Governor	450
<b>S.B. 110</b> — CHILD PLACEMENT DETERMINATIONS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	162
Placed on calendar	176
Read the second time	236
Read the third time	254
Transmitted to the House	254
Signed by the President and transmitted to the Governor	365
<b>S.B. 111</b> — DIVISION OF HOME IN A DIVORCE ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	163
Assigned to standing committee	176
Substituted	367
Committee report adopted and placed on calendar	368
Read the second time	446
Circled	446
Uncircled	461
Read the third time	478
Circled	478
Uncircled	480
Transmitted to the House	481
Filed	777
Returned to the Rules Committee	777
Enacting Clause Stricken	926
<b>S.B. 112</b> — INSURANCE COVERAGE OF CONTRACEPTIVES ( <i>L. S. Poulton</i> )	
Read for the first time and referred to the Rules Committee	163
Assigned to standing committee	389
Returned to the Secretary of the Senate	680
Enacting Clause Stricken	927
<b>S.B. 113</b> — HEALTH CARE WORKFORCE LOAN REPAYMENT ASSISTANCE ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	163
Assigned to standing committee	233
Substituted	297
Read the first and second time and placed on Consent Calendar	298
Placed on calendar	372
Read the second time	372
Circled	372, 373
Uncircled	372, 444
Substituted	372
Read the third time	458
Transmitted to the House	458
Signed by the President and transmitted to the Governor	727
<b>S.B. 114</b> — REVISOR'S STATUTE ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	164
Amendments	208
Committee report adopted and placed on calendar	209
Read the second time	260
Read the third time	282
Transmitted to the House	282
Signed by the President and transmitted to the Governor	623
<b>S.B. 115</b> — MOBILE HOME PARK RESIDENCY TECHNICAL REVISIONS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	164
Assigned to standing committee	203
Committee report adopted and placed on calendar	297
Read the second time	327

	Read the third time . . . . .	349
	Transmitted to the House . . . . .	349
	Signed by the President and transmitted to the Governor . . . . .	545
<b>S.B. 116</b>	— LOCAL GOVERNMENT VARIABLE RATE BONDING AUTHORITY ( <i>D. C. Buttars</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	164
	Placed on calendar . . . . .	176
	Read the second time . . . . .	236
	Read the third time . . . . .	254
	Amendments . . . . .	254
	Transmitted to the House . . . . .	256
	Signed by the President and transmitted to the Governor . . . . .	388
<b>S.B. 117</b>	— TRUST AMENDMENTS ( <i>J. Valentine</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	164
	Assigned to standing committee . . . . .	204
	Amendments . . . . .	272
	Committee report adopted and placed on calendar . . . . .	272
	Read the second time . . . . .	325
	Read the third time . . . . .	347
	Transmitted to the House . . . . .	347
	Concurrence . . . . .	795, 797
	Returned to the House . . . . .	798
	Signed by the President and transmitted to the Governor . . . . .	829
<b>S.B. 118</b>	— DISTRIBUTION OF OLYMPIC SPECIAL REVENUE FUND MONIES ( <i>M. Waddoups</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	165
	Assigned to standing committee . . . . .	204
	Committee report adopted and placed on calendar . . . . .	297
	Read the second time . . . . .	333
	Read the third time . . . . .	350
	Transmitted to the House . . . . .	351
	Enacting Clause Stricken . . . . .	925
<b>S.B. 119</b>	— WORKERS' COMPENSATION INSURANCE RELATED AMENDMENTS ( <i>L. S. Poulton</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	165
	Assigned to standing committee . . . . .	263
	Amendments . . . . .	337
	Committee report adopted and placed on calendar . . . . .	341
	Read the second time . . . . .	382
	Circled . . . . .	383, 458
	Uncircled . . . . .	444, 503
	Read the third time . . . . .	458
	Intent language . . . . .	504
	Transmitted to the House . . . . .	504
	Concurrence . . . . .	855, 901
	Before the Senate . . . . .	888
	Circled . . . . .	888
	Intent Language . . . . .	902
	Returned to the House . . . . .	902
	Signed by the President and transmitted to the Governor . . . . .	919
<b>S.B. 120</b>	— MOTOR VEHICLE INSURANCE COVERAGE – ARBITRATION REQUIREMENTS ( <i>M. Waddoups</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	165
	Assigned to standing committee . . . . .	204
	Substituted . . . . .	318
	Committee report adopted and placed on calendar . . . . .	319
	Read the second time . . . . .	382
	Amendments . . . . .	382

Read the third time . . . . .	409
Transmitted to the House . . . . .	409
Signed by the President and transmitted to the Governor . . . . .	640
<b>S.B. 121</b> — CONCEALED FIREARM PERMIT AMENDMENTS ( <i>S. Jenkins</i> )	
Read for the first time and referred to the Rules Committee . . . . .	165
Assigned to standing committee . . . . .	204
Amendments . . . . .	319
Returned to the Secretary of the Senate . . . . .	319
Enacting Clause Stricken . . . . .	927
<b>S.B. 122</b> — INSURANCE LAW AMENDMENTS ( <i>L. S. Poulton</i> )	
Read for the first time and referred to the Rules Committee . . . . .	166
Assigned to standing committee . . . . .	203
Substituted . . . . .	337
Committee report adopted and placed on calendar . . . . .	341
Read the second time . . . . .	383
Circled . . . . .	383, 458
Uncircled . . . . .	445, 464
Amendments . . . . .	445
Read the third time . . . . .	458
Intent language . . . . .	464
Transmitted to the House . . . . .	464
Concurrence . . . . .	904
Returned to the House . . . . .	904
Signed by the President and transmitted to the Governor . . . . .	919
<b>S.B. 123</b> — VENUE FOR CONSUMER TRANSACTIONS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee . . . . .	167
Assigned to standing committee . . . . .	203
Read the second time and placed on Consent Calendar . . . . .	297
Read the third time . . . . .	371
Transmitted to the House . . . . .	372
Signed by the President and transmitted to the Governor . . . . .	545
<b>S.B. 124</b> — TIMELY PAYMENTS OF INSURANCE CLAIMS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee . . . . .	167
Assigned to standing committee . . . . .	317
Amendments . . . . .	337
Committee report adopted and placed on calendar . . . . .	341
Read the second time . . . . .	383
Read the third time . . . . .	409
Transmitted to the House . . . . .	410
Signed by the President and transmitted to the Governor . . . . .	874
<b>S.B. 125</b> — ORGAN DONOR LEAVE FOR STATE EMPLOYEES ( <i>K. Hale</i> )	
Read for the first time and referred to the Rules Committee . . . . .	167
Assigned to standing committee . . . . .	329
Committee report adopted and placed on calendar . . . . .	392
Read the second time . . . . .	460
Read the third time . . . . .	477
Transmitted to the House . . . . .	478
Signed by the President and transmitted to the Governor . . . . .	829
<b>S.B. 126</b> — OPTIONAL COUNTY AFFORDABLE HOUSING FUNDS ACT ( <i>K. Hale</i> )	
Read for the first time and referred to the Rules Committee . . . . .	167
Assigned to standing committee . . . . .	203
Returned to the Secretary of the Senate . . . . .	679
Enacting Clause Stricken . . . . .	927
<b>S.B. 127</b> — APPOINTMENTS TO CITY AND COUNTY HEALTH BOARDS ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee . . . . .	190

Assigned to standing committee	317
Returned to the Secretary of the Senate	
Enacting Clause Stricken	927
<b>S.B. 128</b> — OPEN AND PUBLIC MEETINGS REVISIONS ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee	190
Assigned to standing committee	204
Amendments	296
Committee report adopted and placed on calendar	297
Read the second time	334
Circled	335
Uncircled	465
Amendments	465
Read the third time	479
Transmitted to the House	480
Signed by the President and transmitted to the Governor	829
<b>S.B. 129</b> — PLANETARIUM BOARD OF DIRECTORS AMENDMENTS ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee	191
Assigned to standing committee	263
Committee report adopted and placed on calendar	341
Read the second time	384
Read the third time	411
Transmitted to the House	411
Signed by the President and transmitted to the Governor	623
<b>S.B. 130</b> — YOUTH COURT AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	191
Assigned to standing committee	204
Committee report adopted and placed on calendar	272
Read the second time	326
Read the third time	347
Transmitted to the House	348
Concurrence	728
Concurrence	752
Returned to the House	753
Signed by the President and transmitted to the Governor	793
<b>S.B. 131</b> — PERSONAL USE OF CAMPAIGN FUNDS ( <i>K. Hale</i> )	
Read for the first time and referred to the Rules Committee	209
Assigned to standing committee	293
Committee report adopted and placed on calendar	392
Read the second time	465
Circled	466
Uncircled	671
Substituted	671
Circled	672
Enacting Clause Stricken	927
<b>S.B. 132</b> — PROHIBITION OF PAID EDUCATION ASSOCIATION LEAVE ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	209
Assigned to standing committee	263
Substituted	430
Amendments	430
Committee report adopted and placed on calendar	431
Read the second time	466
Circled	466, 542, 695
Uncircled	541, 677, 701
Substituted	541
Read the third time	695
Transmitted to the House	702

Concurrence . . . . .	767, 795
Returned to the House . . . . .	795
Signed by the President and transmitted to the Governor . . . . .	829
<b>S.B. 133</b> — APPLICATION FOR DRIVER LICENSE AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee . . . . .	219
Assigned to standing committee . . . . .	264
Returned to the Secretary of the Senate . . . . .	682
Enacting Clause Stricken . . . . .	927
<b>S.B. 134</b> — WILDLIFE RESOURCES AND WILDLIFE BOARD AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee . . . . .	235
Assigned to standing committee . . . . .	263
Returned to Secretary of Senate . . . . .	369
Enacting Clause Stricken . . . . .	927
<b>S.B. 135</b> — TOBACCO SETTLEMENT RESTRICTED ACCOUNT ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee . . . . .	246
Assigned to standing committee . . . . .	293
Committee report adopted and placed on calendar . . . . .	341
Read the second time . . . . .	395
Read the third time . . . . .	413
Transmitted to the House . . . . .	413
Signed by the President and transmitted to the Governor . . . . .	640
<b>S.B. 136</b> — STATE VEGETABLE ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee . . . . .	246
Assigned to standing committee . . . . .	389
Committee report adopted and placed on calendar . . . . .	502
Read the second time . . . . .	537
Circled . . . . .	537
Uncircled . . . . .	542
Read the third time . . . . .	563
Transmitted to the House . . . . .	564
Concurrence . . . . .	728, 753
Returned to the House . . . . .	753
Signed by the President and transmitted to the Governor . . . . .	793
<b>S.B. 137</b> — GOVERNMENT RECORDS ACCESS & MANAGEMENT ACT – TECHNICAL REVISIONS ( <i>A. Suazo</i> )	
Read for the first time and referred to the Rules Committee . . . . .	246
Assigned to standing committee . . . . .	293
Read the second time and placed on Consent Calendar . . . . .	393
Read the third time . . . . .	456
Transmitted to the House . . . . .	456
Signed by the President and transmitted to the Governor . . . . .	727
<b>S.B. 138</b> — CHARTER SCHOOLS AMENDMENTS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	265
Assigned to standing committee . . . . .	451
Substituted . . . . .	642
Amendments . . . . .	642
Committee report adopted and placed on calendar . . . . .	643
Read the second time . . . . .	672
Read the third time . . . . .	691
Circled . . . . .	691
Uncircled . . . . .	691
Substituted . . . . .	691
Circled . . . . .	692
Uncircled . . . . .	696
Transmitted to the House . . . . .	696
Signed by the President and transmitted to the Governor . . . . .	874

<b>S.B. 139</b> — DNA EVIDENCE – REMOVING STATUTE OF LIMITATIONS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	272
Assigned to standing committee	293
Substituted	452
Committee report adopted and placed on calendar	453
Read the second time	490
Read the third time	510
Transmitted to the House	510
Enacting Clause Stricken	925
<b>S.B. 140</b> — REALLOCATION OF JUDGES ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	273
Assigned to standing committee	293
Committee report adopted and placed on calendar	368
Read the second time	446
Read the third time	458
Transmitted to the House	459
<b>S.B. 141</b> — PUNITIVE DAMAGE AWARDS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	329
Substituted	500
Committee report adopted and placed on calendar	502
Read the second time	540
Read the third time	562
Circled	562
Uncircled	665
Transmitted to the House	665
Signed by the President and transmitted to the Governor	920
<b>S.B. 142</b> — HIGHER EDUCATION BUDGET AUTHORITY ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	317
Committee report adopted and placed on calendar	341
Read the second time	385
Read the third time	411
Transmitted to the House	412
Signed by the President and transmitted to the Governor	545
Recalled	733
Before the Senate	754
Substituted	754
Transmitted to the House	755
Signed by the President and transmitted to the Governor	874
<b>S.B. 143</b> — PRIVATE RECORDS AMENDMENTS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	318
Substituted	470
Committee report adopted and placed on calendar	471
Read the second time	525
Substituted	525
Circled	526
Uncircled	538
Read the third time	561
Transmitted to the House	561
Signed by the President and transmitted to the Governor	766
<b>S.B. 144</b> — SALES AND USE TAX – DEFINITION OF REGULARLY RENTED ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	317

Committee report adopted and placed on calendar	392
Read the second time	463
Read the third time	479
Transmitted to the House	479
Signed by the President and transmitted to the Governor	874
<b>S.B. 145</b> — OUTDOOR ADVERTISING SIGN PROXIMITY TO UTILITY LINES ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	329
Amendments	426
Committee report adopted and placed on calendar	431
Read the second time	466
Circled	466
Uncircled	535
Substituted	535
Circled	536
Uncircled	550
Read the third time	566
Transmitted to the House	567
Signed by the President and transmitted to the Governor	727
<b>S.B. 146</b> — BUSINESS ENTITY AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	320
Assigned to standing committee	389
Committee report adopted and placed on calendar	502
Read the second time	535
Read the third time	560
Transmitted to the House	560
Signed by the President and transmitted to the Governor	727
<b>S.B. 147</b> — RESTRICTION OF FUNDING ON STATE ENTITY WHOSE POLICY, RULE, OR ACTION IS CONTRARY TO LAW ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	330
Assigned to standing committee	366
Returned to the Secretary of the Senate	682
Committee report adopted and placed on calendar	746
Read the second time	772
Read the third time	815
Circled	815
Uncircled	830
Substituted	830
Transmitted to the House	831
Filed	920
Enacting Clause Stricken	927
<b>S.B. 148</b> — JUSTICE COURT JUDGES ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	331
Enacting Clause Stricken	927
<b>S.B. 149</b> — ETHICS AMENDMENTS ( <i>L. S. Poulton</i> )	
Read for the first time and referred to the Rules Committee	342
Assigned to standing committee	548
Substituted	659
Committee report adopted and placed on calendar	662
Read the second time	675
Read the third time	694
Circled	694
Uncircled	700
Transmitted to the House	701
Amendments	911
Refuse to Concur	911

Returned to the House . . . . .	911
Signed by the President and transmitted to the Governor . . . . .	920
<b>S.B. 150</b> — REGISTRATION AND PROTECTION OF TRADEMARKS AND SERVICE MARKS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee . . . . .	342
Assigned to standing committee . . . . .	390
Committee report adopted and placed on calendar . . . . .	502
Read the second time . . . . .	540
Read the third time . . . . .	562
Transmitted to the House . . . . .	563
Signed by the President and transmitted to the Governor . . . . .	740
<b>S.B. 151</b> — VEHICLE HISTORY INFORMATION ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee . . . . .	432
Assigned to standing committee . . . . .	497
Committee report adopted and placed on calendar . . . . .	582
Read the second time . . . . .	636
Amendments . . . . .	636
Read the third time . . . . .	663
Transmitted to the House . . . . .	663
Enacting Clause Stricken . . . . .	925
<b>S.B. 152</b> — ELECTRIC ENERGY EFFICIENCY AND CONSERVATION TARIFF ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee . . . . .	386
Assigned to standing committee . . . . .	389
Amendments . . . . .	452
Committee report adopted and placed on calendar . . . . .	453
Read the second time . . . . .	490
Read the third time . . . . .	510
Circled . . . . .	510
Uncircled . . . . .	518
Transmitted to the House . . . . .	519
Signed by the President and transmitted to the Governor . . . . .	838
<b>S.B. 153</b> — TAXES OR CHARGES ON TELECOMMUNICATIONS SERVICE ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee . . . . .	386
Assigned to standing committee . . . . .	390
Amendments . . . . .	470
Committee report adopted and placed on calendar . . . . .	471
Read the second time . . . . .	492
Read the third time . . . . .	511
Circled . . . . .	511
Uncircled . . . . .	512
Amendments . . . . .	512
Transmitted to the House . . . . .	513
Signed by the President and transmitted to the Governor . . . . .	727
<b>S.B. 154</b> — USE OF RAINY DAY FUNDS ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee . . . . .	369
Assigned to standing committee . . . . .	390
Substituted . . . . .	470
Committee report adopted and placed on calendar . . . . .	471
Read the second time . . . . .	493
Read the third time . . . . .	511
Circled . . . . .	511
Uncircled . . . . .	517
Amendments . . . . .	517
Transmitted to the House . . . . .	518
Concurrence . . . . .	838, 841

Returned to the House	841
Signed by the President and transmitted to the Governor	874
<b>S.B. 155</b> — EDUCATION BUDGET RESERVE ACCOUNT ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	369
Assigned to standing committee	425
Returned to the Secretary of the Senate	679
Enacting Clause Stricken	927
<b>S.B. 156</b> — SCHOOL EMERGENCY RESPONSE PLANS FOR SPORTS INJURIES ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	425
Committee report adopted and placed on calendar	643
Read the second time	673
Read the third time	691
Transmitted to the House	691
Concurrence	876
Returned to the House	876
Signed by the President and transmitted to the Governor	900
<b>S.B. 157</b> — LOCAL SCHOOL BOARD EMPLOYER POWERS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	389
Amendments	498
Committee report adopted and placed on calendar	502
Read the second time	536
Circled	536, 561
Uncircled	537, 627
Read the third time	561
Transmitted to the House	628
Filed	839
Enacting Clause Stricken	927
<b>S.B. 158</b> — ORAL HEALTH TASK FORCE ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	371
Assigned to standing committee	389
Committee report adopted and placed on calendar	502
Read the second time	539
Read the third time	562
Circled	562
Uncircled	611
Enacting Clause Stricken	611, 927
<b>S.B. 159</b> — ENVIRONMENTAL COMPLIANCE FOR MINERALS REGULATORY PROGRAM ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	387
Assigned to standing committee	425
Amendments	498
Committee report adopted and placed on calendar	502
Read the second time	538
Read the third time	561
Transmitted to the House	562
Signed by the President and transmitted to the Governor	740
<b>S.B. 160</b> — AERONAUTICS CONSTRUCTION REVOLVING LOAN FUND ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	404
Assigned to standing committee	451
Committee report adopted and placed on calendar	502
Read the second time	542
Read the third time	564
Transmitted to the House	564
Signed by the President and transmitted to the Governor	740

<b>S.B. 161</b> — LIMITATION ON ALIMONY ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	404
Assigned to standing committee	425
Amendments	468
Committee report adopted and placed on calendar	471
Read the second time	491
Circled	491
Uncircled	491
Read the third time	510
Circled	510
Uncircled	518
Amendments	518
Failed	518
Returned to the staff for filing	518
Enacting Clause Stricken	927
<b>S.B. 162</b> — DEPARTMENT OF HUMAN RESOURCE MANAGEMENT – REPORT OF FUNDED VACANT POSITIONS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	405
Assigned to standing committee	425
Committee report adopted and placed on calendar	471
Read the second time	491
Read the third time	510
Circled	510
Uncircled	520
Transmitted to the House	520
Signed by the President and transmitted to the Governor	894
<b>S.B. 163</b> — STRUCTURED SETTLEMENT AGREEMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	405
Assigned to standing committee	425
Committee report adopted and placed on calendar	502
Read the second time	540
Amendments	541
Read the third time	563
Transmitted to the House	563
Signed by the President and transmitted to the Governor	740
<b>S.B. 164</b> — SECURE FACILITIES AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	405
Assigned to standing committee	426
Substituted	501, 543
Amendments	501
Committee report adopted and placed on calendar	502
Read the second time	543
Read the third time	564
Transmitted to the House	565
Concurrence	745, 753
Returned to the House	754
Signed by the President and transmitted to the Governor	793
<b>S.B. 165</b> — PAWNBROKER INDUSTRY REVISIONS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	432
Placed on calendar	451
Read the second time	488
Substituted	488
Read the third time	506
Amendments	507
Transmitted to the House	507
Enacting Clause Stricken	925

<b>S.B. 166</b> — INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	433
Assigned to standing committee	451
Committee report adopted and placed on calendar	527
Read the second time	544
Read the third time	566
Transmitted to the House	566
Enacting Clause Stricken	925
<b>S.B. 167</b> — SCHOOL COMMUNITY COUNCILS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	434
Assigned to standing committee	496
Committee report adopted and placed on calendar	550
Read the second time	621
Circled	622
Uncircled	631
Amendments	631
Read the third time	655
Transmitted to the House	656
Concurrence	871, 888
Returned to the House	889
Signed by the President and transmitted to the Governor	900
<b>S.B. 168</b> — PARENT VISITATION OFFICE ( <i>D. E. Allen</i> )	
Read for the first time and referred to the Rules Committee	434
Assigned to standing committee	496
Substituted	581
Committee report adopted and placed on calendar	581
Read the second time	634
Read the third time	656
Transmitted to the House	657
Enacting Clause Stricken	925
<b>S.B. 169</b> — PROPERTY TAX MODIFICATIONS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	434
Assigned to standing committee	579
Committee report adopted and placed on calendar	662
Read the second time	675
Read the third time	694
Circled	694, 718
Substituted	718
Uncircled	732
Substituted	732
Circled	733
Uncircled	747
Transmitted to the House	747
Signed by the President and transmitted to the Governor	894
<b>S.B. 170</b> — REAUTHORIZATION OF ADMINISTRATIVE RULES ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee	434
Committee report adopted and placed on calendar	706
Placed on calendar	713
Read the second time	719
Read the third time	734
Amendments	734
Transmitted to the House	734
Signed by the President and transmitted to the Governor	814
<b>S.B. 171</b> — UNIFORM ARBITRATION ACT ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	434

Assigned to standing committee	497
Committee report adopted and placed on calendar	582
Read the second time	635
Read the third time	657
Transmitted to the House	658
Amendments	914
Concurrence	915
Returned to the House	915
Signed by the President and transmitted to the Governor	919
<b>S.B. 172</b> — HEALTH INSURANCE PROMPT PAY AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	434
Assigned to standing committee	548
Amendments	643
Committee report adopted and placed on calendar	643
Read the second time	673
Circled	673
Enacting Clause Stricken	927
<b>S.B. 173</b> — MOTOR VEHICLE REGISTRATION FOR FLEETS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	434
Assigned to standing committee	497
Committee report adopted and placed on calendar	582
Read the second time	637
Amendments	637
Read the third time	664
Transmitted to the House	664
Signed by the President and transmitted to the Governor	814
<b>S.B. 174</b> — APPROVAL REQUIRED FOR FEDERAL ASSISTANCE PROGRAMS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	435
Enacting Clause Stricken	927
<b>S.B. 175</b> — CHARITABLE SOLICITATIONS ACT AMENDMENTS ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	435
Assigned to standing committee	526
Returned to the Secretary of Senate	550
Enacting Clause Stricken	927
<b>S.B. 176</b> — UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	435
Assigned to standing committee	548
Committee report adopted and placed on calendar	643
Read the second time	672
Read the third time	690
Transmitted to the House	691
Signed by the President and transmitted to the Governor	766
<b>S.B. 177</b> — JURY TRIAL FOR TERMINATION OF PARENTAL RIGHTS CASES ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	435
Assigned to standing committee	548
Returned to the Secretary of the Senate	681
Enacting Clause Stricken	927
<b>S.B. 178</b> — PROTECTING THE UNBORN CHILD ( <i>L. S. Poulton</i> )	
Read for the first time and referred to the Rules Committee	435
Assigned to standing committee	496
Committee report adopted and placed on calendar	661
Read the second time	674
Read the third time	692
Transmitted to the House	692
Signed by the President and transmitted to the Governor	766

<b>S.B. 179</b> — TIMELY PAYMENT OF MOTOR VEHICLE INSURANCE CLAIMS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	435
Enacting Clause Stricken	927
<b>S.B. 180</b> — FIREFIGHTERS RETIREMENT ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee	435
Enacting Clause Stricken	927
<b>S.B. 181</b> — HIGHER EDUCATION TECHNOLOGY AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	436
Assigned to standing committee	548, 591
Committee report adopted and placed on calendar	661
Read the second time	674
Read the third time	692
Transmitted to the House	693
Signed by the President and transmitted to the Governor	894
<b>S.B. 182</b> — PENALTY AND INTEREST MODIFICATIONS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	436
Assigned to standing committee	594
Committee report adopted and placed on calendar	662
Read the second time	676
Read the third time	694
Transmitted to the House	694
Enacting Clause Stricken	925
<b>S.B. 183</b> — COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	436
Amendments	658
Committee report adopted and placed on calendar	658
Read the second time	674
Circled	674
Placed on calendar	713
Before the Senate	719
Amendments	719
Read the third time	733
Transmitted to the House	733
Concurrence	829, 840
Returned to the House	840
Signed by the President and transmitted to the Governor	853
<b>S.B. 184</b> — FINANCIAL INSTITUTIONS TECHNICAL AMENDMENTS ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	436
Enacting Clause Stricken	927
<b>S.B. 185</b> — SALES AND USE TAX – EXEMPTION FOR CERTAIN COUPONS ( <i>M. Peterson</i> )	
Read for the first time and referred to the Rules Committee	436
Assigned to standing committee	548
Returned to the Secretary of the Senate	682
Enacting Clause Stricken	927
<b>S.B. 186</b> — UNEMPLOYMENT BENEFITS – EXEMPTION FOR CORPORATE OFFICERS ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	436
Substituted	547
Assigned to standing committee	548
Returned to the Rules Committee	644
Enacting Clause Stricken	927
<b>S.B. 187</b> — RDA – FOR PARKING STRUCTURE ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee	436
Enacting Clause Stricken	927

<b>S.B. 188</b> — LABOR CODE REVISIONS ( <i>T. Spencer</i> )	
Read for the first time and referred to the Rules Committee	437
Committee report adopted and placed on calendar	707
Enacting Clause Stricken	928
<b>S.B. 189</b> — ESSENTIAL SERVICES AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	437
Enacting Clause Stricken	928
<b>S.B. 190</b> — SPECIAL 2002 HIGHWAY GENERAL OBLIGATION BONDS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	579
Returned to the Secretary of the Senate	683
Enacting Clause Stricken	928
<b>S.B. 191</b> — LAW ENFORCEMENT REVOLVING ACCOUNT ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	527
Substituted	661
Committee report adopted and placed on calendar	662
Read the second time	678
Read the third time	695
Transmitted to the House	696
Concurrence	829, 840
Returned to the House	841
Signed by the President and transmitted to the Governor	874
<b>S.B. 192</b> — AIR QUALITY ACT AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	496
Returned to the Secretary of the Senate	681
Enacting Clause Stricken	928
<b>S.B. 193</b> — NETWORK MARKETING ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	437
Enacting Clause Stricken	928
<b>S.B. 194</b> — CABLE TV REGULATION ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	437
Enacting Clause Stricken	928
<b>S.B. 195</b> — SALES AND USE TAX AMENDMENTS ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	438
Assigned to standing committee	548
Committee report adopted and placed on calendar	662
Read the second time	676
Circled	676, 797
Uncircled	677, 798
Read the third time	695
Transmitted to the House	695
Concurrence	777, 798
Before the Senate	797
Returned to the House	799
Signed by the President and transmitted to the Governor	829
<b>S.B. 196</b> — WASTE AMENDMENTS ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	438
Assigned to standing committee	580
Substituted	660
Committee report adopted and placed on calendar	662
Read the second time	676
Circled	677

Uncircled .....	703
Read the third time .....	710
Transmitted to the House .....	710
Enacting Clause Stricken .....	925
<b>S.B. 197</b> — APPROPRIATION FOR STATE FAIR PARK ( <i>A. Suazo</i> )	
Read for the first time and referred to the Rules Committee .....	438
Enacting Clause Stricken .....	928
<b>S.B. 198</b> — BASIC HUMAN NEEDS REFERENDUM ACT ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee .....	438
Assigned to standing committee .....	526
Returned to the Secretary of the Senate .....	682
Enacting Clause Stricken .....	928
<b>S.B. 199</b> — PRIVACY PROTECTIONS IN DIVORCE PROCEEDINGS ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee .....	559
Assigned to standing committee .....	578
Substituted .....	658
Committee report adopted and placed on calendar .....	661
Read the second time .....	675
Read the third time .....	693
Amendments .....	693
Transmitted to the House .....	694
Enacting Clause Stricken .....	925
<b>S.B. 200</b> — STATUTORY REVISIONS FOR STATE FUNDING ADJUSTMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee .....	717
Committee report adopted and placed on calendar .....	721
Read the second and third time .....	726
Transmitted to the House .....	726
Signed by the President and transmitted to the Governor .....	894
<b>S.B. 201</b> — ANNEXATIONS IN COUNTIES OF THE FIRST CLASS ( <i>L. S. Poulton</i> )	
Read for the first time and referred to the Rules Committee .....	837
Placed on calendar .....	838
Read the second and third time .....	841
Transmitted to the House .....	842
Enacting Clause Stricken .....	925

<b>S.C.R. 1 — ADULT LIFELONG LEARNING AND LITERACY RESOLUTION</b> ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	167
Amendments	208
Committee report adopted and placed on calendar	209
Read the second time	266
Read the third time	283
Transmitted to the House	283
Enacting Clause Stricken	925
<b>S.C.R. 2 — RESOLUTION URGING VEGETATION MANAGEMENT PRACTICES ON BLM GROUND</b> ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	406
Assigned to standing committee	451
Committee report adopted and placed on calendar	581
Read the second time	626
Read the third time	652
Circled	653,
Uncircled	668
Transmitted to the House	669
Signed by the President and transmitted to the Governor	775
<b>S.C.R. 3 — CONCURRENT RESOLUTION RECOGNIZING THE SALT LAKE OLYMPIC ORGANIZING COMMITTEE, MITT ROMNEY, OLYMPIC VOLUNTEERS, AND PUBLIC SAFETY</b> ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	573
Placed on calendar	573
Read the second time	573
Circled	574
Uncircled	576
Read the second and third time	576
Transmitted to the House	577
Signed by the President and transmitted to the Governor	578

<b>S.J.R. 1 — RESOLUTION ENCOURAGING RESEARCH AND DEVELOPMENT</b>	
GRANTS FOR CLEAN COAL ALTERNATIVES ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	168
Placed on calendar	175
Read the second time	214
Read the third time	224
Transmitted to the House	224
Signed by the President and transmitted to the Governor	450
<b>S.J.R. 2 — RESOLUTION ON INVESTMENT OF STATE SCHOOL FUND AND UNIFORM SCHOOL FUND (<i>L. Hillyard</i>)</b>	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	203
Substituted	294
Committee report adopted and placed on calendar	297
Read the second time	327
Read the third time	350
Circled	350
Uncircled	358
Intent Language	358
Transmitted to the House	358
Signed by the President and transmitted to the Governor	749
<b>S.J.R. 3 — RESOLUTION PROVIDING FOR CHANGING COUNTY LINES (<i>M. Peterson</i>)</b>	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	204
Returned to the Rules Committee	298
Enacting Clause Stricken	928
<b>S.J.R. 4 — JOINT RESOLUTION ALLOWING CHANGES TO COUNTY BOUNDARIES (<i>C. Walker</i>)</b>	
Read for the first time and referred to the Rules Committee	169
Assigned to standing committee	204
Amendments	296
Committee report adopted and placed on calendar	297
Read the second time	335
Substituted	335
Read the third time	351
Transmitted to the House	352
Signed by the President and transmitted to the Governor	814
<b>S.J.R. 5 — RESOLUTION AUTHORIZING THE CALLING OF SPECIAL SESSIONS BY THE LEGISLATURE (<i>J. Hickman</i>)</b>	
Read for the first time and referred to the Rules Committee	169
Assigned to standing committee	176
Read the second time	237
Circled	237, 362, 421
Uncircled	362, 420, 447
Substituted	362
Amendments	420, 447
Failed	447
Filed	447
Enacting Clause Stricken	928

<b>S.J.R. 6</b> — JOINT RESOLUTION AMENDING REVENUE AND TAXATION	
ARTICLE – EXEMPTIONS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	169
Assigned to standing committee	177
Committee report adopted and placed on calendar	218
Read the second time	269
Circled	269, 344
Uncircled	322, 349
Read the third time	344
Substituted	344
Amendments	349
Transmitted to the House	350
Signed by the President and transmitted to the Governor	640
<b>S.J.R. 7</b> — RESOLUTION ON COMPENSATION OF IN SESSION EMPLOYEES ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	170
Committee report adopted and placed on calendar	209
Read the second and third time	268
Transmitted to the House	269
Signed by the President and transmitted to the Governor	359
<b>S.J.R. 8</b> — RESOLUTION SUPPORTING UTAH QUALITY GROWTH COMMISSION ( <i>R. Allen</i> )	
Read for the first time and referred to the Rules Committee	170
Enacting Clause Stricken	928
<b>S.J.R. 9</b> — JOINT AND INTERIM RULES REVISIONS RESOLUTION ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	170
Placed on calendar	457
Read the second and third time	459
Transmitted to the House	459
Signed by the President and transmitted to the Governor	495
<b>S.J.R. 10</b> — RESOLUTION AMENDING REVENUE AND TAXATION PROVISIONS OF UTAH CONSTITUTION ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	220
Assigned to standing committee	293
Committee report adopted and placed on calendar	341
Read the second time	419
Read the third time	440
Intent language	441
Transmitted to the House	441
Concurrence	871, 889
Returned to the House	889
Signed by the President and transmitted to the Governor	900
<b>S.J.R. 11</b> — RESOLUTION SUPPORTING AMERICA'S DOMESTIC STEEL INDUSTRY ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	406
Assigned to standing committee	426
Committee report adopted and placed on calendar	502
Read the second time	544
Read the third time	565
Substituted	565
Transmitted to the House	566
Signed by the President and transmitted to the Governor	766

<b>S.J.R. 12</b> — RESOLUTION URGING FEDERAL GOVERNMENT REVIEW OF ALTERNATIVES FOR ATLAS MILL TAILINGS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	406
Assigned to standing committee	425
Substituted	498
Committee report adopted and placed on calendar	502
Read the second time	539
Read the third time	562
Transmitted to the House	562
Signed by the President and transmitted to the Governor	749
<b>S.J.R. 13</b> — JOINT RESOLUTION AUTHORIZING APPOINTMENT OF ATTORNEY FOR STATE OFFICERS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	438
Enacting Clause Stricken	928
<b>S.J.R. 14</b> — RESOLUTION ON YUCCA MOUNTAIN AS NUCLEAR WASTE REPOSITORY ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee	438
Assigned to standing committee	526
Committee report adopted and placed on calendar	550
Substituted	550
Read the second time	622
Circled	622
Placed on calendar	713
Before the Senate	719
Circled	719
Enacting Clause Stricken	928
<b>S.J.R. 15</b> — MASTER STUDY RESOLUTION ( <i>L. S. Poulton</i> )	
Read for the first time and referred to the Rules Committee	438
Placed on calendar	867
Read the second and third time	867
Circled	867
Uncircled	903
Transmitted to the House	904
Signed by the President and transmitted to the Governor	919
<b>S.J.R. 16</b> — RESOLUTION RECOGNIZING PUBLIC SAFETY WORKERS FOR OLYMPICS ( <i>L. A. Mansell</i> )	
Read for the first time and referred to the Rules Committee	778
Placed on calendar	835
Read the second and third time	835
Transmitted to the House	836
Signed by the President and transmitted to the Governor	838

<b>S.R. 1</b> — RESOLUTION CHANGING SENATE COMMITTEE NAMES ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	170
Placed on calendar	234
Read the second time	287
Read the third time	304
Signed by the President and enrolled	304
<b>S.R. 2</b> — SENATE RULES AMENDMENTS RESOLUTION ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	171
Placed on calendar	234
Read the second time	288
Circled	288, 320
Uncircled	306, 328
Read the third time	320
Signed by the President and enrolled	328
<b>S.R. 3</b> — RESOLUTION RECOGNIZING DISCOVER NAVAJO – PEOPLE OF THE FOURTH WORLD DAY ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	502
Placed on calendar	521
Read the second and third time	521
Signed by the President in open session and enrolled	521
<b>S.R. 4</b> — RESOLUTION ON ADULT LIFELONG LEARNING AND LITERACY ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	877
Placed on calendar	877
Read the second and third time	900
Signed by the President and transmitted to the Governor	901

**PAGE  
INDEX**

HOUSE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE

GENERAL SESSION

**January 21 through March 6, 2002**



<b>H.B. 1</b> — SUPPLEMENTAL APPROPRIATIONS ACT ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	290
Placed on calendar	290
Read the second and third time	290
Reconsideration	299
Before the Senate	299
Signed by the President and returned to the House	291, 299
<b>H.B. 2</b> — 2002 GENERAL OBLIGATION BOND AND CAPITAL FACILITIES	
AUTHORIZATIONS ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	703
Placed on calendar	712
Read the second time	712
Substituted	712
Read the second and third time	713
Returned to the House	713
Signed by the President and returned to the House	716
<b>H.B. 3</b> — SUPPLEMENTAL APPROPRIATIONS II ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	873
Placed on calendar	879, 894
Read the second and third times	880
Circled	880
Uncircled	883
Amendments	883, 895
Returned to the House	885, 896
Recalled from House	890
Before the Senate	894
Signed by the President and returned to the House	905
<b>H.B. 4</b> — MOTORBOAT DRIVER LICENSING AND BOATING UNDER THE	
INFLUENCE PROVISIONS ( <i>L. Pace</i> )	
Read for the first time and referred to the Rules Committee	329
Substituted	549
Assigned to standing committee	579
Amendments	661
Committee report adopted and placed on calendar	662, 777
Read the second time	809
Amendments	810
Read the third time	827
Returned to the House	827
Signed by the President and returned to the House	855
<b>H.B. 5</b> — SCHOOL UNIFORM AMENDMENTS ( <i>K. Morgan</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Committee report adopted and placed on calendar	297
Read the second time	353
Circled	353
Uncircled	357
Read the third time	377
Signed by the President and returned to the House	377
<b>H.B. 6</b> — PUBLIC SAFETY BUREAU NAME CHANGE ( <i>D. Bowman</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	204
Committee report adopted and placed on calendar	272
Read the second time	352
Read the third time	373
Signed by the President and returned to the House	373

<b>H.B. 7</b> — NET METERING OF ELECTRICITY ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Committee report adopted and placed on calendar	319
Read the second time	356
Read the third time	376
Signed by the President and returned to the House	377
<b>H.B. 8</b> — REPEAL OF LOCAL GOVERNMENT INFORMATION TECHNOLOGY REVIEW COMMITTEE ( <i>N. Hendrickson</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	204
Committee report adopted and placed on calendar	297
Read the second time	355
Read the third time	375
Signed by the President and returned to the House	376
<b>H.B. 9</b> — REPEAL OF MEDICAL EXAMINER COMMITTEE ( <i>N. Hansen</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Committee report adopted and placed on calendar	297
Read the second time	354
Read the third time	374
Signed by the President and returned to the House	375
<b>H.B. 10</b> — REPEAL OF INVESTMENT ADVISORY COMMITTEE ( <i>B. Winn</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Committee report adopted and placed on calendar	341
Read the second time	383
Read the third time	410
Signed by the President and returned to the House	410
<b>H.B. 11</b> — REPEAL OF UTAH OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL ( <i>D. Bush</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	233
Substituted	338
Committee report adopted and placed on calendar	341
Read the second time	384
Read the third time	410
Returned to the House	411
Signed by the President and transmitted to the Governor	468
Read for the first time and referred to the Rules Committee	468
Assigned to standing committee	526
Returned to the Secretary of the Senate	681
Enacting Clause Stricken	922
<b>H.B. 13</b> — REPEAL OF HUMAN RESOURCE ADVISORY COMMITTEE ( <i>D. Bowman</i> )	
Read for the first time and referred to the Rules Committee	305
Assigned to standing committee	329
Committee report adopted and placed on calendar	392
Read the second time	523
Substituted	523
Read the third time	533
Returned to the House	533
Signed by the President and returned to the House	641
<b>H.B. 14</b> — REPEAL OF STATE ADVISORY PLANNING COMMITTEE ( <i>P. Wallace</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	204

Committee report adopted and placed on calendar	297
Read the second time	356
Read the third time	376
Signed by the President and returned to the House	376
<b>H.B. 15 — REPEAL OF ENVIRONMENTAL QUALITY COORDINATING COMMITTEE</b> ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Read the second time and placed on Consent Calendar	319
Read the third time	406
Signed by the President and returned to the House	407
<b>H.B. 16 — BLOOD AND BREATH ALCOHOL TESTING</b> ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	318
Amendments	453
Committee report adopted and placed on calendar	454
Read the second time	572
Read the third time	601
Returned to the House	601
Signed by the President and returned to the House	685
<b>H.B. 17 — MULTIPLE DRIVING UNDER THE INFLUENCE OFFENSES</b> ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	330
Committee report adopted and placed on calendar	454
Read the second time	574
Read the third time	602
Signed by the President and returned to the House	602
<b>H.B. 18 — COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES</b> ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	317
Committee report adopted and placed on calendar	368
Read the second time	484
Tabled on Third Reading Calendar	485
Placed on calendar	844
Read the third time	844
Signed by the President and returned to the House	844
<b>H.B. 19 — ELECTION CAMPAIGN FUND CHECKOFF AMENDMENTS</b> ( <i>C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	204
Read the second time and placed on Consent Calendar	393
Read the third time	454
Signed by the President and returned to the House	455
<b>H.B. 20 — PROHIBITING RESIDENTIAL LOTS FROM CROSSING COUNTY LINES</b> ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	204
Returned to the Secretary of the Senate	682
Enacting Clause Stricken	922
<b>H.B. 21 — ELECTRONIC GOVERNMENT SERVICES AMENDMENTS — AGRICULTURE</b> ( <i>R. Siddoway</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Committee report adopted and placed on calendar	297
Read the second time	354

Read the third time . . . . . 373

Signed by the President and returned to the House . . . . . 374

**H.B. 22** — ELECTRONIC GOVERNMENT SERVICES AMENDMENTS –  
TRANSPORTATION (*R. Siddoway*)

Read for the first time and referred to the Rules Committee . . . . . 189

Assigned to standing committee . . . . . 203

Committee report adopted and placed on calendar . . . . . 297

Read the second time . . . . . 354

Read the third time . . . . . 374

Signed by the President and returned to the House . . . . . 374

**H.B. 23** — MORTGAGE PRACTICES ACT REVISIONS (*G. Adair*)

Read for the first time and referred to the Rules Committee . . . . . 217

Assigned to standing committee . . . . . 263

Committee report adopted and placed on calendar . . . . . 341

Read the second time . . . . . 384

Circled . . . . . 384

Uncircled . . . . . 395

Read the third time . . . . . 413

Signed by the President and returned to the House . . . . . 414

**H.B. 24** — REVISIONS TO REDEVELOPMENT AGENCY LAWS (*W. Harper*)

Read for the first time and referred to the Rules Committee . . . . . 203

Assigned to standing committee . . . . . 264

Committee report adopted and placed on calendar . . . . . 341

Read the second time . . . . . 466

Amendments . . . . . 466

Read the third time . . . . . 481

Returned to the House . . . . . 481

Signed by the President and returned to the House . . . . . 545

**H.B. 25** — ADULT PROTECTIVE SERVICES AMENDMENTS (*P. Jones*)

Read for the first time and referred to the Rules Committee . . . . . 496

Assigned to standing committee . . . . . 548

Committee report adopted and placed on calendar . . . . . 661

Read the second time . . . . . 706

Read the third time . . . . . 717

Signed by the President and returned to the House . . . . . 718

**H.B. 26** — TECHNICAL CORRECTIONS TO COUNTY CODE (*D. Cox*)

Read for the first time and referred to the Rules Committee . . . . . 203

Assigned to standing committee . . . . . 233

Read the second time and placed on Consent Calendar . . . . . 342

Read the third time . . . . . 439

Signed by the President and returned to the House . . . . . 439

**H.B. 27** — TECHNICAL CORRECTIONS TO MUNICIPAL CODE (*D. Cox*)

Read for the first time and referred to the Rules Committee . . . . . 203

Assigned to standing committee . . . . . 233

Read the second time and placed on Consent Calendar . . . . . 342

Read the third time . . . . . 439

Signed by the President and returned to the House . . . . . 439

**H.B. 28** — IMMUNITY FROM LIABILITY IN CHILD WELFARE  
INVESTIGATIONS (*W. Harper*)

Read for the first time and referred to the Rules Committee . . . . . 203

Assigned to standing committee . . . . . 293

Committee report adopted and placed on calendar . . . . . 392

Read the second time . . . . . 524

Amendments . . . . . 524

Read the third time . . . . . 533

Circled .....	534
Uncircled .....	607
Amendments .....	607
Returned to the House .....	611
Signed by the President and returned to the House .....	685
<b>H.B. 29</b> — CHILD RESTRAINT VIOLATIONS ( <i>C. Moss</i> )	
Read for the first time and referred to the Rules Committee .....	203
Assigned to standing committee .....	426
Committee report adopted and placed on calendar .....	502
Read the second time .....	616
Read the third time .....	648
Signed by the President and returned to the House .....	649
<b>H.B. 30</b> — MASTER STATE HIGHWAY AMENDMENTS ( <i>J. Murray</i> )	
Read for the first time and referred to the Rules Committee .....	203
Assigned to standing committee .....	233
Committee report adopted and placed on calendar .....	368
Read the second time .....	514
Read the third time .....	530
Signed by the President and returned to the House .....	530
<b>H.B. 31</b> — LICENSE PLATE REQUIREMENTS ( <i>B. King</i> )	
Read for the first time and referred to the Rules Committee .....	424
Committee report adopted and placed on calendar .....	707, 722
Read the second time .....	744
Read the third time .....	770
Signed by the President and returned to the House .....	770
<b>H.B. 32</b> — OVERSEAS AND MILITARY VOTERS AMENDMENTS ( <i>D. Bush</i> )	
Read for the first time and referred to the Rules Committee .....	203
Assigned to standing committee .....	233
Committee report adopted and placed on calendar .....	341
Read the second time .....	475
Read the third time .....	483
Signed by the President and returned to the House .....	483
<b>H.B. 33</b> — CERTIFICATION AND TESTING OF VOTING EQUIPMENT ( <i>C. Buttars</i> )	
Read for the first time and referred to the Rules Committee .....	203
Assigned to standing committee .....	233
Read the second time and placed on Consent Calendar .....	393
Read the third time .....	456
Signed by the President and returned to the House .....	457
<b>H.B. 34</b> — TOURISM AMENDMENTS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee .....	477
Assigned to standing committee .....	496
Committee report adopted and placed on calendar .....	550
Read the second time .....	621
Read the third time .....	652
Signed by the President and returned to the House .....	652, 794
Recalled .....	718
Placed on calendar .....	725
Before the Senate .....	757
Amendments .....	758
Returned to the House .....	758
<b>H.B. 35</b> — EXPUNGEMENT OF JUVENILE RECORDS ( <i>S. Daniels</i> )	
Read for the first time and referred to the Rules Committee .....	232
Assigned to standing committee .....	263
Committee report adopted and placed on calendar .....	319
Read the second time .....	361

	Circled	361
	Uncircled	385
	Failed	385
	Returned to the House for filing	386
	Recalled	397
	Reconsideration	399
	Before the Senate	399
	Amendments	400
	Read the third time	418
	Returned to the House	418
	Signed by the President and transmitted to the Governor	468
<b>H.B. 36</b>	— CHILD CARE AMENDMENTS ( <i>R. Siddoway</i> )	
	Read for the first time and referred to the Rules Committee	450
	Assigned to standing committee	467
	Returned to the Secretary of the Senate	681
	Enacting Clause Stricken	922
<b>H.B. 37</b>	— PARENT-TIME AMENDMENTS ( <i>J. Ferrin</i> )	
	Read for the first time and referred to the Rules Committee	403
	Assigned to standing committee	425
	Committee report adopted and placed on calendar	471
	Read the second time	575
	Tabled on Third Reading Calendar	575
	Enacting Clause Stricken	922
<b>H.B. 38</b>	— REPEAL OF HEALTH BENEFIT PLAN COMMITTEE ( <i>D. Bush</i> )	
	Read for the first time and referred to the Rules Committee	189
	Assigned to standing committee	203
	Committee report adopted and placed on calendar	297
	Read the second time	355
	Read the third time	375
	Signed by the President and returned to the House	375
<b>H.B. 39</b>	— STATUTE OF LIMITATIONS AMENDMENTS ( <i>K. Bryson</i> )	
	Read for the first time and referred to the Rules Committee	244
	Assigned to standing committee	390
	Substituted	452
	Committee report adopted and placed on calendar	453
	Read the second time	571
	Tabled on Third Reading Calendar	571
	Placed on calendar	829
	Read the third time	829
	Returned to the House	830
	Signed by the President and returned to the House	855
<b>H.B. 40</b>	— PUBLIC SAFETY – DIVISION NAME CHANGE ( <i>D. Bowman</i> )	
	Read for the first time and referred to the Rules Committee	203
	Assigned to standing committee	234
	Committee report adopted and placed on calendar	368
	Read the second time	514
	Read the third time	531
	Signed by the President and returned to the House	531
<b>H.B. 41</b>	— UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS ( <i>N. Hendrickson</i> )	
	Read for the first time and referred to the Rules Committee	217
	Assigned to standing committee	233
	Committee report adopted and placed on calendar	272
	Read the second time	324
	Read the third time	345
	Signed by the President and returned to the House	346

<b>H.B. 42</b> — FLUORIDATION OF PUBLIC WATER SYSTEMS IN AN EMERGENCY ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	451
Committee report adopted and placed on calendar	502
Read the second time	586
Circled	586
Uncircled	590
Amendments	590
Read the third time	614
Amendments	614
Circled	615
Uncircled	630
Returned to the House	630
Signed by the President and returned to the House	685
<b>H.B. 43</b> — ACCESS TO FLUORIDATED WATER ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	263
Committee report adopted and placed on calendar	341
Read the second time	395
Circled	395
Uncircled	401
Read the third time	419
Circled	419
Uncircled	559, 593
Circled	560
Amendments	593
Returned to the House	593
Signed by the President and returned to the House	685
<b>H.B. 44</b> — TRUST DEEDS AMENDMENTS ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	496
Assigned to standing committee	526
Returned to the Secretary of the Senate	681
Committee report adopted and placed on calendar	777
Read the second time	803
Circled	803
Uncircled	805
Amendments	805
Read the third time	824
Returned to the House	825
Signed by the President and returned to the House	855
<b>H.B. 45</b> — PRISONER ESCAPE AMENDMENT ( <i>K. Morgan</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	329
Committee report adopted and placed on calendar	582
Read the second time	635
Read the third time	662
Signed by the President and returned to the House	662
<b>H.B. 46</b> — ANNUAL REPORTS GIVEN TO THE LEGISLATURE ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	233
Committee report adopted and placed on calendar	341
Read the second time	475
Read the third time	483
Signed by the President and returned to the House	483

<b>H.B. 47</b> — EXTENSION OF SUNSET DATES ON OFFICE OF COURT ADMINISTRATOR AND ALTERNATIVE DISPUTE RESOLUTION ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	263
Amendments	367
Committee report adopted and placed on calendar	368
Read the second time	485
Substituted	485
Amendments	485
Read the second time	485
Read the third time	504
Returned to the House	505
Refuse to Recede	547
Joint Conference Committee Report	742
Amendments	742
Signed by the President and returned to the House	776
<b>H.B. 48</b> — LOCAL SUBSTANCE ABUSE AUTHORITY AMENDMENTS ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	317
Committee report adopted and placed on calendar	502
Read the second time	588
Circled	589
Uncircled	591
Read the third time	615
Signed by the President and returned to the House	615
<b>H.B. 49</b> — MUNICIPAL PLAN FOR MODERATE INCOME HOUSING ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	317
Returned to the Secretary of the Senate	679
Enacting Clause Stricken	922
<b>H.B. 50</b> — INDIVIDUAL INCOME TAX PERSONAL RETIREMENT EXEMPTION AND DEDUCTION FOR RETIREMENT INCOME – ELIMINATING MARRIAGE TAX PENALTIES ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	233
Committee report adopted and placed on calendar	341
Read the second time	472
Tabled on Third Reading Calendar	473
Enacting Clause Stricken	922
<b>H.B. 51</b> — SALES AND USE TAX – TAXABILITY OF PARTS AND LABOR ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	262
Assigned to standing committee	293
Committee report adopted and placed on calendar	341
Read the second time	473
Read the third time	482
Circled	482
Uncircled	519
Substituted	519
Returned to the House	520
Signed by the President and returned to the House	641
<b>H.B. 52</b> — HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS ( <i>K. Bryson</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	263
Committee report adopted and placed on calendar	341
Read the second time	394

	Read the third time . . . . .	412
	Signed by the President and returned to the House . . . . .	412
<b>H.B. 53</b>	— TECHNICAL AMENDMENTS TO TOBACCO SETTLEMENT	
	TRUST FUND ( <i>K. Morgan</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	217
	Assigned to standing committee . . . . .	263
	Committee report adopted and placed on calendar . . . . .	341
	Read the second time . . . . .	395
	Circled . . . . .	395
	Uncircled . . . . .	400
	Read the third time . . . . .	418
	Signed by the President and returned to the House . . . . .	419
<b>H.B. 54</b>	— TOBACCO AMENDMENTS ( <i>C. Saunders</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	232
	Assigned to standing committee . . . . .	263
	Committee report adopted and placed on calendar . . . . .	341
	Read the second time . . . . .	396
	Read the third time . . . . .	414
	Signed by the President and returned to the House . . . . .	414
<b>H.B. 55</b>	— UNDERAGE POSSESSION OF TOBACCO AMENDMENTS ( <i>C. Saunders</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	232
	Assigned to standing committee . . . . .	263
	Committee report adopted and placed on calendar . . . . .	341
	Read the second time . . . . .	396
	Read the third time . . . . .	414
	Circled . . . . .	415
	Uncircled . . . . .	416
	Amendments . . . . .	416
	Returned to the House . . . . .	416
	Signed by the President and transmitted to the Governor . . . . .	468
<b>H.B. 56</b>	— GENETIC PRIVACY AND DISCRIMINATION ( <i>P. Ray</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	232
	Assigned to standing committee . . . . .	263
	Committee report adopted and placed on calendar . . . . .	341
	Read the second time . . . . .	397
	Read the third time . . . . .	415
	Signed by the President and returned to the House . . . . .	415
<b>H.B. 57</b>	— FORFEITED WATER RIGHT ALLOCATION ( <i>D. Peterson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	217
	Assigned to standing committee . . . . .	317
	Committee report adopted and placed on calendar . . . . .	368
	Read the second time . . . . .	484
	Circled . . . . .	484
	Uncircled . . . . .	487
	Read the third time . . . . .	505
	Signed by the President and returned to the House . . . . .	505
<b>H.B. 58</b>	— WATER FORFEITURE AMENDMENTS ( <i>M. Styler</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	271
	Assigned to standing committee . . . . .	425
	Amendments . . . . .	499
	Committee report adopted and placed on calendar . . . . .	502
	Read the second time . . . . .	584
	Circled . . . . .	585, 611
	Uncircled . . . . .	586, 626
	Read the third time . . . . .	611

Returned to the House	627
Signed by the President and returned to the House	685
<b>H.B. 60</b> — INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	317
Committee report adopted and placed on calendar	392
Read the second time	551
Circled	551
Enacting Clause Stricken	923
<b>H.B. 61</b> — FUNDS CONSOLIDATION ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	509
Assigned to standing committee	548
Returned to the Secretary of the Senate	679
Committee report adopted and placed on calendar	707, 891
Read the second and third time	897
Signed by the President and returned to the House	898
<b>H.B. 62</b> — LEGISLATIVE AREA OF STATE CAPITOL ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	547
Committee report adopted and placed on calendar	812
Read the second time	832
Circled	832
Uncircled	860
Read the second and third time	860
Signed by the President and returned to the House	861
<b>H.B. 63</b> — LICENSING AMENDMENTS REGARDING BACKGROUND CHECKS ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	330
Read the second time and placed on Consent Calendar	454
Read the third time	503
Signed by the President and returned to the House	503
<b>H.B. 64</b> — CONSUMER PROTECTION AMENDMENTS ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	336
Assigned to standing committee	389
Amendments	497
Committee report adopted and placed on calendar	502
Read the second time	584
Read the third time	606
Returned to the House	606
Signed by the President and returned to the House	685
<b>H.B. 65</b> — STATE PARK ACCESS HIGHWAYS AMENDMENTS ( <i>D. Bowman</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	263
Committee report adopted and placed on calendar	319
Read the second time	357
Read the third time	377
Signed by the President and returned to the House	378
<b>H.B. 66</b> — JUDICIARY AMENDMENTS ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	360
Assigned to standing committee	390
Read the second time and placed on Consent Calendar	502
Read the third time	529
Signed by the President and returned to the House	530

<b>H.B. 69</b> — PAYMENT FOR BAILIFF AND OTHER SERVICES IN COURTS OF RECORD ( <i>J. Seitz</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	425
Returned to the Secretary of the Senate	681
Committee report adopted and placed on calendar	813
Read the second and third times	850
Tabled on Third Reading Calendar	850
Enacting Clause Stricken	923
<b>H.B. 70</b> — POLITICAL FUNDRAISING RESTRICTIONS ON GOVERNOR ( <i>N. Hansen</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	233
Committee report adopted and placed on calendar	454
Read the second time	571
Circled	571
Enacting Clause Stricken	923
<b>H.B. 72</b> — PENALTY FOR MISUSE OF LAWFUL SUBSTANCES ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	317
Committee report adopted and placed on calendar	502
Read the second time	589
Read the third time	612
Amendments	613
Returned to the House	613
Signed by the President and returned to the House	685
<b>H.B. 73</b> — CAPITAL FELONY SENTENCING PROCEDURES ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	217
Assigned to standing committee	233
Committee report adopted and placed on calendar	319
Read the second time	361
Read the third time	378
Signed by the President and returned to the House	379
<b>H.B. 74</b> — SAFETY INSPECTIONS REGARDING WINDOW TINTING ( <i>D. Bowman</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	264
Committee report adopted and placed on calendar	368
Read the second time	521
Read the third time	531
Signed by the President and returned to the House	532
<b>H.B. 75</b> — CEMETERY MAINTENANCE DISTRICT AMENDMENTS ( <i>E. Anderson</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	264
Committee report adopted and placed on calendar	341
Read the second time	476
Read the third time	484
Circled	484
Uncircled	506
Signed by the President and returned to the House	506
<b>H.B. 76</b> — PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS ( <i>D. Cox</i> )	
Read for the first time and referred to the Rules Committee	477
Assigned to standing committee	526
Committee report adopted and placed on calendar	643
Read the second time	702
Failed	702
Returned to the House for filing	703

<b>H.B. 77</b> — CRIMINAL SENTENCING – MITIGATION AMENDMENTS ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	317
Committee report adopted and placed on calendar	502
Read the second time	590
Read the third time	613
Signed by the President and returned to the House	614
<b>H.B. 79</b> — SCHOOL DISPLAY OF MOTTO OF THE UNITED STATES ( <i>R. Siddoway</i> )	
Read for the first time and referred to the Rules Committee	336
Assigned to standing committee	389
Committee report adopted and placed on calendar	643
Read the second time	704
Read the third time	710
Signed by the President and returned to the House	711
<b>H.B. 80</b> — UNSOLICITED COMMERCIAL EMAIL ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	366
Amendments	429
Committee report adopted and placed on calendar	431
Read the second time	553
Amendments	553
Read the third time	568
Circled	568, 614, 655
Uncircled	614, 655, 702
Substituted	655
Returned to the House	702
Signed by the President and returned to the House	716
<b>H.B. 81</b> — YOUTH FISHING LICENSE AMENDMENTS ( <i>F. Fife</i> )	
Read for the first time and referred to the Rules Committee	365
Assigned to standing committee	425
Committee report adopted and placed on calendar	502
Read the second time	585
Tabled on Third Reading Calendar	585
Placed on calendar	646
Read the third time	665
Signed by the President and returned to the House	666
<b>H.B. 82</b> — STORAGE OF CONCEALED FIREARMS ON FACILITIES WITH SECURE AREAS ( <i>J. Swallow</i> )	
Read for the first time and referred to the Rules Committee	717
Committee report adopted and placed on calendar	778
Read the second time	862
Substituted	862
Read the second and third time	862
Returned to the House	863
Signed by the President and returned to the House	887
<b>H.B. 83</b> — IMPOUNDED LIVESTOCK – SALE BY COUNTY ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	424
Assigned to standing committee	451
Committee report adopted and placed on calendar	581
Read the second time	630
Read the third time	655
Circled	655
Uncircled	669
Signed by the President and returned to the House	669

<b>H.B. 84</b> — PROPERTY TAX ASSESSMENTS – EFFECT OF CONSERVATION EASEMENT ( <i>R. Becker</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	264
Committee report adopted and placed on calendar	341
Read the second time	474
Read the third time	482
Circled	482
Uncircled	505
Signed by the President and returned to the House	506
<b>H.B. 85</b> — WATER DEVELOPMENT AND CONSERVATION TASK FORCE ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	559
Enacting Clause Stricken	923
<b>H.B. 86</b> — PUBLICATION NOTICE OF CONSTITUTIONAL AMENDMENTS ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	264
Read the second time and placed on Consent Calendar	342
Read the third time	440
Signed by the President and returned to the House	440
<b>H.B. 87</b> — UNMARKED VEHICLE AMENDMENTS ( <i>D. Bowman</i> )	
Read for the first time and referred to the Rules Committee	262
Assigned to standing committee	294
Committee report adopted and placed on calendar	368
Read the second time	522
Read the third time	532
Circled	532
Uncircled	534
Failed	534
Returned to the House	535
<b>H.B. 88</b> — SALES AND USE TAX – AGRICULTURAL EXEMPTION ( <i>E. Anderson</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	293
Amendments	340
Committee report adopted and placed on calendar	341
Read the second time	474
Read the third time	482
Returned to the House	482
Signed by the President and returned to the House	545
<b>H.B. 89</b> — BAN ON GIFTS ( <i>R. Becker</i> )	
Read for the first time and referred to the Rules Committee	717
Enacting Clause Stricken	923
<b>H.B. 90</b> — TRUTH IN ADVERTISING AMENDMENTS ( <i>S. Daniels</i> )	
Read for the first time and referred to the Rules Committee	642
Committee report adopted and placed on calendar	812
Read the second and third time	846
Amendments	847
Circled	847
Enacting Clause Stricken	923
<b>H.B. 91</b> — MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	317
Read the second time and placed on Consent Calendar	393
Read the third time	455
Signed by the President and returned to the House	455

<b>H.B. 93</b> — MUNICIPAL ANNEXATION AMENDMENTS ( <i>D. Peterson</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	264
Committee report adopted and placed on calendar	392
Read the second time	551
Circled	551
Uncircled	552
Read the third time	567
Signed by the President and returned to the House	568
<b>H.B. 94</b> — SPECIAL FUEL TAX AMENDMENTS ( <i>B. Ferry</i> )	
Read for the first time and referred to the Rules Committee	232
Assigned to standing committee	264
Committee report adopted and placed on calendar	368
Read the second time	522
Read the third time	532
Circled	532
Uncircled	569
Signed by the President and returned to the House	569
<b>H.B. 95</b> — PROPERTY TAXES – NOTICE OF DELINQUENCY ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	426
Committee report adopted and placed on calendar	471
Read the second time	583
Read the third time	604
Signed by the President and returned to the House	604
<b>H.B. 96</b> — LICENSURE OF GEOLOGISTS ( <i>R. Becker</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	839
Read the second and third time	897
Signed by the President and returned to the House	897
<b>H.B. 97</b> — RETIREMENT COST–OF–LIVING ADJUSTMENT FOR PUBLIC SAFETY ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	578
Returned to the Rules Committee	707
Enacting Clause Stricken	923
<b>H.B. 99</b> — CONSECUTIVE SENTENCING ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	559
Committee report adopted and placed on calendar	778
Read the second and third time	860
Signed by the President and returned to the House	860
<b>H.B. 100</b> — CRIMINAL CODE DEFINITION AMENDMENT ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	403
Assigned to standing committee	425
Committee report adopted and placed on calendar	502
Read the second time	587
Read the third time	611
Signed by the President and returned to the House	612
<b>H.B. 101</b> — RACIAL PROFILING ( <i>D. Bourdeaux</i> )	
Read for the first time and referred to the Rules Committee	578
Committee report adopted and placed on calendar	778
Read the second time	870
Tabled on Third Reading Calendar	871
Placed on calendar	879
Read the third time	880
Signed by the President and returned to the House	880

<b>H.B. 102</b> — CRIMINAL HISTORY BACKGROUND INFORMATION ( <i>D. Bourdeaux</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	593
Returned to the Secretary of the Senate	679
Enacting Clause Stricken	923
<b>H.B. 103</b> — INDIVIDUAL INCOME TAX DEDUCTION FOR NET CAPITAL GAIN ( <i>J. Ferrin</i> )	
Read for the first time and referred to the Rules Committee	547
Enacting Clause Stricken	923
<b>H.B. 105</b> — HEALTH INSURANCE MANDATES – PILOT PROGRAM ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee	360
Assigned to standing committee	390
Substituted	699
Amendments	700
Committee report adopted and placed on calendar	700, 778
Read the second time	811
Read the third time	827
Circled	827
Uncircled	831
Returned to the House	831
Signed by the President and returned to the House	887
<b>H.B. 107</b> — OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN DUTIES ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	263
Committee report adopted and placed on calendar	319
Read the second time	381
Amendments	381
Read the third time	408
Returned to the House	409
Signed by the President and transmitted to the Governor	468
<b>H.B. 109</b> — GOVERNOR AND LEGISLATURES POWER TO CUT STATE BUDGET ( <i>K. Holdaway</i> )	
Read for the first time and referred to the Rules Committee	424
Assigned to standing committee	451
Returned to the Secretary of the Senate	682
Enacting Clause Stricken	923
<b>H.B. 110</b> — MOTOR VEHICLE INSURANCE AND CREDIT INFORMATION ( <i>P. Wallace</i> )	
Read for the first time and referred to the Rules Committee	496
Assigned to standing committee	579
Committee report adopted and placed on calendar	662, 812
Read the second time	848
Circled	848
Read the second and third time	867
Amendments	867
Returned to the House	868
Signed by the President and returned to the House	887
<b>H.B. 111</b> — STATE RESPONSIBILITY FOR REGULATION OF POSTSECONDARY PROPRIETARY SCHOOLS ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	477
Assigned to standing committee	496
Returned to the Secretary of the Senate	679
Committee report adopted and placed on calendar	777
Read the second time	805
Read the third time	824
Signed by the President and returned to the House	824

**H.B. 112** — HEALTH CARE MALPRACTICE ACT AMENDMENTS (*K. Garn*)

- Read for the first time and referred to the Rules Committee . . . . . 496
- Assigned to standing committee . . . . . 526
- Committee report adopted and placed on calendar . . . . . 550
- Read the second time . . . . . 622
- Read the third time . . . . . 652
- Circled . . . . . 652
- Uncircled . . . . . 654
- Signed by the President and returned to the House . . . . . 655

**H.B. 113** — INSECT CONTROL ON FEDERAL LANDS (*S. Urquhart*)

- Read for the first time and referred to the Rules Committee . . . . . 450
- Assigned to standing committee . . . . . 496
- Committee report adopted and placed on calendar . . . . . 581
- Read the second time . . . . . 632
- Read the third time . . . . . 656
- Circled . . . . . 656
- Uncircled . . . . . 669
- Signed by the President and returned to the House . . . . . 670

**H.B. 115** — TECHNICAL CHANGES TO ELECTION LAW (*L. Pace*)

- Read for the first time and referred to the Rules Committee . . . . . 305
- Assigned to standing committee . . . . . 329
- Committee report adopted and placed on calendar . . . . . 471
- Read the second time . . . . . 583
- Read the third time . . . . . 605
- Signed by the President and returned to the House . . . . . 605

**H.B. 116** — ATTENDANCE AT LOCAL GOVERNMENT MEETINGS BY LOCAL GOVERNMENT OFFICIALS (*M. Thompson*)

- Read for the first time and referred to the Rules Committee . . . . . 509
- Assigned to standing committee . . . . . 549
- Committee report adopted and placed on calendar . . . . . 662, 722
- Read the second time . . . . . 743
- Circled . . . . . 743
- Uncircled . . . . . 745
- Read the third time . . . . . 771
- Circled . . . . . 771
- Uncircled . . . . . 771
- Substituted . . . . . 771
- Circled . . . . . 772
- Uncircled . . . . . 788
- Returned to the House . . . . . 788
- Refuse to Recede . . . . . 850
- Joint Conference Committee Report . . . . . 872
- Returned to the House . . . . . 872

**H.B. 117** — RESTRUCTURING MEDICAID SPEND DOWN (*T. Beck*)

- Read for the first time and referred to the Rules Committee . . . . . 776
- Enacting Clause Stricken . . . . . 923

**H.B. 118** — SPECIAL LICENSE PLATES FOR SEARCH AND RESCUE TEAMS (*B. Ferry*)

- Read for the first time and referred to the Rules Committee . . . . . 423
- Assigned to standing committee . . . . . 451
- Committee report adopted and placed on calendar . . . . . 502
- Read the second time . . . . . 617
- Tabled on Third Reading Calendar . . . . . 618
- Placed on calendar . . . . . 912
- Read the third time . . . . . 912
- Signed by the President and returned to the House . . . . . 913

<b>H.B. 119</b> — ASSESSMENT OF PROPERTY SUBJECT TO A MINIMUM PARCEL SIZE ( <i>J. Murray</i> )	
Read for the first time and referred to the Rules Committee	403
Assigned to standing committee	426
Committee report adopted and placed on calendar	527
Read the second time	619
Read the third time	651
Circled	651
Uncircled	653
Signed by the President and returned to the House	653
<b>H.B. 122</b> — HEALTH INSURANCE BENEFIT DESIGN ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee	477
Placed on calendar	484
Read the second time	484
Circled	484
Uncircled	486
Read the second and third time	486
Intent language	486
Signed by the President and returned to the House	486
<b>H.B. 123</b> — MEDICAL RECOMMENDATIONS FOR CHILDREN ( <i>K. Bryson</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	746
Read the second time	774
Amendments	774
Read the third time	816
Circled	816
Uncircled	836
Amendments	836
Returned to the House	837
Signed by the President and returned to the House	887
<b>H.B. 124</b> — DEBT COLLECTION AMENDMENTS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	840
Read the second and third time	914
Signed by the President and returned to the House	914
<b>H.B. 125</b> — ENDANGERMENT OF CHILD OR ELDER PERSON WITH CONTROLLED SUBSTANCE OR PRECURSOR ( <i>T. Beck</i> )	
Read for the first time and referred to the Rules Committee	573
Assigned to standing committee	578
Committee report adopted and placed on calendar	643
Read the second time	704
Circled	704
Placed on calendar	714
Before the Senate	730
Amendments	731
Read the third time	760
Transmitted to the House	760
Signed by the President and returned to the House	794
<b>H.B. 126</b> — ANNEXATIONS INVOLVING TOWNSHIPS ( <i>C. Duckworth</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	778
Read the second and third time	864
Signed by the President and returned to the House	864
<b>H.B. 127</b> — COUNTY BALLOT QUESTIONS ( <i>C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	450

Assigned to standing committee	497
Committee report adopted and placed on calendar	662
Placed on calendar	713
Read the second time	720
Read the third time	755
Signed by the President and returned to the House	756
<b>H.B. 128</b> — CONTROLLED SUBSTANCES ACT AMENDMENTS ( <i>E. Anderson</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	579
Committee report adopted and placed on calendar	662, 746
Read the second time	783
Read the third time	816
Signed by the President and returned to the House	817
<b>H.B. 129</b> — SALES AND USE TAXES – EXEMPTION FOR CERTAIN SALES OF ELECTRICITY ( <i>L. Shurtliff</i> )	
Read for the first time and referred to the Rules Committee	573
Assigned to standing committee	579
Returned to the Secretary of the Senate	682
Committee report adopted and placed on calendar	813
Read the second and third time	850
Signed by the President and returned to the House	851
<b>H.B. 131</b> — REPORTING OF DATA TO THE AUTOMATED GEOGRAPHIC REFERENCE CENTER ( <i>L. Pace</i> )	
Read for the first time and referred to the Rules Committee	450
Assigned to standing committee	497
Committee report adopted and placed on calendar	662
Placed on calendar	713
Read the second time	720
Circled	720
Uncircled	722
Read the third time	756
Signed by the President and returned to the House	756
<b>H.B. 132</b> — SALE OF STATE LANDS AT DEVELOPMENTAL CENTER ( <i>M. Dayton</i> )	
Read for the first time and referred to the Rules Committee	547
Assigned to standing committee	624
Amendments	659
Committee report adopted and placed on calendar	662, 778
Read the second time	811
Amendments	811
Read the third time	827
Returned to the House	828
Signed by the President and returned to the House	855
<b>H.B. 133</b> — NATURAL GAS TECHNICIAN CERTIFICATION ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	578
Amendments	643
Committee report adopted and placed on calendar	643
Read the second time	705
Read the third time	711
Returned to the House	711
Signed by the President and returned to the House	766
<b>H.B. 136</b> — JUDICIAL CONDUCT COMMISSION AMENDMENTS ( <i>K. Bryson</i> )	
Read for the first time and referred to the Rules Committee	642
Committee report adopted and placed on calendar	707, 746
Read the second time	773

Read the third time . . . . .	815
Amendments . . . . .	815
Returned to the House . . . . .	816
Signed by the President and returned to the House . . . . .	855
<b>H.B. 137</b> — LIMITED PURPOSE LOCAL GOVERNMENT	
AGENCIES AMENDMENTS ( <i>D. Peterson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	642
Committee report adopted and placed on calendar . . . . .	746
Read the second time . . . . .	784
Failed . . . . .	784
Returned to the House . . . . .	784
Recalled . . . . .	790
Before the Senate . . . . .	799
Amendments . . . . .	799
Read the third time . . . . .	820
Returned to the House . . . . .	820
Signed by the President and returned to the House . . . . .	855
<b>H.B. 138</b> — RIGHTS OF CREDITORS AGAINST TRUST PROPERTY ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee . . . . .	728
Committee report adopted and placed on calendar . . . . .	777
Read the second time . . . . .	801
Circled . . . . .	801
Uncircled . . . . .	851
Read the second and third time . . . . .	851
Signed by the President and returned to the House . . . . .	852
<b>H.B. 140</b> — COMPETITION IN TELECOMMUNICATIONS INDUSTRY	
LEGISLATIVE TASK FORCE ( <i>K. Garn</i> )	
Read for the first time and referred to the Rules Committee . . . . .	688
Committee report adopted and placed on calendar . . . . .	812
Read the second time . . . . .	833
Circled . . . . .	833
Uncircled . . . . .	846
Amendments . . . . .	846
Read the second and third time . . . . .	846
Returned to the House . . . . .	846
Signed by the President and returned to the House . . . . .	887
<b>H.B. 143</b> — RESTRICTIONS ON SEXUALLY EXPLICIT EMAIL ( <i>B. Winn</i> )	
Read for the first time and referred to the Rules Committee . . . . .	578
Assigned to standing committee . . . . .	594
Committee report adopted and placed on calendar . . . . .	662, 746
Read the second time . . . . .	779
Amendments . . . . .	779
Read the third time . . . . .	816
Returned to the House . . . . .	816
Signed by the President and returned to the House . . . . .	855
<b>H.B. 144</b> — EXEMPTION FROM NONRESIDENT TUITION ( <i>D. Ure</i> )	
Read for the first time and referred to the Rules Committee . . . . .	721
Committee report adopted and placed on calendar . . . . .	839
Read the second and third time . . . . .	875
Signed by the President and returned to the House . . . . .	876
<b>H.B. 145</b> — UTAH ENERGY OFFICE AMENDMENTS ( <i>S. Urquhart</i> )	
Read for the first time and referred to the Rules Committee . . . . .	699
Committee report adopted and placed on calendar . . . . .	839
Read the second and third time . . . . .	913
Signed by the President and returned to the House . . . . .	914

<b>H.B. 148</b> — NONPROFIT INSURERS ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	703
Enacting Clause Stricken	923
<b>H.B. 150</b> — PUBLIC EDUCATION – ALTERNATIVE LANGUAGE PROGRAMS ( <i>D. Bourdeaux</i> )	
Read for the first time and referred to the Rules Committee	750
Enacting Clause Stricken	923
<b>H.B. 152</b> — OIL AND GAS SEVERANCE TAX – BOARD, RESTRICTED ACCOUNT, AND USE OF REVENUES ( <i>J. Seitz</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	777
Read the second time	801
Amendments	801
Tabled on Third Reading Calendar	803
Placed on calendar	844
Read the third time	878
Amendments	879
Returned to the House	879
Signed by the President and returned to the House	900
<b>H.B. 154</b> — EXPANSION OF DNA DATABASE ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	746
Read the second time	783
Read the third time	817
Circled	817
Uncircled	821
Signed by the President and returned to the House	822
<b>H.B. 155</b> — PROPERTY TAXES – FARMLAND ASSESSMENT ACT ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	777
Read the second time	803
Read the third time	821
Signed by the President and returned to the House	821
<b>H.B. 162</b> — USE OF BEAR RIVER BIRD REFUGE SETTLEMENT MONIES ( <i>B. Ferry</i> )	
Read for the first time and referred to the Rules Committee	709
Committee report adopted and placed on calendar	777
Read the second time	804
Circled	804
Uncircled	804
Read the third time	823
Signed by the President and returned to the House	824
<b>H.B. 164</b> — WILDLIFE REMEDIATION ON PRIVATE PROPERTY ( <i>M. Styler</i> )	
Read for the first time and referred to the Rules Committee	699
Committee report adopted and placed on calendar	812
Read the second and third time	833
Tabled on Third Reading Calendar	834
Placed on calendar	844
Read the third time	845
Signed by the President and returned to the House	845
<b>H.B. 166</b> — PUBLIC REVIEW OF MUNICIPAL APPROPRIATIONS AND RESOURCES ( <i>R. Barrus</i> )	
Read for the first time and referred to the Rules Committee	578
Committee report adopted and placed on calendar	746
Read the second time	787
Read the third time	819
Signed by the President and returned to the House	819

<b>H.B. 167</b> — POWERSPORT VEHICLE FRANCHISE ACT ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	578
Committee report adopted and placed on calendar	707, 722
Read the second time	743
Read the third time	769
Signed by the President and returned to the House	770
<b>H.B. 169</b> — MIDTERM VACANCIES IN THE LEGISLATURE ( <i>R. Becker</i> )	
Read for the first time and referred to the Rules Committee	688
Enacting Clause Stricken	923
<b>H.B. 171</b> — LOW-SPEED ELECTRIC VEHICLES ON CERTAIN HIGHWAYS ( <i>D. Bush</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	721
Read the second time	736
Amendments	736
Read the third time	763
Returned to the House	763
Signed by the President and returned to the House	794
<b>H.B. 172</b> — VEHICLE SAFETY INSPECTION AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	624
Committee report adopted and placed on calendar	812
Read the second time	834
Substituted	834
Amendments	834
Tabled on Third Reading Calendar	835
Placed on calendar	844
Read the third time	844
Returned to the House	845, 893
Refuse to Recede	872
Joint Conference Committee Report	892
Amendments	892
Signed by the President and returned to the House	914
<b>H.B. 173</b> — AMENDMENTS TO SETTLEMENT AGREEMENTS REQUIREMENTS ( <i>M. Dayton</i> )	
Read for the first time and referred to the Rules Committee	703
Committee report adopted and placed on calendar	746
Read the second time	783
Read the third time	817
Circled	817
Uncircled	831
Signed by the President and returned to the House	832
<b>H.B. 176</b> — LEAVE OF ABSENCE FOR DISABLED EMPLOYEES ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	813
Read the second and third time	851
Signed by the President and returned to the House	851, 906
Tabled on Third Reading Calendar	855
Placed on calendar	905
Read the third time	906
<b>H.B. 177</b> — ANNUAL REPORT ON STATE SCHOOL FUND ( <i>J. Ferrin</i> )	
Read for the first time and referred to the Rules Committee	699
Committee report adopted and placed on calendar	839
Read the second and third time	880
Signed by the President and returned to the House	881
<b>H.B. 178</b> — MEMORIAL PLAQUE OF GEORGE E. WAHLEN IN THE CAPITOL ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	688
Enacting Clause Stricken	923

<b>H.B. 179</b> — DESIGNATION OF STATE BUILDING ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	653
Committee report adopted and placed on calendar	839
Read the second and third time	907
Failed	907
Returned to the House	908
<b>H.B. 181</b> — ALLOCATION OF STATE HOSPITAL BEDS ( <i>J. Seitz</i> )	
Read for the first time and referred to the Rules Committee	509
Assigned to standing committee	548
Committee report adopted and placed on calendar	661, 721
Read the second time	737
Read the third time	764
Signed by the President and returned to the House	764
<b>H.B. 182</b> — TAX REVIEW COMMISSION AMENDMENTS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	448
Assigned to standing committee	497
Read the second time and placed on Consent Calendar	582
Read the third time	689
Signed by the President and returned to the House	689
<b>H.B. 183</b> — FIREARM CRIMINAL BACKGROUND CHECK AMENDMENTS ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee	624
Committee report adopted and placed on calendar	778
Read the second time	863
Failed	863
Returned to the House	863
<b>H.B. 184</b> — IMPACT FEES ACT AMENDMENTS ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	578
Committee report adopted and placed on calendar	643
Read the second time	705
Read the third time	711
Signed by the President and returned to the House	712
<b>H.B. 185</b> — REAUTHORIZATION OF INDIVIDUAL INCOME TAX CREDIT – TUTORING DISABLED DEPENDENTS ( <i>J. Buffmire</i> )	
Read for the first time and referred to the Rules Committee	305
Assigned to standing committee	426
Committee report adopted and placed on calendar	527
Read the second time	620
Read the third time	651
Signed by the President and returned to the House	651
<b>H.B. 186</b> — STATE RETIREMENT CONVERSION WINDOW ( <i>B. King</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	578
Returned to the Rules Committee	707
Enacting Clause Stricken	923
<b>H.B. 187</b> — DRIVER LICENSE FRAUD AMENDMENTS ( <i>K. Holdaway</i> )	
Read for the first time and referred to the Rules Committee	316
Assigned to standing committee	330
Committee report adopted and placed on calendar	454
Read the second time	574
Read the third time	602
Signed by the President and returned to the House	603

<b>H.B. 190</b> — CRIMINAL RESTITUTION AMENDMENTS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	317
Read the second time and placed on Consent Calendar	454
Read the third time	502
Signed by the President and returned to the House	503
<b>H.B. 192</b> — WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER SAFETY OFFICERS ( <i>N. Hansen</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	425
Returned to the Rules Committee	707
Committee report adopted and placed on calendar	839
Read the second time	896
Substituted	896
Read the second and third time	896
Returned to the House	897
Signed by the President and transmitted to the Governor	916
<b>H.B. 193</b> — REDEVELOPMENT AGENCIES NOTICE REQUIREMENTS ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	426
Committee report adopted and placed on calendar	527
Read the second time	620
Read the third time	652
Circled	652
Uncircled	666
Signed by the President and returned to the House	666
<b>H.B. 196</b> — DIVORCE AND PARENT-TIME REVISIONS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	546
Assigned to standing committee	578
Committee report adopted and placed on calendar	661, 778
Read the second and third time	855
Amendments	856
Returned to the House	858
Refuse to Recede	885
Joint Conference Committee Report	911
Substituted	911
Before the Senate	912
Returned to the House	912
Signed by the President and returned to the House	921
<b>H.B. 197</b> — OFF-HIGHWAY VEHICLE AMENDMENTS ( <i>B. Goodfellow</i> )	
Read for the first time and referred to the Rules Committee	424
Assigned to standing committee	451
Committee report adopted and placed on calendar	502
Read the second time	618
Read the third time	649
Signed by the President and returned to the House	650
<b>H.B. 198</b> — MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS ( <i>K. Holdaway</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	264
Committee report adopted and placed on calendar	368
Read the second time	523
Read the third time	533
Signed by the President and returned to the House	533

<b>H.B. 199</b> — INTERIM COMMITTEE MEMBERSHIP ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	316
Assigned to standing committee	330
Committee report adopted and placed on calendar	471
Read the second time	584
Read the third time	605
Signed by the President and returned to the House	605
<b>H.B. 201</b> — PROPERTY TAX – JUDGMENT LEVY ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	317
Amendments	391
Committee report adopted and placed on calendar	392
Read the second time	551
Circled	551, 688
Uncircled	552, 695
Read the third time	568
Signed by the President and returned to the House	568, 740
Recalled	595
Placed on calendar	626
Before the Senate	628, 688
Amendments	628
Returned to the House	629
Placed on calendar	688
Returned to the House	695
<b>H.B. 202</b> — RECONVEYANCE OF TRUST DEED OR RELEASE OF MORTGAGE ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	496
Assigned to standing committee	526
Committee report adopted and placed on calendar	550
Read the second time	621
Read the third time	652
Circled	652
Uncircled	654
Signed by the President and returned to the House	654
<b>H.B. 204</b> — RESPONSIBILITY OF ATTORNEY GENERAL TO REPRESENT DIVISION OF CHILD AND FAMILY SERVICES ( <i>M. Throckmorton</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	263
Amendments	391
Committee report adopted and placed on calendar	392
Read the second time	525
Read the third time	534
Returned to the House	534
Signed by the President and returned to the House	641
<b>H.B. 205</b> — CONSTRUCTION SERVICES COMMISSION ( <i>S. Clark</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	839
Read the second and third time	913
Signed by the President and returned to the House	913
<b>H.B. 206</b> — NEW CENTURY SCHOLARSHIP PROGRAM AMENDMENTS ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	425
Returned to the Secretary of the Senate	679
Placed on calendar	714
Committee report adopted and placed on calendar	707
Read the second time	731

	Read the third time . . . . .	760
	Signed by the President and returned to the House . . . . .	761
<b>H.B. 207</b>	— LICENSES FOR EDUCATORS ( <i>S. Allen</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	262
	Assigned to standing committee . . . . .	496
	Read the second time and placed on Consent Calendar . . . . .	644
	Read the third time . . . . .	751
	Signed by the President and returned to the House . . . . .	751
<b>H.B. 208</b>	— FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN THE STATE ( <i>B. Johnson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	329
	Assigned to standing committee . . . . .	389
	Substituted . . . . .	580
	Committee report adopted and placed on calendar . . . . .	581
	Read the second time . . . . .	633
	Read the third time . . . . .	656
	Circled . . . . .	656
	Uncircled . . . . .	670
	Signed by the President and returned to the House . . . . .	670, 699
<b>H.B. 209</b>	— TRUANCY AMENDMENTS ( <i>D. Bourdeaux</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	336
	Enacting Clause Stricken . . . . .	923
<b>H.B. 210</b>	— RECREATIONAL VEHICLE – LENGTH AND WIDTH AMENDMENTS ( <i>D. Bush</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	316
	Assigned to standing committee . . . . .	330
	Committee report adopted and placed on calendar . . . . .	454
	Read the second time . . . . .	574
	Read the third time . . . . .	603
	Signed by the President and returned to the House . . . . .	603
<b>H.B. 212</b>	— SPECIAL SERVICE DISTRICT AMENDMENTS ( <i>E. Anderson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	389
	Assigned to standing committee . . . . .	426
	Read the second time and placed on Consent Calendar . . . . .	528
	Read the third time . . . . .	530
	Circled . . . . .	530
	Uncircled . . . . .	532
	Signed by the President and returned to the House . . . . .	532
<b>H.B. 214</b>	— EXTENSION OF SUNSET ON TELEHEALTH COMMISSION ( <i>D. Hogue</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	262
	Assigned to standing committee . . . . .	317
	Committee report adopted and placed on calendar . . . . .	341
	Read the second time . . . . .	397
	Read the third time . . . . .	415
	Signed by the President and returned to the House . . . . .	416
<b>H.B. 215</b>	— DEPARTMENT OF HEALTH COLLECTION OF INFORMATION ( <i>D. Hogue</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	262
	Assigned to standing committee . . . . .	293
	Returned to the Secretary of the Senate . . . . .	681
	Enacting Clause Stricken . . . . .	923
<b>H.B. 217</b>	— DESIGNATION OF MEMORIAL HIGHWAY ( <i>D. Ure</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	329
	Placed on calendar . . . . .	331
	Read the second and third time . . . . .	331
	Signed by the President and returned to the House . . . . .	331

**H.B. 218** — OVER WEIGHT VEHICLE AMENDMENTS (*T. Hatch*)

Read for the first time and referred to the Rules Committee . . . . . 336

Assigned to standing committee . . . . . 451

Committee report adopted and placed on calendar . . . . . 502

Read the second time . . . . . 618

Read the third time . . . . . 650

Failed . . . . . 650

Returned to the House . . . . . 650

Recalled . . . . . 717

Placed on calendar . . . . . 725

Before the Senate . . . . . 758

Amendments . . . . . 758

Returned to the House . . . . . 759

Signed by the President and returned to the House . . . . . 794

**H.B. 221** — STATE BOARD OF EDUCATION RULES AND REPORTS (*M. Dayton*)

Read for the first time and referred to the Rules Committee . . . . . 244

Assigned to standing committee . . . . . 263

Committee report adopted and placed on calendar . . . . . 341

Read the second time . . . . . 394

Read the third time . . . . . 412

Signed by the President and returned to the House . . . . . 413

**H.B. 223** — HUNTING LICENSE FEE REFUND (*M. Styer*)

Read for the first time and referred to the Rules Committee . . . . . 389

Assigned to standing committee . . . . . 425

Committee report adopted and placed on calendar . . . . . 502

Read the second time . . . . . 585

Read the third time . . . . . 606

Signed by the President and returned to the House . . . . . 606

**H.B. 224** — GIVING FALSE INFORMATION TO POLICE OFFICER (*K. Morgan*)

Read for the first time and referred to the Rules Committee . . . . . 292

Assigned to standing committee . . . . . 329

Amendments . . . . . 500

Committee report adopted and placed on calendar . . . . . 502

Read the second time . . . . . 616

Read the third time . . . . . 646

Returned to the House . . . . . 647

Signed by the President and returned to the House . . . . . 699

**H.B. 225** — MENTAL HEALTH PROFESSIONAL FINANCIAL ASSISTANCE GRANTS – TECHNICAL AMENDMENTS (*J. Buffmire*)

Read for the first time and referred to the Rules Committee . . . . . 262

Assigned to standing committee . . . . . 389

Committee report adopted and placed on calendar . . . . . 502

Read the second time . . . . . 586

Read the third time . . . . . 611

Signed by the President and returned to the House . . . . . 611

**H.B. 226** — TERMINATION OF PARENTAL RIGHTS AMENDMENTS (*M. Throckmorton*)

Read for the first time and referred to the Rules Committee . . . . . 468

Assigned to standing committee . . . . . 548

Returned to the Secretary of the Senate . . . . . 681

Committee report adopted and placed on calendar . . . . . 778

Read the second and third time . . . . . 868

Amendments . . . . . 868

Returned to the House . . . . . 869

Signed by the President and returned to the House . . . . . 887

<b>H.B. 230</b> — RETIREMENT OF PUBLIC SAFETY OFFICIALS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	578
Committee report adopted and placed on calendar	700, 778
Read the second and third time	859
Amendments	859
Returned to the House	859
Signed by the President and returned to the House	887
<b>H.B. 231</b> — PUBLIC HEALTH AUTHORITY AMENDMENTS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	365
Assigned to standing committee	389
Committee report adopted and placed on calendar	502
Read the second time	587
Circled	587
Uncircled	587
Read the third time	612
Circled	612
Uncircled	627
Signed by the President and returned to the House	627
<b>H.B. 232</b> — UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	423
Enacting Clause Stricken	923
<b>H.B. 233</b> — MITIGATION OF DAMAGES IN CONDEMNATION PROCEEDINGS ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	305
Assigned to standing committee	329
Amendments	453
Committee report adopted and placed on calendar	454
Read the second time	572
Circled	572
Uncircled	572
Read the third time	601
Returned to the House	602
Signed by the President and returned to the House	685
<b>H.B. 234</b> — MECHANICS' LIEN AMENDMENTS ( <i>K. Garn</i> )	
Read for the first time and referred to the Rules Committee	189
Assigned to standing committee	203
Committee report adopted and placed on calendar	297
Read the second time	353
Circled	353
Uncircled	361
Read the third time	378
Signed by the President and returned to the House	378
<b>H.B. 235</b> — EMERGENCY VEHICLE AMENDMENTS ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	426
Amendments	501
Committee report adopted and placed on calendar	502
Read the second time	617
Read the third time	649
Returned to the House	649
Signed by the President and returned to the House	699
<b>H.B. 236</b> — INDECENT PUBLIC DISPLAY AMENDMENTS ( <i>P. Wallace</i> )	
Read for the first time and referred to the Rules Committee	595
Committee report adopted and placed on calendar	707
Placed on calendar	714

Read the second time	729
Amendments	729
Read the third time	759
Returned to the House	760
Signed by the President and returned to the House	794
<b>H.B. 237</b> — SPOUSE ABUSE AMENDMENTS ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	450
Assigned to standing committee	467
Amendments	527
Committee report adopted and placed on calendar	527
Read the second time	619
Amendments	619
Read the third time	650
Returned to the House	651
Signed by the President and returned to the House	699
<b>H.B. 238</b> — CIGARETTE AND TOBACCO TAX AMENDMENTS ( <i>C. Saunders</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	721
Read the second time	734
Read the third time	761
Amendments	761
Returned to the House	761
Signed by the President and returned to the House	814
<b>H.B. 240</b> — PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS ( <i>D. Cox</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	579
Committee report adopted and placed on calendar	662
Enacting Clause Stricken	923
<b>H.B. 241</b> — COUNTY HEALTH DEPARTMENTS – OPERATIONAL STRUCTURE ( <i>K. Garn</i> )	
Read for the first time and referred to the Rules Committee	642
Committee report adopted and placed on calendar	707, 777
Read the second time	809
Circled	809
Uncircled	852
Amendments	852
Read the second and third time	852
Returned to the House	853
Signed by the President and returned to the House	887
<b>H.B. 243</b> — CHILD IMMUNIZATION AMENDMENTS ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	425
Amendments	469
Committee report adopted and placed on calendar	471, 722
Read the second time	575, 744
Circled	575, 744
Uncircled	744
Returned to the Rules Committee	745
Enacting Clause Stricken	923
<b>H.B. 245</b> — AMENDMENTS TO SEX OFFENDER REGISTRY ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	329
Assigned to standing committee	389
Amendments	469
Committee report adopted and placed on calendar	471
Read the second time	576
Circled	576

	Uncircled . . . . .	588
	Read the third time . . . . .	612
	Returned to the House . . . . .	612
	Signed by the President and returned to the House . . . . .	685
<b>H.B. 246</b>	— SUNSET ACT REAUTHORIZATIONS ( <i>S. Mascaro</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	423
	Placed on calendar . . . . .	452
	Read the second time . . . . .	570
	Read the third time . . . . .	600
	Signed by the President and returned to the House . . . . .	601
<b>H.B. 248</b>	— CLASSIFICATION OF STATE EMPLOYEES FOR INSURANCE PURPOSES ( <i>J. Seitz</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	578
	Committee report adopted and placed on calendar . . . . .	839
	Read the second and third times . . . . .	880
	Circled . . . . .	880
	Uncircled . . . . .	882
	Signed by the President and returned to the House . . . . .	882
<b>H.B. 249</b>	— SALES AND USE TAX – LOCATION OF TRANSACTIONS ( <i>W. Harper</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	262
	Assigned to standing committee . . . . .	317
	Read the second time and placed on Consent Calendar . . . . .	393
	Read the third time . . . . .	455
	Signed by the President and returned to the House . . . . .	456
<b>H.B. 250</b>	— RETIREMENT LAW RECODIFICATION ( <i>R. Bigelow</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	389
	Assigned to standing committee . . . . .	425
	Committee report adopted and placed on calendar . . . . .	471
	Read the second time . . . . .	582
	Read the third time . . . . .	603
	Signed by the President and returned to the House . . . . .	604
<b>H.B. 251</b>	— FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES LEGISLATIVE TASK FORCE ( <i>J. Seitz</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	496
	Assigned to standing committee . . . . .	526
	Committee report adopted and placed on calendar . . . . .	550
	Read the second time . . . . .	622
	Tabled on Third Reading Calendar . . . . .	623
	Placed on calendar . . . . .	905
	Read the third time . . . . .	906
	Signed by the President and returned to the House . . . . .	906
<b>H.B. 252</b>	— GENERAL OBLIGATION BONDS FOR ENGINEERING BUILDINGS ( <i>G. Adair</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	529
	Assigned to standing committee . . . . .	548
	Returned to the Secretary of the Senate . . . . .	679
	Committee report adopted and placed on calendar . . . . .	707, 777
	Read the second time . . . . .	800
	Read the third time . . . . .	820
	Signed by the President and returned to the House . . . . .	821
<b>H.B. 253</b>	— RURAL SCHOOLS – EQUITY IN EDUCATION ( <i>B. Johnson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	509
	Assigned to standing committee . . . . .	548
	Committee report adopted and placed on calendar . . . . .	812
	Read the second and third time . . . . .	833
	Tabled on Third Reading Calendar . . . . .	833

Placed on calendar . . . . .	874
Read the third time . . . . .	874
Signed by the President and returned to the House . . . . .	874
Returned to the Secretary of the Senate . . . . .	680
<b>H.B. 254</b> — FIREMEN'S CIVIL SERVICE COUNCIL AMENDMENTS ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee . . . . .	546
Assigned to standing committee . . . . .	579
Committee report adopted and placed on calendar . . . . .	700, 891
Read the second and third time . . . . .	917
Signed by the President and returned to the House . . . . .	917
<b>H.B. 255</b> — UTAH HOUSING CORPORATION AMENDMENTS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee . . . . .	262
Assigned to standing committee . . . . .	329
Amendments . . . . .	430
Committee report adopted and placed on calendar . . . . .	431
Read the second time . . . . .	555
Read the third time . . . . .	568
Returned to the House . . . . .	569
Signed by the President and returned to the House . . . . .	685
<b>H.B. 256</b> — CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS ( <i>S. Urquhart</i> )	
Read for the first time and referred to the Rules Committee . . . . .	529
Assigned to standing committee . . . . .	549
Committee report adopted and placed on calendar . . . . .	662, 812
Read the second and third time . . . . .	848
Signed by the President and returned to the House . . . . .	849
<b>H.B. 257</b> — PROOF OF AGE UNDER THE ALCOHOLIC BEVERAGE CODE ( <i>D. Bourdeaux</i> )	
Read for the first time and referred to the Rules Committee . . . . .	529
Assigned to standing committee . . . . .	549
Amendments . . . . .	661
Committee report adopted and placed on calendar . . . . .	662
Placed on calendar . . . . .	714
Read the second time . . . . .	723
Read the third time . . . . .	757
Amendments . . . . .	757
Returned to the House . . . . .	757
Signed by the President and returned to the House . . . . .	794
<b>H.B. 258</b> — VOTER IDENTIFICATION REQUIREMENTS ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee . . . . .	403
Assigned to standing committee . . . . .	426
Returned to the Rules Committee . . . . .	549
Enacting Clause Stricken . . . . .	923
<b>H.B. 259</b> — USE OF STATE ARMORIES ( <i>C. Beshear</i> )	
Read for the first time and referred to the Rules Committee . . . . .	477
Assigned to standing committee . . . . .	497
Committee report adopted and placed on calendar . . . . .	813
Substituted . . . . .	660
Committee report adopted and placed on calendar . . . . .	662
Read the second and third time . . . . .	849
Returned to the House . . . . .	849
Signed by the President and returned to the House . . . . .	887
<b>H.B. 260</b> — RESTRICTIONS ON TELEPHONE SOLICITATION ( <i>K. Morgan</i> )	
Read for the first time and referred to the Rules Committee . . . . .	688
Enacting Clause Stricken . . . . .	924

<b>H.B. 262</b> — STUDENT EDUCATION PLANS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	678
Committee report adopted and placed on calendar	839
Read the second and third time	882
Signed by the President and returned to the House	883
<b>H.B. 263</b> — MOBILE HOME PARK RESIDENCY ACT AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	559
Assigned to standing committee	579
Returned to the Secretary of the Senate	682
Committee report adopted and placed on calendar	746
Read the second time	787
Circled	787
Uncircled	789
Amendments	789
Read the third time	819
Returned to the House	820
Signed by the President and returned to the House	855
<b>H.B. 264</b> — FUNDS CONSOLIDATION, BUDGET PROCEDURES, AND FUND RECLASSIFICATION AMENDMENTS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	547
Committee report adopted and placed on calendar	839
Read the second and third time	889
Signed by the President and returned to the House	890
<b>H.B. 266</b> — HEARING INSTRUMENT SPECIALIST AMENDMENTS ( <i>A. Bradshaw</i> )	
Read for the first time and referred to the Rules Committee	448
Assigned to standing committee	548
Read the second time and placed on Consent Calendar	644
Read the third time	751
Signed by the President and returned to the House	751
<b>H.B. 269</b> — WATER COMMISSIONER ASSESSMENT AMENDMENTS ( <i>D. Ure</i> )	
Read for the first time and referred to the Rules Committee	448
Assigned to standing committee	496
Committee report adopted and placed on calendar	581
Read the second time	633
Read the third time	656
Circled	656
Uncircled	670
Signed by the President and returned to the House	671
<b>H.B. 270</b> — MENTAL HEALTH PRACTITIONER IN PARENTAL RIGHTS ACTION ( <i>M. Thompson</i> )	
Read for the first time and referred to the Rules Committee	699
Committee report adopted and placed on calendar	839
Read the second and third time	891
Signed by the President and returned to the House	891
<b>H.B. 271</b> — APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS ( <i>L. Shurtliff</i> )	
Read for the first time and referred to the Rules Committee	750
Enacting Clause Stricken	924
<b>H.B. 273</b> — DESIGNATION OF I-80 ( <i>D. Bush</i> )	
Read for the first time and referred to the Rules Committee	450
Assigned to standing committee	497
Committee report adopted and placed on calendar	582
Read the second time	672
Read the third time	690
Signed by the President and returned to the House	690

<b>H.B. 274</b> — SUPPLEMENTAL MINIMUM SCHOOL PROGRAM	
ACT AMENDMENTS ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	316
Assigned to standing committee	329
Amendments	431
Committee report adopted and placed on calendar	431
Read the second time	555
Tabled on Third Reading Calendar	555
Placed on calendar	790
Read the third time	790
Substituted	791
Circled	791
Uncircled	822
Returned to the House	822
Signed by the President and returned to the House	855
<b>H.B. 275</b> — STATE BOARD OF EDUCATION BUDGET AUTHORITY ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	316
Assigned to standing committee	329
Committee report adopted and placed on calendar	431
Read the second time	556
Tabled on Third Reading Calendar	556
Placed on calendar	790
Read the third time	791
Substituted	791
Circled	791
Uncircled	822
Returned to the House	823
Signed by the President and returned to the House	855
<b>H.B. 276</b> — ASSESSMENT ON TITLE INSURERS AND TITLE	
INSURANCE AGENCIES ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	546
Assigned to standing committee	579
Amendments	660
Committee report adopted and placed on calendar	662, 722
Read the second time	743
Circled	743
Uncircled	746
Read the third time	771
Returned to the House	771
Signed by the President and returned to the House	855
<b>H.B. 279</b> — PROFESSIONAL EMPLOYER ORGANIZATION LICENSING	
ACT AMENDMENTS ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	746
Read the second time	786
Amendments	786
Read the third time	818
Circled	818
Uncircled	826
Returned to the House	826
Signed by the President and returned to the House	855
<b>H.B. 280</b> — PLANETARIUM BOARD AMENDMENTS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	546
Assigned to standing committee	579
Returned to the Secretary of the Senate	682
Enacting Clause Stricken	924

<b>H.B. 281</b> — REGULATION OF PERSONAL MOTORIZED MOBILITY DEVICES ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	703
Committee report adopted and placed on calendar	721
Read the second time	738
Read the third time	765
Signed by the President and returned to the House	765
<b>H.B. 283</b> — ANTITERRORISM AMENDMENTS ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	794
Committee report adopted and placed on calendar	839
Read the second and third time	881
Signed by the President and returned to the House	881
<b>H.B. 284</b> — ELECTION LAW AMENDMENTS – DISABLED VOTERS ( <i>R. Siddoway</i> )	
Read for the first time and referred to the Rules Committee	642
Committee report adopted and placed on calendar	721
Read the second time	737
Read the third time	764
Signed by the President and returned to the House	764
<b>H.B. 285</b> — HISTORIC BUILDING REHABILITATION TAX CREDITS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	709
Read the second time	865
Enacting Clause Stricken	924
<b>H.B. 287</b> — CONSTITUTIONAL RIGHTS OF STATE EMPLOYEES ( <i>M. Thompson</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	778
Read the second and third time	861
Signed by the President and returned to the House	861
<b>H.B. 289</b> — INDEPENDENT ENTITY PRIVATIZATION AMENDMENTS ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	578
Committee report adopted and placed on calendar	812
Read the second and third time	842
Signed by the President and returned to the House	843
<b>H.B. 290</b> — AFFIDAVIT OF IMPECUNIORITY AMENDMENTS ( <i>J. Swallow</i> )	
Read for the first time and referred to the Rules Committee	688
Committee report adopted and placed on calendar	746
Read the second time	787
Read the third time	818
Signed by the President and returned to the House	819
<b>H.B. 291</b> — OBLIGATIONS RELATED TO MORTGAGE LOAN RESERVE ACCOUNTS ( <i>J. Swallow</i> )	
Read for the first time and referred to the Rules Committee	546
Assigned to standing committee	579
Returned to the Secretary of the Senate	682
Committee report adopted and placed on calendar	707, 839
Read the second and third time	881
Signed by the President and returned to the House	882
<b>H.B. 292</b> — POWER OF ATTORNEY FOR TRUST ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	709
Enacting Clause Stricken	924
<b>H.B. 295</b> — TAKING MINOR INTO PROTECTIVE CUSTODY WITHOUT WARRANT ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	717
Committee report adopted and placed on calendar	778
Amendments	865, 878
Tabled on Third Reading Calendar	867
Placed on calendar	877

Read the third time . . . . .	878
Returned to the House . . . . .	878
Signed by the President and returned to the House . . . . .	905
<b>H.B. 296</b> — 2002 SPECIAL HIGHWAY GENERAL OBLIGATION BONDS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee . . . . .	703
Committee report adopted and placed on calendar . . . . .	746
Read the second time . . . . .	784
Substituted . . . . .	785
Read the third time . . . . .	817
Returned to the House . . . . .	818
Signed by the President and returned to the House . . . . .	855
<b>H.B. 297</b> — RETIREMENT OFFICE AMENDMENTS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee . . . . .	642
Committee report adopted and placed on calendar . . . . .	721
Read the second time . . . . .	735
Substituted . . . . .	735
Circled . . . . .	735
Uncircled . . . . .	741
Read the third time . . . . .	768
Returned to the House . . . . .	768
Concurrence . . . . .	887
Before the Senate . . . . .	890, 903
Failed . . . . .	890
Returned to the House . . . . .	890
Recalled from House . . . . .	901
Reconsideration . . . . .	903
Signed by the President and returned to the House . . . . .	903
<b>H.B. 300</b> — AMENDMENTS TO GUARDIAN AD LITEM STATUTES ( <i>M. Throckmorton</i> )	
Read for the first time and referred to the Rules Committee . . . . .	717
Committee report adopted and placed on calendar . . . . .	778
Read the second and third time . . . . .	869
Amendments . . . . .	869
Returned to the House . . . . .	870
Signed by the President and returned to the House . . . . .	887
<b>H.B. 303</b> — EXPUNGEMENT OF DRIVING UNDER THE INFLUENCE CONVICTIONS ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee . . . . .	699
Committee report adopted and placed on calendar . . . . .	721
Read the second time . . . . .	735
Read the third time . . . . .	762
Signed by the President and returned to the House . . . . .	763
<b>H.B. 305</b> — PROPERTY TAX AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee . . . . .	688
Committee report adopted and placed on calendar . . . . .	777
Read the second time . . . . .	807
Amendments . . . . .	807
Read the third time . . . . .	825
Returned to the House . . . . .	825
Signed by the President and returned to the House . . . . .	855
<b>H.B. 307</b> — TREATMENT OF DISHONORED CHECKS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee . . . . .	688
Committee report adopted and placed on calendar . . . . .	778
Read the second and third time . . . . .	861
Signed by the President and returned to the House . . . . .	862

<b>H.B. 310</b> — MOBILITY ASSISTANCE FUND ( <i>E. Hutchings</i> )	
Read for the first time and referred to the Rules Committee	794
Committee report adopted and placed on calendar	891
Read the second and third time	916
Signed by the President and returned to the House	916
<b>H.B. 311</b> — STATE CAPITOL PRESERVATION BOARD – CHAIR ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	653
Committee report adopted and placed on calendar	840
Read the second and third time	915
Signed by the President and returned to the House	916
<b>H.B. 313</b> — UTAH 911 COMMITTEE ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	728
Committee report adopted and placed on calendar	839
Read the second and third time	898
Signed by the President and returned to the House	899
<b>H.B. 317</b> — LEGISLATIVE TASK FORCE AMENDMENTS ( <i>C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	766
Committee report adopted and placed on calendar	839
Placed on calendar	842
Read the second and third time	892
Signed by the President and returned to the House	892
<b>H.B. 318</b> — GOVERNMENTAL IMMUNITY – EXCEPTION FOR PERJURY ( <i>M. Throckmorton</i> )	
Read for the first time and referred to the Rules Committee	709
Enacting Clause Stricken	924
<b>H.B. 319</b> — JAIL REIMBURSEMENT AMENDMENTS ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	741
Committee report adopted and placed on calendar	812
Read the second time	843
Circled	843
Uncircled	864
Substituted	864
Read the second time	865
Tabled on Third Reading Calendar	865
Placed on calendar	887
Read the third time	887
Returned to the House	888
Signed by the President and returned to the House	921
<b>H.B. 323</b> — STATE FLEET OPERATIONS AMENDMENTS ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	717
Enacting Clause Stricken	924
<b>H.B. 324</b> — PROTECTION OF UNINCORPORATED AREAS IN COUNTIES OF THE FIRST CLASS ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee	709
Committee report adopted and placed on calendar	746
Read the second time	787
Circled	787, 800
Substituted	800
Uncircled	800, 809
Read the third time	826
Circled	826
Enacting Clause Stricken	924
<b>H.B. 330</b> — USE OF COUNTY GENERAL FUND EXPENSES ( <i>E. Hutchings</i> )	
Read for the first time and referred to the Rules Committee	750
Committee report adopted and placed on calendar	812

Read the second time . . . . . 843

Circled . . . . . 843

Uncircled . . . . . 847

Read the second and third time . . . . . 847

Signed by the President and returned to the House . . . . . 847

**H.B. 331** — NONRESIDENT TUITION FOR HIGHER EDUCATION (*J. Alexander*)

Read for the first time and referred to the Rules Committee . . . . . 717

Committee report adopted and placed on calendar . . . . . 891

Read the second and third time . . . . . 898

Signed by the President and returned to the House . . . . . 898

**H.B. 332** — CHILD SUPPORT MODIFICATIONS (*E. Hutchings*)

Read for the first time and referred to the Rules Committee . . . . . 741

Enacting Clause Stricken . . . . . 924

**H.B. 334** — COUNTY AND MUNICIPAL CAMPAIGN FINANCE AMENDMENTS (*T. Beck*)

Read for the first time and referred to the Rules Committee . . . . . 794

Committee report adopted and placed on calendar . . . . . 891

Read the second and third time . . . . . 918

Signed by the President and returned to the House . . . . . 919

**H.B. 336** — USE OF FORCE, INCLUDING DEADLY FORCE, IN DEFENSE OF PROPERTY (*M. Thompson*)

Read for the first time and referred to the Rules Committee . . . . . 750

Committee report adopted and placed on calendar . . . . . 778

Read the second and third time . . . . . 863

Signed by the President and returned to the House . . . . . 864

**H.B. 337** — VETERANS SERVICE ORGANIZATIONS SPECIAL LICENSE PLATES (*S. Mascaro*)

Read for the first time and referred to the Rules Committee . . . . . 766

Committee report adopted and placed on calendar . . . . . 812

Read the second time . . . . . 843

Tabled on Third Reading Calendar . . . . . 843

Placed on calendar . . . . . 877

Read the third time . . . . . 877

Signed by the President and returned to the House . . . . . 878

**H.B. 339** — DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES (*R. Lockhart*)

Read for the first time and referred to the Rules Committee . . . . . 688

Committee report adopted and placed on calendar . . . . . 721

Read the second time . . . . . 743

Read the third time . . . . . 769

Signed by the President and returned to the House . . . . . 769

**H.B. 340** — DIVISION OF WATER RIGHTS FUNDING AND NOTIFICATION AMENDMENTS (*M. Styler*)

Read for the first time and referred to the Rules Committee . . . . . 750

Committee report adopted and placed on calendar . . . . . 839

Read the second and third time . . . . . 907

Amendments . . . . . 907

Returned to the House . . . . . 907

Signed by the President and returned to the House . . . . . 921

**H.B. 342** — RECOVERY OF DAMAGES FOR LOSS OF USE OF A MOTOR VEHICLE (*G. Curtis*)

Read for the first time and referred to the Rules Committee . . . . . 595

Committee report adopted and placed on calendar . . . . . 812

Read the second time . . . . . 847

Circled . . . . . 847

Uncircled . . . . . 858

Substituted . . . . . 858

Read the second and third time . . . . .	858
Returned to the House . . . . .	859
Signed by the President and returned to the House . . . . .	887
<b>H.B. 351</b> — ELECTION PROCESS AMENDMENTS ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee . . . . .	717
Committee report adopted and placed on calendar . . . . .	777
Read the second time . . . . .	808
Read the third time . . . . .	825
Signed by the President and returned to the House . . . . .	826
<b>H.B. 352</b> — REVISIONS TO GENERAL GOVERNMENT – TOBACCO AMENDMENTS ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee . . . . .	750
Committee report adopted and placed on calendar . . . . .	839
Read the second and third time . . . . .	904
Amendments . . . . .	905
Returned to the House . . . . .	905
Signed by the President and returned to the House . . . . .	921
<b>H.B. 356</b> — PROHIBITION OF RESTRAINT PRACTICES ( <i>M. Thompson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	741
Enacting Clause Stricken . . . . .	924

<b>H.C.R. 1</b> — RESOLUTION REGARDING UNITED STATES MINTING OF THE UTAH QUARTER ( <i>N. Hansen</i> )	
Read for the first time and referred to the Rules Committee	509
Assigned to standing committee	548
Returned to the Secretary of the Senate	679
Enacting Clause Stricken	924
<b>H.C.R. 2</b> — RESOLUTION SUPPORTING BUSINESSES ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	546
Assigned to standing committee	579
Amendments	662
Read the second time and placed on Consent Calendar	662
Read the third time	752
Circled	752
Uncircled	754
Returned to the House	754
Signed by the President and returned to the House	794
<b>H.C.R. 3</b> — RESOLUTION HONORING SERVICE OF PAMELA ATKINSON ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	301
Placed on calendar	302
Read the second and third time	302
Signed by the President and returned to the House	302
<b>H.C.R. 4</b> — RESOLUTION RECOGNIZING CONTRIBUTIONS OF CONGRESSMAN JAMES V. HANSEN ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	421
Placed on calendar	421
Read the second and third time	421
Signed by the President and returned to the House	422
<b>H.C.R. 5</b> — RESOLUTION RECOGNIZING MILITARY, PRESIDENT, AND CONGRESS' ROLE IN WAR ON TERRORISM ( <i>J. Swallow</i> )	
Read for the first time and referred to the Rules Committee	678
Committee report adopted and placed on calendar	721
Read the second time	738
Read the third time	767
Signed by the President and returned to the House	767
<b>H.C.R. 6</b> — RESOLUTION WELCOMING THE WORLD TO UTAH – 2002 OLYMPIC WINTER GAMES ( <i>B. Ferry</i> )	
Read for the first time and referred to the Rules Committee	507
Placed on calendar	508
Read the second and third time	508
Signed by the President and returned to the House	508
<b>H.C.R. 7</b> — RESOLUTION APPROVING LANDFILL FOR CONSTRUCTION AND DEMOLITION DEBRIS ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	547
Committee report adopted and placed on calendar	721
Read the second time	741
Read the third time	768
Signed by the President and returned to the House	769
<b>H.C.R. 8</b> — RESOLUTION HONORING GOLD AND BLUE STAR MOTHERS ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee	728
Committee report adopted and placed on calendar	891
Read the second and third time	917
Signed by the President and returned to the House	917

**H.C.R. 10** — RESOLUTION RECOGNIZING UTAH SHAKESPEAREAN  
FESTIVAL DISTINGUISHED SERVICE AWARD (*D. Bowman*)

Read for the first time and referred to the Rules Committee .....	709
Committee report adopted and placed on calendar .....	746
Read the second time .....	785
Read the third time .....	818
Signed by the President and returned to the House .....	818

<b>H.J.R. 1</b> — RESOLUTION REAPPOINTING LEGISLATIVE AUDITOR GENERAL ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	336
Placed on calendar	390
Read the second and third time	393
Signed by the President and returned to the House	394
<b>H.J.R. 2</b> — RULES RESOLUTION – COMMITTEE NOTES ON BILLS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	185
Placed on calendar	294
Read the second time	353
Read the third time	373
Circled	373
Uncircled	379
Signed by the President and returned to the House	379
<b>H.J.R. 4</b> — RESOLUTION ENCOURAGING CULTURAL COMPETENCY IN THE DELIVERY OF HEALTH CARE ( <i>J. Buffmire</i> )	
Read for the first time and referred to the Rules Committee	271
Assigned to standing committee	548
Committee report adopted and placed on calendar	661, 721
Read the second time	739
Read the third time	767
Signed by the President and returned to the House	768
<b>H.J.R. 5</b> — RESOLUTION CALLING FOR SUPPORT OF THE PRINCIPLES OF THE ALLIANCE FOR UNITY ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	389
Assigned to standing committee	425
Committee report adopted and placed on calendar	471
Read the second time	576
Read the third time	603
Circled	603
Uncircled	629
Signed by the President and returned to the House	630
<b>H.J.R. 7</b> — JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE NAMES ( <i>N. Hendrickson</i> )	
Read for the first time and referred to the Rules Committee	496
Assigned to standing committee	526
Committee report adopted and placed on calendar	582
Read the second time	636
Read the third time	663
Signed by the President and returned to the House	663
<b>H.J.R. 9</b> — JOINT RESOLUTION – REJECTING RECOMMENDED SALARY INCREASE FOR LEGISLATORS ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	185
Assigned to standing committee	293
Committee report adopted and placed on calendar	392
Read the second time	551
Read the third time	567
Signed by the President and returned to the House	567
<b>H.J.R. 10</b> — RESOLUTION URGING FEDERAL CONSTITUTIONAL AMENDMENT TO PROTECT THE LIFE OF THE UNBORN ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee	546
Assigned to standing committee	579
Returned to the Secretary of the Senate	682
Enacting Clause Stricken	924

<b>H.J.R. 11</b> — RESOLUTION REQUIRING PUBLIC NOTICE PRIOR TO SPECIAL SESSIONS ( <i>S. Urquhart</i> )	
Read for the first time and referred to the Rules Committee	271
Assigned to standing committee	293
Substituted	392
Amendments	392
Committee report adopted and placed on calendar	392
Read the second time	553
Failed	553
Returned to the House	553
Reconsideration	556
Before the Senate	556
Substituted	556
Circled	557
Tabled on Third Reading Calendar	570
Substituted	570
Read the third time	671
Placed on calendar	671
Circled	671
Uncircled	689
Returned to the House	690
Signed by the President and returned to the House	716
<b>H.J.R. 13</b> — RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF INTO SPECIAL SESSION ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	336
Assigned to standing committee	390
Substituted	660
Committee report adopted and placed on calendar	662
Enacting Clause Stricken	924
<b>H.J.R. 14</b> — JOINT RESOLUTION – DEBT LIMITS FOR POLITICAL SUBDIVISIONS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	262
Assigned to standing committee	293
Committee report adopted and placed on calendar	341
Read the second time	474
Tabled on Third Reading Calendar	475
Read the third time	671
Placed on calendar	671
Circled	671
Uncircled	698
Signed by the President in open session and returned to the House	698
<b>H.J.R. 15</b> — RESOLUTION PROMOTING FINANCIAL LITERACY FOR UTAH STUDENTS ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	329
Committee report adopted and placed on calendar	431
Read the second time	569
Read the third time	600
Signed by the President and returned to the House	600
<b>H.J.R. 17</b> — RESOLUTION CLOSING COURT FACILITY ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	529
Assigned to standing committee	548
Returned to the Secretary of the Senate	681
Committee report adopted and placed on calendar	707
Placed on calendar	714

	Read the second time .....	723
	Read the third time .....	756
	Signed by the President and returned to the House .....	757
<b>H.J.R. 19</b>	— JOINT RULES RESOLUTION REQUIRING CERTAIN SPECIAL SESSION PROCEDURES ( <i>C. Bennion</i> )	
	Read for the first time and referred to the Rules Committee .....	642
	Committee report adopted and placed on calendar .....	707
	Enacting Clause Stricken .....	924
<b>H.J.R. 21</b>	— RESOLUTION ENCOURAGING CONGRESSIONAL APPROVAL OF FARM BILL ( <i>C. Buttars</i> )	
	Read for the first time and referred to the Rules Committee .....	688
	Enacting Clause Stricken .....	924
<b>H.J.R. 22</b>	— RESOLUTION OPPOSING INCREASED VIOLENCE IN SPORTS AGAINST SPORTS OFFICIALS ( <i>D. Hogue</i> )	
	Read for the first time and referred to the Rules Committee .....	547
	Committee report adopted and placed on calendar .....	839
	Read the second and third time .....	902
	Signed by the President and returned to the House .....	902
<b>H.J.R. 24</b>	— RESOLUTION HONORING PRINCESS AISHA BINT AL HUSSEIN ( <i>S. Allen</i> )	
	Read for the first time and referred to the Rules Committee .....	647
	Placed on calendar .....	647
	Read the second and third time .....	648
	Signed by the President and returned to the House .....	648
<b>H.J.R. 25</b>	— RESOLUTION ON UTAH ATHLETIC FOUNDATION ( <i>D. Ure</i> )	
	Read for the first time and referred to the Rules Committee .....	717
	Committee report adopted and placed on calendar .....	812
	Read the second and third time .....	847
	Amendments .....	848
	Returned to the House .....	848
	Signed by the President and returned to the House .....	887
<b>H.J.R. 26</b>	— RESOLUTION PROMOTING COOPERATIVE REGULATORY ENVIRONMENT AND ECONOMIC DEVELOPMENT IN UTAH ( <i>C. Bennion</i> )	
	Read for the first time and referred to the Rules Committee .....	699
	Committee report adopted and placed on calendar .....	891
	Read the second and third time .....	918
	Signed by the President and returned to the House .....	918
<b>H.J.R. 27</b>	— RESOLUTION AUTHORIZING BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT ( <i>B. Ferry</i> )	
	Read for the first time and referred to the Rules Committee .....	709
	Committee report adopted and placed on calendar .....	777
	Read the second time .....	804
	Read the third time .....	823
	Signed by the President and returned to the House .....	823
<b>H.J.R. 30</b>	— RESOLUTION TO EXPAND THE GOVERNMENT PROPERTY TAX EXEMPTION ( <i>D. Clark</i> )	
	Read for the first time and referred to the Rules Committee .....	717
	Committee report adopted and placed on calendar .....	839
	Read the second and third time .....	875
	Signed by the President and returned to the House .....	875

**FINAL ACTION  
INDEX**

ALL SENATE BILLS  
AND RESOLUTIONS

2002 GENERAL SESSION  
FIFTY-FOURTH LEGISLATURE  
**January 21 through March 6, 2002**

S.B. 1	<b>Appropriations Act</b> Governor Signed on 3/26/2002 Effective Date: 7/1/2002	L. Blackham Chapter 277
S.B. 2	<b>Funding for Highways</b> Governor Signed on 3/26/2002 Effective Date: 5/6/2002	J. Hickman Chapter 278
S.B. 3	<b>Minimum School Program Act Amendments</b> Governor Signed on 3/26/2002 Effective Date: 7/1/2002	H. Stephenson Chapter 279
S.B. 4	<b>Reports to Health and Human Services</b> Senate/filed on 1/31/2002	T. Spencer
S.B. 5	<b>Appropriation for Sexual Violence Victim Assistance Programs</b> Senate/filed on 3/6/2002	T. Spencer
S.B. 6	<b>Application for Vehicle Title Amendments</b> Governor Signed on 3/15/2002 Effective Date: 5/6/2002	D. Eastman Chapter 51
S.B. 7	<b>Cigarette Tax Stamp and Contraband Amendments</b> Governor Signed on 3/15/2002 Effective Date: 5/6/2002	D. Allen Chapter 52
S.B. 8	<b>Repeal of National Guard Advisory Board</b> Governor Signed on 3/15/2002 Effective Date: 5/6/2002	M. Peterson Chapter 53
S.B. 9	<b>Amendments to Driving Under the Influence</b> Governor Signed on 3/15/2002 Effective Date: 5/6/2002	C. Walker Chapter 54
S.B. 10	<b>Revisions to Senate Advise and Consent Powers</b> Governor Signed on 3/18/2002 Effective Date: 5/6/2002	R. Allen Chapter 176
S.B. 11	<b>Prohibiting Intimacy with Youth Receiving State Services</b> Governor Signed on 3/26/2002 Effective Date: 7/1/2002	P. Julander Chapter 280

- |         |  |                                |
|---------|--|--------------------------------|
| S.B. 12 | <b>Transfer of Youth Services Oversight</b><br>Governor Signed on 3/26/2002<br>Effective Date: 7/1/2002                | D. Buttars<br><br>Chapter 281  |
| S.B. 13 | <b>Alcoholic Beverage Service – Warning Required</b><br>Governor Signed on 3/26/2002<br>Effective Date: 5/6/2002       | C. Walker<br><br>Chapter 282   |
| S.B. 14 | <b>Driver License Reporting</b><br>Senate/enacting clause struck on 2/27/2002  | M. Peterson                    |
| S.B. 15 | <b>Organ Donation Checkoff</b><br>Governor Signed on 3/15/2002<br>Effective Date: 7/1/2002                             | K. Hale<br><br>Chapter 55      |
| S.B. 16 | <b>Traffic Offense Adjudication</b><br>Senate/failed on 1/28/2002  | P. Knudson                     |
| S.B. 17 | <b>DCFS Management Information System Amendments</b><br>Governor Signed on 3/26/2002<br>Effective Date: 5/6/2002       | D. Buttars<br><br>Chapter 283  |
| S.B. 18 | <b>Uniform Withdrawal Procedures for Special Districts</b><br>Governor Signed on 3/26/2002<br>Effective Date: 5/6/2002 | D. Gladwell<br><br>Chapter 284 |
| S.B. 19 | <b>Utah Construction Contracts Prompt Payment Act</b><br>Senate/failed on 2/27/2002                                    | M. Waddoups                    |
| S.B. 20 | <b>Bonding Authority for Irrigation Districts</b><br>Governor Signed on 3/26/2002<br>Effective Date: 5/6/2002          | D. Gladwell<br><br>Chapter 285 |
| S.B. 21 | <b>Motor Vehicle Registration Amendments</b><br>Governor Signed on 3/15/2002<br>Effective Date: 5/6/2002               | D. Steele<br><br>Chapter 56    |
| S.B. 22 | <b>Attempted Murder Amendments</b><br>Governor Signed on 3/15/2002<br>Effective Date: 5/6/2002                         | D. Gladwell<br><br>Chapter 57  |

- S.B. 23 **Workforce Services Amendments** B. Evans  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 58
- S.B. 24 **Release of Custodial or Noncustodial Parent's Address** D. Allen  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 59
- S.B. 25 **Office of Recovery Services Amendments** D. Allen  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 60
- S.B. 26 **Serious Youth Offender Amendments** L. Hillyard  
Governor Signed on 2/27/2002  
Effective Date: 2/27/2002 Chapter 3
- S.B. 27 **Amendments to Guilty and Mentally Ill** D. Gladwell  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 61
- S.B. 28 **Tax Credits – Removal of Tax Credit from Tax Form and Prohibition on Claiming or Carrying Forward Tax Credit** C. Bramble  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 62
- S.B. 29 **Interlocal Cooperation Act and Electric Power Facilities Amendments** L. Blackham  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 286
- S.B. 30 **Funding Formula for Alcohol Related Activities of Local Governments** M. Waddoups  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 287
- S.B. 31 **Individual Income Tax – Bracket Adjustments** C. Bramble  
Senate/enacting clause struck on 2/27/2002

- S.B. 32 **Electric Power Facilities Amendments** L. Blackham  
Senate/enacting clause struck on 3/6/2002
- S.B. 33 **Access to Health Care and Coverage Task Force** P. Knudson  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 288
- S.B. 34 **Private Records Amendments** D. Steele  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 63
- S.B. 35 **Voter Residence Where Lot Is Divided by  
County Boundary Line** C. Walker  
Governor Signed on 3/15/2002  
Effective Date: 3/15/2002 Chapter 64
- S.B. 36 **Provisional Ballot** J. Hickman  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 177
- S.B. 37 **Mutual Water Company Change Applications** L. Blackham  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 289
- S.B. 38 **Legislative Committee Names Revisions** P. Knudson  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 65
- S.B. 39 **Highway Designation** P. Knudson  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 66
- S.B. 40 **Tuition Assistance Appropriation for  
National Guard** P. Knudson  
Senate/filed on 3/6/2002
- S.B. 41 **Advisory Council on Intergovernmental Relations  
Amendments** M. Peterson  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 67
- S.B. 42 **New Automobile Franchise Act Amendments** D. Eastman  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 68

- S.B. 43 **Uniform Trust Act** L. Hillyard  
Senate/enacting clause struck on 3/6/2002
- S.B. 44 **Funding a Community Legal Center** L. Hillyard  
Senate/filed on 3/6/2002
- S.B. 45 **Birth Certificate for Stillborn Child** R. Allen  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 69
- S.B. 46 **Indian Affairs Related Amendments** B. Evans  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 70
- S.B. 47 **Procurement Code Amendments** D. Gladwell  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 178
- S.B. 48 **Public Agency Insurance Mutual Amendments** J. Hickman  
Governor Signed on 3/15/2002  
Effective Date: 7/1/2002 Chapter 71
- S.B. 49 **Utah Exemption Act Amendments** D. Gladwell  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 72
- S.B. 50 **Utah Medical Practice Act Amendments** D. Allen  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 73
- S.B. 51 **Nurse Practice Act Amendments** P. Julander  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 290
- S.B. 52 **Left Lane Restriction Amendments** D. Eastman  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 74
- S.B. 53 **Direct-entry Midwife Licensing Act** P. Hellewell  
Senate/enacting clause struck on 3/6/2002

- S.B. 54 **Women’s Health Care Parity** P. Julander  
Senate/enacting clause struck on 3/6/2002
- S.B. 55 **Amendments to Utah Uniform Building Standards Act** P. Hellewell  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 75
- S.B. 56 **Age Discrimination in Employment** E. Mayne  
Senate/enacting clause struck on 3/6/2002
- S.B. 57 **Corporate Franchise and Income Taxes – Treatment of Certain Cooperatives** J. Valentine  
Governor Signed on 3/15/2002  
Effective Date: 3/15/2002 Chapter 76
- S.B. 58 **Health Care Access Reform** D. Buttars  
Senate/enacting clause struck on 3/6/2002
- S.B. 59 **Sales and Use Tax – Taxation of Amounts Paid to a Telephone Service Provider or Telegraph Corporation** C. Bramble  
Governor Signed on 3/15/2002  
Effective Date: 7/1/2002 Chapter 77
- S.B. 60 **Utah Consumer Credit Reporting Act** G. Davis  
Senate/enacting clause struck on 3/6/2002
- S.B. 61 **Government Records Access and Management – Records Related to Explosives** B. Wright  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 78
- S.B. 62 **Tax Commission Criminal Investigators Designation as Special Function Officers** C. Bramble  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 79
- S.B. 63 **Attorney General Amendments** B. Wright  
Senate/enacting clause struck on 3/6/2002

- S.B. 64 **Criminal Code Amendments** A. Suazo  
Senate/enacting clause struck on 3/6/2002
- S.B. 65 **County Law Revisions** D. Gladwell  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 291
- S.B. 66 **Revenues from Federal Land Exchange Parcels** M. Dmitrich  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 292
- S.B. 67 **No Telephone Solicitation List** D. Allen  
Senate/enacting clause struck on 3/6/2002
- S.B. 68 **Utah Procurement Code Amendments** M. Dmitrich  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 80
- S.B. 69 **Tuition Tax Credits** D. Buttars  
Senate/enacting clause struck on 3/6/2002
- S.B. 70 **Residential Property Tax Exemptions** E. Mayne  
Senate/enacting clause struck on 3/6/2002
- S.B. 71 **Education Curriculum Amendments** B. Wright  
Senate/enacting clause struck on 3/6/2002
- S.B. 72 **Coal Mining and Reclamation Amendments** M. Dmitrich  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 179
- S.B. 73 **Appropriation for Long Distance Graduate Program** B. Evans  
Senate/enacting clause struck on 3/6/2002
- S.B. 74 **Criminal Action – Defense to Civil Action  
for Damages** P. Hellewell  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 180
- S.B. 75 **Statutory Annual Report Requirement** P. Julander  
Senate/enacting clause struck on 3/6/2002

- S.B. 76 **Domestic Violence in Presence of Child Amendments** D. Steele  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 81
- S.B. 77 **Task Force on Involuntary Commitment of the Mentally Ill** L. Blackham  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 293
- S.B. 78 **Amendments to Construction Contracts Regarding Unreasonable Delays** S. Jenkins  
Senate/failed on 3/6/2002
- S.B. 79 **Land Surveyor Amendments** G. Davis  
Senate/failed on 2/6/2002
- S.B. 80 **Adjustments of County Boundaries** C. Walker  
Governor Signed on 3/26/2002  
Effective Date: 1/1/2003 Chapter 294
- S.B. 81 **Education of Persons with a Disability** E. Mayne  
Governor Signed on 3/15/2002  
Effective Date: 7/1/2002 Chapter 82
- S.B. 82 **County Personnel Management Act Amendments** B. Evans  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 83
- S.B. 83 **Regulation of Termite Inspectors** C. Walker  
Senate/enacting clause struck on 3/6/2002
- S.B. 84 **Real Estate Valuation Tax Appeal** C. Bramble  
Senate/failed on 3/6/2002
- S.B. 85 **Parental Involvement in Public Education** C. Walker  
Senate/failed on 3/6/2002
- S.B. 86 **Funding of the Controlled Substances Database** J. Valentine  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 84
- S.B. 87 **Visitation Rights of Grandparents** T. Spencer  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 85

- S.B. 88 **Environmental Self–evaluation Act Amendments** B. Wright  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 181
- S.B. 89 **Safe Drinking Water Act –  
Administrative Procedure Amendments** B. Wright  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 295
- S.B. 90 **Drinking Water Board Loan and Grant Amendments** B. Wright  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 296
- S.B. 91 **Social Worker Licensing Act Amendments** P. Julander  
Senate/failed on 2/5/2002
- S.B. 92 **Bear River Development Projects** M. Waddoups  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 182
- S.B. 93 **Classification of Certain Legislative Records** P. Knudson  
Governor Signed on 3/15/2002  
Effective Date: 3/15/2002 Chapter 86
- S.B. 94 **Agricultural Protection Act Amendments** L. Blackham  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 183
- S.B. 95 **Unincorporated County Amendments** R. Allen  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 87
- S.B. 96 **Uranium Mill Tailings Oversight** B. Wright  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 297
- S.B. 97 **Forensic Mental Health Coordinating Council** K. Hale  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 88
- S.B. 98 **Outdoor Advertising Amendments** M. Waddoups  
Governor Signed on 3/26/2002  
Effective Date: 3/26/2002 Chapter 298

- S.B. 99 **Core Curriculum Amendments** D. Gladwell  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 299
- S.B. 100 **Pharmacist Licensing Amendments** P. Knudson  
 Governor Signed on 3/18/2002  
 Effective Date: 5/6/2002 Chapter 184
- S.B. 101 **Criminal Background Checks for Licensed Providers of Human Services** L. Blackham  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 300
- S.B. 102 **Bid Requirements on County or Municipal Construction Projects** H. Stephenson  
 Senate/filed on 3/6/2002
- S.B. 103 **Termination of Joint Tenancy in Real Property** L. Hillyard  
 Governor Signed on 3/15/2002  
 Effective Date: 5/6/2002 Chapter 89
- S.B. 104 **Sale of Municipal Power Systems** J. Hickman  
 Governor Signed on 3/15/2002  
 Effective Date: 5/6/2002 Chapter 90
- S.B. 105 **Repeal of Education Mandates and Programs** H. Stephenson  
 Governor Signed on 3/26/2002  
 Effective Date: 7/1/2002 Chapter 301
- S.B. 106 **Divorce – Children’s Testimony Limited** T. Spencer  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 302
- S.B. 107 **Utah Labor Commission Amendments** E. Mayne  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 303
- S.B. 108 **Pete Suazo Professional Athletic Commission Amendments** E. Mayne  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 304

- S.B. 109 **Licensing of Genetic Counselors Technical Amendments** P. Julander  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 305
- S.B. 110 **Child Placement Determinations** D. Eastman  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 306
- S.B. 111 **Division of Home in a Divorce** T. Spencer  
Senate/filed on 3/5/2002
- S.B. 112 **Insurance Coverage of Contraceptives** L. Poulton  
Senate/enacting clause struck on 3/6/2002
- S.B. 113 **Health Care Workforce Loan Repayment Assistance** P. Knudson  
Governor Signed on 3/26/2002  
Effective Date: 3/26/2002 Chapter 307
- S.B. 114 **Revisor's Statute** M. Waddoups  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 185
- S.B. 115 **Mobile Home Park Residency Technical Revisions** D. Eastman  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 91
- S.B. 116 **Local Government Variable Rate Bonding Authority** D. Buttars  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 92
- S.B. 117 **Trust Amendments** J. Valentine  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 93
- S.B. 118 **Distribution of Olympic Special Revenue Fund Monies** M. Waddoups  
Senate/filed on 3/6/2002

- S.B. 119 **Workers' Compensation Insurance  
Related Amendments** L. Poulton  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 186
- S.B. 120 **Motor Vehicle Insurance Coverage –  
Arbitration Requirements** M. Waddoups  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 187
- S.B. 121 **Concealed Firearm Permit Amendments** S. Jenkins  
Senate/enacting clause struck on 3/6/2002
- S.B. 122 **Insurance Law Amendments** L. Poulton  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 308
- S.B. 123 **Venue for Consumer Transactions** J. Valentine  
Governor Signed on 3/15/2002  
Effective Date: 3/15/2002 Chapter 94
- S.B. 124 **Timely Payments of Insurance Claims** J. Valentine  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 309
- S.B. 125 **Organ Donor Leave for State Employees** K. Hale  
Governor Signed on 3/26/2002  
Effective Date: 7/1/2002 Chapter 310
- S.B. 126 **Optional County Affordable Housing Funds Act** K. Hale  
Senate/enacting clause struck on 3/6/2002
- S.B. 127 **Appointments to City and County Health Boards** G. Davis  
Senate/enacting clause struck on 3/6/2002
- S.B. 128 **Open and Public Meetings Revisions** G. Davis  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 311
- S.B. 129 **Planetarium Board of Directors Amendments** G. Davis  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 95

- S.B. 130 **Youth Court Amendments** D. Gladwell  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 188
- S.B. 131 **Personal Use of Campaign Funds** K. Hale  
Senate/enacting clause struck on 3/6/2002
- S.B. 132 **Education Association Leave** B. Wright  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 312
- S.B. 133 **Application for Driver License Amendments** B. Wright  
Senate/enacting clause struck on 3/6/2002
- S.B. 134 **Wildlife Resources and Wildlife Board Amendments** D. Gladwell  
Senate/enacting clause struck on 3/6/2002
- S.B. 135 **Tobacco Settlement Restricted Account** D. Steele  
Governor Signed on 3/15/2002  
Effective Date: 3/15/2002 Chapter 96
- S.B. 136 **State Vegetable and Historic State Vegetable** B. Wright  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 189
- S.B. 137 **Government Records Access & Management Act – Technical Revisions** A. Suazo  
Governor Signed on 3/15/2002  
Effective Date: 5/6/2002 Chapter 97
- S.B. 138 **Charter Schools Amendments** H. Stephenson  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 313
- S.B. 139 **DNA Evidence – Removing Statute of Limitations** L. Hillyard  
Senate/filed on 3/6/2002
- S.B. 140 **Reallocation of Judges** J. Hickman  
Governor Signed on 3/18/2002  
Effective Date: 7/1/2002 Chapter 190

- S.B. 141 **Punitive Damage Awards** L. Hillyard  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 314
- S.B. 142 **Higher Education Budget Authority** L. Hillyard  
 Governor Signed on 3/26/2002  
 Effective Date: 3/26/2002 Chapter 315
- S.B. 143 **Private Records Amendments Under Government  
 Records Access and Management Act** M. Waddoups  
 Governor Signed on 3/18/2002  
 Effective Date: 7/1/2003 Chapter 191
- S.B. 144 **Sales and Use Tax – Definition of Regularly Rented** M. Waddoups  
 Governor Signed on 3/18/2002  
 Effective Date: 7/1/2002 Chapter 192
- S.B. 145 **Outdoor Advertising Sign Proximity to Utility Lines** T. Spencer  
 Governor Signed on 3/26/2002  
 Effective Date: 3/26/2002 Chapter 316
- S.B. 146 **Business Entity Amendments** J. Valentine  
 Governor Signed on 3/18/2002  
 Effective Date: 5/6/2002 Chapter 193
- S.B. 147 **Restriction of Funding on State Entity whose  
 Policy, Rule, or Action is Contrary to Law** M. Waddoups  
 Senate/filed on 3/6/2002
- S.B. 148 **Justice Court Judges** B. Evans  
 Senate/enacting clause struck on 3/6/2002
- S.B. 149 **Ethics Amendments** L. Poulton  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 317
- S.B. 150 **Registration and Protection of Trademarks  
 and Service Marks** L. Hillyard  
 Governor Signed on 3/26/2002  
 Effective Date: 5/6/2002 Chapter 318
- S.B. 151 **Vehicle History Information** D. Eastman  
 Senate/filed on 3/6/2002

- S.B. 152 **Electric Energy Efficiency and Conservation Tariff** L. Blackham  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 319
- S.B. 153 **Taxes or Charges on Telecommunications Service** C. Bramble  
Governor Signed on 3/26/2002  
Effective Date: 7/1/2002 Chapter 320
- S.B. 154 **Debt Service and Rainy Day Fund Amendments** P. Hellewell  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 321
- S.B. 155 **Education Budget Reserve Account** L. Blackham  
Senate/enacting clause struck on 3/6/2002
- S.B. 156 **School Emergency Response Plans  
for Sports Injuries** J. Valentine  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 322
- S.B. 157 **Local School Board Employer Powers** B. Wright  
Senate/filed on 3/6/2002
- S.B. 158 **Oral Health Task Force** P. Knudson  
Senate/enacting clause struck on 2/27/2002
- S.B. 159 **Environmental Compliance for Minerals  
Regulatory Program** P. Knudson  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 194
- S.B. 160 **Aeronautics Construction Revolving Loan Fund** J. Hickman  
Governor Signed on 3/15/2002  
Effective Date: 7/1/2002 Chapter 98
- S.B. 161 **Limitation on Alimony** T. Spencer  
Senate/failed on 2/7/2002
- S.B. 162 **Department of Human Resource Management –  
Report of Funded Vacant Positions** L. Blackham  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 195

- S.B. 163 **Structured Settlement Agreements** L. Hillyard  
 Governor Signed on 3/15/2002  
 Effective Date: 5/6/2002 Chapter 99
- S.B. 164 **Secure Facilities Amendments** D. Gladwell  
 Governor Signed on 3/26/2002  
 Effective Date: 3/26/2002 Chapter 323
- S.B. 165 **Pawnbroker Industry Revisions** M. Waddoups  
 Senate/filed on 3/6/2002
- S.B. 166 **Individual Income Tax – Treatment of Certain  
 Military Income** C. Bramble  
 Senate/filed on 3/6/2002
- S.B. 167 **School Community Councils** B. Wright  
 Governor Signed on 3/26/2002  
 Effective Date: 7/1/2002 Chapter 324
- S.B. 168 **Parent Visitation Office** D. Allen  
 Senate/filed on 3/6/2002
- S.B. 169 **Property Tax Modifications** C. Bramble  
 Governor Signed on 3/18/2002  
 Effective Date: 1/1/2003 Chapter 196
- S.B. 170 **Reauthorization of Administrative Rules** H. Stephenson  
 Governor Signed on 3/26/2002  
 Effective Date: 5/1/2002 Chapter 325
- S.B. 171 **Uniform Arbitration Act** L. Hillyard  
 Governor Signed on 3/26/2002  
 Effective Date: 5/15/2003 Chapter 326
- S.B. 172 **Health Insurance Prompt Pay Amendments** P. Knudson  
 Senate/enacting clause struck on 3/6/2002
- S.B. 173 **Motor Vehicle Registration for Fleets** D. Eastman  
 Governor Signed on 3/15/2002  
 Effective Date: 3/15/2002 Chapter 100

- S.B. 174 **Approval Required for Federal Assistance Programs** C. Bramble  
Senate/enacting clause struck on 3/6/2002
- S.B. 175 **Charitable Solicitations Act Amendments** P. Hellewell  
Senate/enacting clause struck on 3/6/2002
- S.B. 176 **Utah Revised Nonprofit Corporation Act Amendments**L. Hillyard  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 197
- S.B. 177 **Jury Trial for Termination of Parental Rights Cases** B. Wright  
Senate/enacting clause struck on 3/6/2002
- S.B. 178 **Protecting the Unborn Child** L. Poulton  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 327
- S.B. 179 **Timely Payment of Motor Vehicle Insurance Claims** M. Waddoups  
Senate/enacting clause struck on 3/6/2002
- S.B. 180 **Firefighters Retirement** G. Davis  
Senate/enacting clause struck on 3/6/2002
- S.B. 181 **Higher Education Technology Amendments** L. Hillyard  
Governor Signed on 3/18/2002  
Effective Date: 5/6/2002 Chapter 198
- S.B. 182 **Penalty and Interest Modifications** C. Bramble  
Senate/filed on 3/6/2002
- S.B. 183 **Costs Assessed for Wrongfully Enjoining a State Project** T. Spencer  
Governor Vetoed on 3/26/2002  
Effective Date: 5/6/2002
- S.B. 184 **Financial Institutions Technical Amendments** J. Hickman  
Senate/enacting clause struck on 3/6/2002
- S.B. 185 **Sales and Use Tax – Exemption for Certain Coupons** M. Peterson  
Senate/enacting clause struck on 3/6/2002

- S.B. 186 **Unemployment Benefits – Exemption for Corporate Officers** P. Hellewell  
Senate/enacting clause struck on 3/6/2002
- S.B. 187 **RDA – for Parking Structure** H. Stephenson  
Senate/enacting clause struck on 3/6/2002
- S.B. 188 **Labor Code Revisions** T. Spencer  
Senate/enacting clause struck on 3/6/2002
- S.B. 189 **Essential Services Amendments** J. Valentine  
Senate/enacting clause struck on 3/6/2002
- S.B. 190 **Special 2002 Highway General Obligation Bonds** D. Eastman  
Senate/enacting clause struck on 3/6/2002
- S.B. 191 **Law Enforcement Revolving Account** P. Knudson  
Governor Signed on 3/26/2002  
Effective Date: 7/1/2002 Chapter 328
- S.B. 192 **Air Quality Act Amendments** B. Wright  
Senate/enacting clause struck on 3/6/2002
- S.B. 193 **Network Marketing** P. Hellewell  
Senate/enacting clause struck on 3/6/2002
- S.B. 194 **Cable TV Regulation** C. Bramble  
Senate/enacting clause struck on 3/6/2002
- S.B. 195 **Sales and Use Tax Amendments** J. Hickman  
Governor Signed on 3/15/2002  
Effective Date: 7/1/2002 Chapter 101
- S.B. 196 **Waste Amendments** C. Walker  
Senate/filed on 3/6/2002
- S.B. 197 **Appropriation for State Fair Park** A. Suazo  
Senate/enacting clause struck on 3/6/2002
- S.B. 198 **Basic Human Needs Referendum Act** M. Dmitrich  
Senate/enacting clause struck on 3/6/2002

- S.B. 199 **Privacy Protections in Divorce Proceedings** G. Davis  
Senate/filed on 3/6/2002
- S.B. 200 **Statutory Revisions for State Funding Adjustments** L. Blackham  
Governor Signed on 3/26/2002  
Effective Date: 5/6/2002 Chapter 329
- S.B. 201 **Annexations in Counties of the First Class** L. Poulton  
Senate/filed on 3/6/2002
- S.C.R. 1 **Adult Lifelong Learning and Literacy Resolution** D. Steele  
Senate/filed on 3/6/2002
- S.C.R. 2 **Resolution Urging Vegetation Management Practices on BLM Ground** L. Blackham  
Governor Signed on 3/18/2002  
Effective Date: 3/18/2002
- S.C.R. 3 **Concurrent Resolution Recognizing the Salt Lake Olympic Organizing Committee, Mitt Romney, Olympic Volunteers, and Public Safety** B. Evans  
Governor Signed on 3/18/2002  
Effective Date: 3/18/2002
- S.J.R. 1 **Resolution Encouraging Research and Development Grants for Clean Coal Alternatives** M. Dmitrich  
Senate/to Lieutenant Governor on 3/13/2002  
Effective Date: 2/4/2002
- S.J.R. 2 **Resolution on Investment of State School Fund and Uniform School Fund** L. Hillyard  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 1/1/2003
- S.J.R. 3 **Resolution Providing for Changing County Lines** M. Peterson  
Senate/enacting clause struck on 3/6/2002
- S.J.R. 4 **Joint Resolution on Changes to County Boundaries** C. Walker  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 1/1/2003

- S.J.R. 5 **Resolution Authorizing the Calling of Special Sessions by the Legislature** J. Hickman  
Senate/failed on 2/4/2002
- S.J.R. 6 **Joint Resolution Urging a Study of Certain Exemptions** M. Waddoups  
Senate/to Lieutenant Governor on 3/13/2002  
Effective Date: 2/27/2002
- S.J.R. 7 **Resolution on Compensation of In-session Employees** B. Evans  
Senate/to Lieutenant Governor on 3/18/2002  
Effective Date: 1/30/2002
- S.J.R. 8 **Resolution Supporting Utah Quality Growth Commission** R. Allen  
Senate/enacting clause struck on 3/6/2002
- S.J.R. 9 **Joint and Interim Rules Revisions Resolution** M. Waddoups  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 2/6/2002
- S.J.R. 10 **Resolution Amending Revenue and Taxation Provisions of Utah Constitution** J. Valentine  
Senate/to Lieutenant Governor on 3/15/2002  
Effective Date: 1/1/2003
- S.J.R. 11 **Resolution Supporting America's Domestic Steel Industry** E. Mayne  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 3/5/2002
- S.J.R. 12 **Resolution Urging Federal Government Review of Alternatives for Atlas Mill Tailings** M. Dmitrich  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 3/4/2002
- S.J.R. 13 **Joint Resolution Authorizing Appointment of Attorney for State Officers** J. Valentine  
Senate/enacting clause struck on 3/6/2002

- S.J.R. 14 **Resolution on Yucca Mountain as Nuclear Waste Repository** G. Davis  
Senate/enacting clause struck on 3/6/2002
- S.J.R. 15 **Master Study Resolution** L. Poulton  
Senate/to Lieutenant Governor on 3/15/2002  
Effective Date: 3/6/2002
- S.J.R. 16 **Resolution Recognizing Public Safety Workers for Olympics** A. Mansell  
Senate/to Lieutenant Governor on 3/15/2002  
Effective Date: 3/6/2002
- S.R. 1 **Resolution Changing Senate Committee Names** P. Knudson  
Senate/to Lieutenant Governor on 3/15/2002  
Effective Date: 1/1/2003
- S.R. 2 **Senate Rules Amendments Resolution** M. Waddoups  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 1/29/2002
- S.R. 3 **Resolution Recognizing Discover Navajo – People of the Fourth World Day** M. Dmitrich  
Senate/to Lieutenant Governor on 3/14/2002  
Effective Date: 2/7/2002
- S.R. 4 **Resolution on Adult Lifelong Learning and Literacy** D. Steele  
Senate/to Lieutenant Governor on 3/15/2002  
Effective Date: 3/6/2002



**PAGE  
INDEX**

SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE

FIRST SPECIAL SESSION

**Wednesday, June 20, 2002**



<b>S.B. 1001</b> — NOTIFICATION BY SCHOOL OR FAMILY SERVICES TO NONCUSTODIAL PARENT OF CHILD'S DISCIPLINE OR REMOVAL ( <i>P. Hellewell</i> )	
Read for the first time .....	10
Placed on calendar .....	12
Read the second and third time .....	12
Amendments .....	12
Transmitted to the House .....	13
Concurrence .....	31
Returned to the House .....	32
Signed by the President and transmitted to the Governor .....	32
<b>S.B. 1002</b> — UNAUTHORIZED PRACTICE OF LAW PROHIBITED ( <i>T. Spencer</i> )	
Read for the first time .....	11
Placed on calendar .....	12
Read the second time .....	13
Circled .....	13
Uncircled .....	14
Transmitted to the House .....	14
<b>S.B. 1003</b> — TAXES ON RENTALS OF PUBLIC SLEEPING ACCOMMODATIONS ( <i>J. Valentine</i> )	
Read for the first time .....	11
Placed on calendar .....	12
Read the second and third time .....	13
Circled .....	13
Uncircled .....	16
Transmitted to the House .....	16
Signed by the President and transmitted to the Governor .....	28
<b>S.B. 1004</b> — REGISTRATION AND TAXATION OF VEHICLES FOR SPORTS EVENTS ( <i>J. Hickman</i> )	
Read for the first time .....	11
Placed on calendar .....	12
Read the second and third time .....	14
Transmitted to the House .....	15
Signed by the President and transmitted to the Governor .....	28
<b>S.B. 1005</b> — UTAH REVISED NONPROFIT CORPORATION ACT AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time .....	19
Placed on calendar .....	20
Read the second and third time .....	20
Transmitted to the House .....	20
Signed by the President and transmitted to the Governor .....	31
<b>S.B. 1006</b> — UNIFORM PROBATE CODE – POWER OF ATTORNEY AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time .....	20
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 .....	32
<b>S.J.R. 101</b> — RESOLUTION APPROVING SETTLEMENT FOR PRIVATE PRISON ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee .....	12
Placed on calendar .....	12
Read the second and third time .....	15
Transmitted to the House .....	15
Signed by the President and transmitted to the Governor .....	28
<b>S.J.R. 102</b> — RESOLUTION APPROVING TOBACCO LAWSUIT SETTLEMENT ( <i>D. Steele</i> )	
Read for the first time .....	13
Placed on calendar .....	14

Read the second and third time . . . . .	15
Transmitted to the House . . . . .	16
Signed by the President and transmitted to the Governor . . . . .	30

<b>H.B. 1001</b> — NOTICE BY SCHOOL TO CUSTODIAL AND NONCUSTODIAL PARENT ( <i>F. Fife</i> )	
Read for the first time	19
Placed on calendar	19
Read the second and third time	22
Signed by the President and returned to the House	22
<b>H.B. 1002</b> — CRIMINAL LAW AMENDMENTS ( <i>A. Bradshaw</i> )	
Read for the first time	25
Placed on calendar	25
Read the second and third time	25
Signed by the President and returned to the House	25
<b>H.B. 1003</b> — APPLIED TECHNOLOGY EDUCATION GOVERNANCE ( <i>R. Bigelow</i> )	
Read for the first time	19
Placed on calendar	19
Amendments	21, 22
Read the second and third time	21
Circled	22
Uncircled	22
Returned to the House	24
Signed by the President and returned to the House	31
<b>H.B. 1004</b> — DEPARTMENT OF COMMERCE – FEE APPROVAL ( <i>J. Alexander</i> )	
Read for the first time	25
Placed on calendar	25
Read the second and third time	25
Signed by the President and returned to the House	26
<b>H.B. 1005</b> — INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX – RENEWABLE ENERGY SYSTEMS TAX CREDITS ( <i>J. Swallow</i> )	
Read for the first time	25
Placed on calendar	25
Read the second and third time	26
Signed by the President and returned to the House	26
<b>H.B. 1006</b> — INDIVIDUAL INCOME TAX – ADDITION OF INTEREST TO FEDERAL TAXABLE INCOME ( <i>G. Curtis</i> )	
Read for the first time	17
Placed on calendar	17
Read the second and third time	17
Signed by the President and returned to the House	17
<b>H.B. 1007</b> — PRIVATE RECORDS UNDER GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT ( <i>C. Beshear</i> )	
Read for the first time	25
Placed on calendar	25
Read the second and third time	26
Signed by the President and returned to the House	27
<b>H.B. 1008</b> — INDIVIDUAL INCOME TAX – 2001 FEDERAL RATE BRACKET BENEFIT ( <i>M. Throckmorton</i> )	
Read for the first time	25
Placed on calendar	25
Read the second and third time	27
Signed by the President and returned to the House	27
<b>H.B. 1009</b> — PASSENGER LIMITATIONS FOR YOUNG DRIVERS – PROSPECTIVE APPLICATION ( <i>J. Alexander</i> )	
Read for the first time	29
Placed on calendar	29
Read the second and third time	29
Signed by the President and returned to the House	29

**H.C.R. 101** — RESOLUTION APPROVING WASTE DISPOSAL (*D. Ure*)

Read for the first time .....	25
Placed on calendar .....	25
Read the second and third time .....	28
Circled .....	28
Uncircled .....	29
Amendments .....	29
Returned to the House .....	30
Signed by the President and returned to the House .....	32

**PAGE  
INDEX**

SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION

**Tuesday, September 25, 2001**

**through**

**Monday, October 1, 2001**



<b>S.B. 2001</b> — SENATE REDISTRICTING PLAN ( <i>M. Waddoups</i> )	
Read for the first time	62
Placed on calendar	63
Read the second time	75, 79
Substituted	75
Amendments	76, 78
Circled	76
Uncircled	78
Read the third time	81
Circled	81
Uncircled	85
Substituted	85
Amendments	85
Transmitted to House	86
Concurrence	91
Returned to the House	92
Signed by the President and transmitted to the Governor	96
<b>S.B. 2002</b> — CONGRESSIONAL THREE MEMBER PLAN ( <i>M. Waddoups</i> )	
Read for the first time	62
Placed on calendar	72
Read second time	72
Substituted	72
Circled	73
Uncircled	77
Read the second and third time	77
Transmitted to the House	78
Placed on Concurrence Calendar	63, 89
Concurrence	89
Returned to the House	89
Signed by the President and transmitted to the Governor	91
<b>S.B. 2003</b> — CONGRESSIONAL FOUR MEMBER PLAN ( <i>M. Waddoups</i> )	
Read for the first time	63
Placed on calendar	69
Read the second time	69
Substituted	69
Read the second and third time	70
Transmitted to the House	70
Placed on Concurrence Calendar	89
Concurrence	89
Returned to the House	90
Signed by the President and transmitted to the Governor	93
<b>S.B. 2004</b> — VENUE FOR CONSUMER TRANSACTIONS ( <i>J. Valentine</i> )	
Read for the first time	71
Read the second and third time	76
Intent Language	77
Transmitted to the House	77
Enacting Clause Stricken	97
<b>S.B. 2005</b> — 2001 REVENUE BOND AUTHORIZATIONS AMENDMENT ( <i>B. Evans</i> )	
Read for the first time	71
Placed on calendar	74
Read the second and third time	75
Transmitted to the House	75
Concurrence	92

	Returned to the House . . . . .	93
	Signed by the President and transmitted to the Governor . . . . .	96
<b>S.B. 2006</b>	— PETE SUAZO UTAH ATHLETIC COMMISSION ( <i>E. Mayne</i> )	
	Read for the first time . . . . .	79
	Read the second and third time . . . . .	81
	Transmitted to the House . . . . .	82
	Concurrence . . . . .	98
	Returned to the House . . . . .	99
	Signed by the President and transmitted to the Governor . . . . .	99
<b>S.B. 2007</b>	— WORKERS' COMPENSATION AMENDMENTS FOR OUT-OF-STATE PUBLIC SAFETY OFFICERS DURING THE OLYMPICS ( <i>B. Evans</i> )	
	Read for the first time . . . . .	79
	Read the second and third time . . . . .	82
	Transmitted to the House . . . . .	82
	Signed by the President and transmitted to the Governor . . . . .	91
<b>S.B. 2008</b>	— PEACE OFFICER STATUS DURING OLYMPICS ( <i>L. Hillyard</i> )	
	Read for the first time . . . . .	80
	Read the second time . . . . .	82
	Substituted . . . . .	82
	Read the second and third time . . . . .	83
	Transmitted to the House . . . . .	83
	Concurrence . . . . .	97
	Returned to the House . . . . .	97
	Signed by the President and transmitted to the Governor . . . . .	98
<b>S.B. 2009</b>	— CRIMINAL PENALTIES FOR RIOTS AND FALSE ALARMS ( <i>L. Hillyard</i> )	
	Read for the first time . . . . .	80
	Read the second and third time . . . . .	83
	Transmitted to the House . . . . .	84
<b>S.C.R. 201</b>	— RESOLUTION RECOGNIZING CONTRIBUTIONS OF SENATOR PETE SUAZO ( <i>M. Dmitrich</i> )	
	Read for the first time . . . . .	63
	Placed on calendar . . . . .	63
	Read the second and third time . . . . .	67
	Transmitted to the House . . . . .	67
	Signed by the President and transmitted to the Governor . . . . .	68

<b>H.B. 2001</b> — HOUSE OF REPRESENTATIVES REDISTRICTING PLAN ( <i>G. Adair</i> )	
Read for the first time	94
Placed on calendar	94
Read the second time	94
Substituted	94
Amendments	95
Read the second and third time	95
Returned to the House	95
Signed by the President and returned to the House	98
<b>H.B. 2002</b> — STATE BOARD OF EDUCATION REDISTRICTING PLAN ( <i>G. Adair</i> )	
Read for the first time and referred to the Rules Committee	69
Placed on calendar	69, 70
Read the second and third time	70
Signed by the President and returned to the House	71
<b>H.B. 2003</b> — UNAUTHORIZED PRACTICE OF LAW AMENDMENTS ( <i>S. Urquhart</i> )	
Read for the first time	81
Placed on calendar	81
Read the second time	84
Circled	84
Uncircled	86
Read the second and third time	86
Amendments	86
Signed by the President and returned to the House	93
<b>H.B. 2004</b> — CERTIFICATION OF PRIMARY VOTING REQUIREMENT BY POLITICAL PARTIES ( <i>L. Pace</i> )	
Read for the first time	81
Placed on calendar	81
Read the second and third time	84
Signed by the President and returned to the House	84
<b>H.B. 2006</b> — CLASSIFICATION OF CITIES AND TOWNS ( <i>W. Harper</i> )	
Read for the first time	87
Placed on calendar	87
Read the second time	87
Circled	87
Uncircled	88
Read the second and third time	88
Signed by the President and returned to the House	88
<b>H.C.R. 201</b> — RESOLUTION OF REMEMBRANCE AND RECOGNITION OF THE ATTACK ON AMERICA ( <i>B. Ferry</i> )	
Read for the first time and referred to the Rules Committee	67
Placed on calendar	67
Read the second and third time	68
Signed by the President and returned to the House	68
<b>H.C.R. 202</b> — RESOLUTION CONDEMNING RETALIATION AGAINST ISLAMIC AND ARABIC COMMUNITIES ( <i>D. Litvack</i> )	
Read for the first time	94
Placed on calendar	94
Read the second and third time	96
Signed by the President and returned to the House	96

**H.C.R. 203** — RESOLUTION URGING THE HARVESTING OF INFESTED  
STANDS OF TIMBER (*B. Johnson*)

Read for the first time .....	87
Placed on calendar .....	87
Read the second and third time .....	87
Signed by the President and returned to the House .....	88

STATE OF UTAH

# **SENATE JOURNAL**

SEVENTH EXTRAORDINARY SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, April 24, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh Extraordinary Session of the Fifty–Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Seventh Extraordinary Session convening on Wednesday, April 24, 2002, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

## STATE OF UTAH

**SENATE JOURNAL****SEVENTH EXTRAORDINARY SESSION  
of the  
FIFTY-FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Seventh Extraordinary Session at 12:00 noon on Wednesday, April 24, 2002.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Chris Buttars

**Pledge** – Senator Dave Gladwell

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 24th day of April, 2002 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 9th day of April,  
2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of April 9, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Seventh Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 24th day of April, 2002, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 9th day of April, 2002.

**Olene S. Walker**  
Lieutenant Governor

**Roll call** – All Senators present, except Senator Hale, excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Seventh Extraordinary Session.

President Mansell appointed a committee comprised of Senators David Gladwell, Carlene Walker, and Ed Mayne to notify the Governor’s representative that the Senate is convened in the Seventh Extraordinary Session in accordance with his proclamation.

Senator Gladwell advised the Senate that the Governor’s representative has been notified of the convening of the Seventh Extraordinary Session.

Sandy D. Tenney read the following communication:

**COMMUNICATION FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: March 5, 2002  
In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

**ALCOHOLIC BEVERAGE CONTROL COMMISSION**

Mary Ann Mantes appointed to fill the unexpired term of Vickie McCall on the Alcoholic Beverage Control Commission, a term to expire July 1, 2005. Section 32A-1-106, Utah Code Annotated 1953, as amended. Mrs. Mantes is a democrat; and

Mr. President:

April 9, 2002

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

#### **UTAH STATE FAIR CORPORATION BOARD OF DIRECTORS**

Roger Beattie reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2005. Section 19-4-1104, Utah Code Annotated 1953, as amended.

Paul McPherson reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2005. Section 19-4-1104, Utah Code Annotated 1953, as amended.

Lynn Runolfson reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2005. Section 19-4-1104, Utah Code Annotated 1953, as amended.

#### **SOIL CONSERVATION COMMISSION**

Lyle B. Bryner reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2006. Section 4-18-4, Utah Code Annotated 1953, as amended.

Willard R. Rasmussen reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2006. Section 4-18-4, Utah Code Annotated 1953, as amended.

Richard L. Saunders reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2006. Section 4-18-4, Utah Code Annotated 1953, as amended.

#### **DRINKING WATER BOARD**

Charlie Roberts appointed to fill the unexpired term of R. Dale Roper on the Drinking Water Board, a term to expire May 8, 2005. Section 19-4-103, Utah Code Annotated 1953, as amended. Mayor Roberts is a republican.

#### **BOARD OF SERVICES FOR PEOPLE WITH DISABILITIES**

Drew Hansen appointed to fill the unexpired term of Lynn Paulson on the Board of Services for People with Disabilities, a term to expire April 1, 2003. Section 62A-1-105 and 62A-5-105, Utah Code Annotated 1953, as amended. Mr. Hansen is a democrat.

#### **RURAL ELECTRONIC COMMERCE SYSTEM FUND BOARD**

William Kremin, Jr. reappointed as a member of the Rural Electronic Commerce System Fund Board for a term to expire January 1, 2006. Section 9-15-103, Utah Code Annotated 1953, as amended.

A. Jean Seiler reappointed as a member of the Rural Electronic Commerce System Fund Board for a term to expire January 1, 2006. Section 9-15-103, Utah Code Annotated 1953, as amended.

Douglas E. Thompson reappointed as a member of the Rural Electronic Commerce System Fund Board for a term to expire January 1, 2006. Section 9-15-103, Utah Code Annotated 1953, as amended.

Sam Starley appointed to replace R. Dale Roper on the Rural Electronic Commerce System Fund Board for a term to expire January 1, 2006. Section 9-15-103, Utah Code Annotated 1953, as amended.

Lynn Lemon appointed to replace Sheldon Richins on the Rural Electronic Commerce Communications System Fund Board for a term to expire January 1, 2003. Section 9-15-103, Utah Code Annotated 1953, as amended; and

Mr. President:

April 12, 2002

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

#### **DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

David Harmer appointed to replace David Winder as the executive director of the Department of Community and Economic Development. Section 9-1-204, Utah Code Annotated 1953, as amended.

#### **DEPARTMENT OF WORKFORCE SERVICES**

Raylene Ireland appointed to replace Bob Gross as the executive director of the Department of Workforce Services. Section 35A-1-201, Utah Code Annotated 1953, as amended.

#### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

S. Camille Anthony appointed to replace Raylene Ireland as the executive director of the Department of Administrative Services. Section 63A-1-105, Utah Code Annotated 1953, as amended.

#### **COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**

Ed McConkie appointed to replace Camille Anthony as the executive director of the Commission on Criminal and Juvenile Justice. Section 63-25a-103, Utah Code Annotated 1953, as amended.

Thank you for your timely consideration and confirmation of the above appointments.

**Michael O. Leavitt**  
Governor

Communication filed.

On motion of Senator Valentine the President, Majority and Minority leaders, pursuant to Section 67-1-2 of the Utah code, voted to waive the 15-day requirement on the submittal dated April 12, 2002, for the purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hale

\* \* \*

On motion of Senator Hillyard, Mary Ann Mantes, Camille Anthony, David Harmer, Raylene Ireland, and Ed McConkie spoke in Committee of the Whole. Senators Waddoups, Ed Allen, Ron Allen and Hillyard commented.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

\* \* \*

President Mansell directed the committee to wait upon the Governor to notify his representative that the Senate has concluded its business.

Senator Gladwell reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Poulton, and at 12:35 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

**VETO OVERRIDE SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE**

Wednesday, April 24, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Veto Override Session of the Fifty–Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Veto Override Session convening on Wednesday, April 24, 2002, and adjourning sine die the same day.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**SENATE JOURNAL**

**FIRST VETO OVERRIDE SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE**

*In accordance with a joint proclamation of the members of the Fifty-Fourth Legislature of the State of Utah, the Senate met in the Senate Chamber at the State Capitol in the First Veto Override Session at 1:30 p.m. on Wednesday, April 24, 2002.*

The Senate was called to order at 2:00 p.m., with President Al Mansell presiding.

**Roll Call** – All Senators present

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Call for the Legislative Veto Override Session issued under the date of April 10, 2002, and signed by Al Mansell, President, Utah State Senate and Martin R. Stephens, Speaker, Utah State House of Representatives, is a true and correct copy of the original Call for the Legislative Veto Override Session calling the 54th Legislature of the State of Utah into a Legislative Veto Override Session at the State Capitol in Salt Lake City, Utah on Wednesday, the 24th day of April, 2002, at 1:30 p.m., for the purposes named in the call.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 24th day of  
April, 2002.

**Olene S. Walker**  
Lieutenant Governor

**STATE OF UTAH**  
**LEGISLATIVE DEPARTMENT**  
**CALL OF LEGISLATIVE VETO OVERRIDE SESSION**

Pursuant to Article VII, Section 8 of the Utah Constitution and Utah State Legislative Joint Rule 17, its presiding officers, the Honorable Al Mansell, President of the Utah State Senate, and the Honorable Martin R. Stephens, Speaker of the Utah House of Representatives, have polled the members of the Senate and the House of Representatives, and do hereby call the Utah State Legislature into a Legislative Veto Override Session to convene at 1:30 p.m. on April 24, 2002.

Two-thirds of each house voted in favor of convening a Veto Override Session for the purpose of overriding the disapproval by Governor Michael O. Leavitt of the following bills or items of appropriation passed by the Legislature which adjourned on March 6, 2002, but which were disapproved by the Governor after adjournment, viz:

<b>H.B. 3</b>	SUPPLEMENTAL APPROPRIATIONS ACT II Item 82 Item 93
<b>H.B. 123</b>	MEDICAL RECOMMENDATIONS FOR CHILDREN
<b>H.B. 136</b>	JUDICIAL CONDUCT COMMISSION AMENDMENTS
<b>H.B. 152</b>	OIL AND GAS SEVERANCE-TAX-BOARD RESTRICTED ACCOUNT AND USE OF REVENUES
<b>H.B. 248</b>	CLASSIFICATION OF STATE EMPLOYEES FOR INSURANCE PURPOSES

- H.B. 287**                    CONSTITUTIONAL RIGHTS OF STATE EMPLOYEES
- H.B. 297**                    RETIREMENT OFFICE AMENDMENTS
- H.B. 342**                    RECOVERY OF ADMINISTRATIVE FEE FOR  
DAMAGES SUSTAINED TO A RENTAL MOTOR  
VEHICLE
- S.B. 183**                    COSTS ASSESSED FOR WRONGFULLY ENJOINING  
A STATE PROJECT

Al Mansell, President  
Utah State Senate  
Martin R. Stephens, Speaker  
House of Representatives

\* \* \*

On motion of Senator Poulton the Senate voted that the President of the Senate and the Officers of the Senate for the First Veto Override Session be the same as for the 2002 General Session of the Fifty-Fourth Legislature.

On motion of Senator Poulton, the Senate voted that the Senate Rules and the Joint Rules of the 2002 General Session of the Fifty-Fourth Legislature be adopted for the First Veto Override Session.

\* \* \*

President Mansell appointed Senators Hellewell, Walker, and Ed Allen as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Mansell appointed a committee comprised of Senators Knudson, Hickman, and Hale to notify the Governor that the Senate is convened in the First Veto Override Session.

Senator Hellewell reported that the House has been notified that the Senate is organized and ready to do business.

Senator Knudson reported that the Governor has been notified.

**COMMUNICATIONS TO THE LT. GOVERNOR**

The Honorable Lieutenant Governor: April 11, 2002

We hereby request that your office transmit the following Senate bill, with a copy of the Governor’s veto message attached thereto, for further consideration by the legislature:

S.B. 183 – Costs Assessed for Wrongfully Enjoining a State Project

Al Mansell, President  
Utah State Senate

**COMMUNICATIONS FROM THE LT. GOVERNOR**

Mr. President: April 17, 2002

In accordance with your request of April 11, 2002, I am enclosing herewith Senate Bill 183 which was vetoed by Governor Leavitt following the adjournment of the 2002 Annual General Session of the Fifty-Fourth Legislature.

Olene S. Walker  
Lieutenant Governor

\* \* \*

On motion of Senator Poulton, under suspension of the rules, the Senate voted to suspend the reading of **S.B. 183** with its accompanying veto message, place it immediately on the Third Reading Calendar for reconsideration, and print the veto message in the Senate Journal.

**COMMUNICATION FROM THE GOVERNOR**

Mr. President and Speaker Stephens: April 17, 2002

This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto S.B. 183, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT, and have transmitted it to the Lieutenant Governor for filing.

This bill was motivated by the lawsuit attempting to stop construction of the Legacy Parkway. The Legacy Parkway was approved by the federal government after a lengthy, arduous, and, in my view, fair process. Once the project was approved, and in reliance upon the integrity of the process, the state funded the project, a contract was executed, and construction began. Subsequently, opponents of the project commenced litigation against the Army Corps of Engineers. The net impact of the lawsuit is simply delay – costing taxpayers in excess of \$100,000 a day – for a project which will ultimately be built without significant alteration from the original plan.

Senate Bill 183 attempts to cause those who “improperly disrupt” public projects to pay for the cost of delay if they do not ultimately prevail in court. However, the bill is too broad in its potential application. It can be invoked even in projects that are merely approved by the state or are subject to state administered permits. One private citizen could seek recovery against another private citizen, so long as a state approval or permit is involved. It could apply to

state-permitted private water diversions, waste facilities, and many other projects. Public projects are usually by nature expensive. The risk of exposure to the private citizen who disagrees with the project may be so overwhelming under this law that there is no adequate check on government, and the citizen is effectively restrained from having access to the courts.

It is fundamental to our democracy that citizens be able to take complaints to court. Government is not always right.

Michael O. Leavitt  
Governor

\* \* \*

On motion of Senator Poulton, the bill was circled.

On motion of Senator Poulton, and at 2:15 p.m., the Senate sauntered.

The Senate was called to order at 3:00 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

April 24, 2002

I am directed to inform the Senate that the House of Representatives has voted to override the veto of H.B. 136, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Representative Katherine Bryson, by a vote of 57 ayes and 14 nays, and the same is transmitted herewith for consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Waddoups, **H.B. 136** was placed at the top of the Third Reading Calendar.

On motion of Senator Waddoups, the Senate voted to consider a veto override on **H.B. 136**.

The motion passed. Senator Waddoups explained the bill. Senators Hillyard, Stephenson and Valentine explained their votes. Senator Davis declared a conflict of interest. The veto override passed on the following roll call:

**Yeas, 22; Nays, 7; Absent, 0.**

**Voting in the affirmative were:** Senators

Blackham  
Dmitrich

Bramble  
Eastman

Buttars  
Evans

Davis  
Gladwell

Hellewell	Hickman	Jenkins	Knudson
Mayne	Poulton	Spencer	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

E. Allen	R. Allen	Hale	Hillyard
Julander	Peterson	Suazo	

**H.B. 136** was returned to the House.

\* \* \*

On motion of Senator Poulton, the Senate voted to return **S.B. 183** to the Lt. Governor for filing.

President Mansell appointed Senators Hellewell, Walker, and Ed Allen as a committee to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

President Mansell appointed Senators Knudson, Hickman, and Hale as a committee to notify the Governor that the business of the Senate has been concluded.

Senator Hellewell reported that the House has been notified.

Senator Knudson reported that the Governor has been notified.

\* \* \*

On motion of Senator Poulton and at 3:25 p.m., the Senate adjourned sine die.

**PAGE  
INDEX**

SENATE AND HOUSE BILLS

FIFTY-FOURTH LEGISLATURE  
VETO OVERRIDE SESSION

Wednesday, April 24, 2002

**H.B. 136** — JUDICIAL CONDUCT COMMISSION AMENDMENTS (*K. Bryson*)

Received from House .....	1143
Placed on calendar .....	1143
Consideration of Governor's Veto .....	1143
Returned to the House .....	1144

STATE OF UTAH

# **SENATE JOURNAL**

**THIRD SPECIAL SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE**

Convened  
Wednesday, April 24, 2002

Adjourned Sine Die  
Monday, Arpil 29, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third Special Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Third Special Session convening on Wednesday, April 24, 2002, and adjourning sine die on Monday, April 29, 2002.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

STATE OF UTAH

**SENATE JOURNAL**

**THIRD SPECIAL SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Third Extraordinary Session at 5:00 p.m., on Wednesday, April 24, 2002.*

The Senate was called to order with President Mansell presiding.

**Roll call** – All Senators present, except Senators Ed Allen, Ron Allen, Blackham, Bramble, Davis, Evans, Hellewell, Jenkins, Mayne, Peterson, Poulton, Spencer, Suazo, and Wright, excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the Fifty–Fourth Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into a Special Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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–Fourth Legislature of the State of Utah into a Third Special Session at the State Capitol in Salt Lake City, Utah, on the 24th day of April, 2002 at 5:00 p.m., for the following purposes:

1. To consider amending the election law to accommodate the possibility of Utah being awarded a Fourth Congressional District.

2. And, 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 State Capitol in Salt Lake  
City, Utah, this 24th day of  
April, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of April 24, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty-Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 24th day of April, 2002, at 5:00 p.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session.

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 24th day of  
April, 2002.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups , the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Third Special Session.

President Mansell appointed a committee comprised of Senators Hickman, Walker, and Hale to notify Governor Michael O. Leavitt that the Senate is convened in the Third Special Session in accordance with his proclamation and is organized and ready to receive any communications from him.

President Mansell appointed a committee comprised of Senators Hillyard, Buttars, and Julander to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Hillyard reported that the House has been notified.

Senator Hickman reported that the Governor has been notified.

\* \* \*

On motion of Senator Valentine and at 5:45 p.m., the Senate adjourned until 8:00 a.m., Monday, April 29, 2002.

**SENATE JOURNAL**  
**SIXTH DAY**  
**THIRD SPECIAL SESSION**

The Senate was called to order at 8:30 a.m., with President Al Mansell presiding.

**Prayer** – Senator John Valentine

**Pledge of Allegiance** – Senator Millie Peterson

**Roll Call** – All Senators present, except Senators Ed Allen and Terry Spencer, excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Third Special Session.

On motion of Senator Waddoups, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

The motion passed by the required constitutional two-thirds majority.

**INTRODUCTION OF BILLS**

**ELECTION LAW REVISIONS**

**S.B. 3001**

*Curtis S. Bramble*

THIS ACT MODIFIES TITLE 20A, ELECTION CODE, BY MODIFYING CERTAIN CANDIDATE AND ELECTION REQUIREMENTS FOR THE 2002 ELECTION TO ADDRESS THE POSSIBILITY THAT UTAH MAY RECEIVE A FOURTH CONGRESSIONAL SEAT. THIS ACT MODIFIES DEFINITIONS, CHANGES THE PRIMARY ELECTION DATE FOR CONGRESSIONAL CANDIDATES IF CERTAIN CONTINGENCIES ARE NOT MET, MODIFIES REQUIREMENTS FOR FILLING CANDIDATE VACANCIES, EXTENDS THE DATE FOR ALLOWING UNAFFILIATED VOTERS TO AFFILIATE AT

THE POLLS, MAKES AN EXCEPTION TO THE PROHIBITION AGAINST FILING FOR MORE THAN ONE OFFICE IN AN ELECTION YEAR; EXPRESSES LEGISLATIVE INTENT TO MAKE OTHER CHANGES IF NECESSARY IN A SUBSEQUENT SPECIAL SESSION; AND MAKES TECHNICAL CORRECTIONS. THIS ACT REPEALS SECTIONS UNIQUE TO THE 2002 ELECTION CYCLE ON JANUARY 1, 2003. THIS ACT MAKES AN APPROPRIATION OF \$600,000 TO PAY FOR A SECOND PRIMARY IF ONE IS NEEDED. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time.

On motion of Senator Poulton, under suspension of the rules, the bill was placed on the Second Reading Calendar for immediate consideration.

\* \* \*

On motion of Senator Poulton, and at 8:38 a.m., the Senate sauntered.

The Senate was called to order at 10:00 a.m., with President Mansell presiding.

\* \* \*

**S.B. 3001**, ELECTION LAW REVISIONS, was read the second time. Senator Bramble explained the bill. Senators Ron Allen, Hillyard, Steele, Dmitrich, Valentine, Waddoups, Hickman, Stephenson, and Poulton commented.

On motion of Senator Bramble, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 3:15 p.m., with President Mansell presiding.

\* \* \*

**S.B. 3001**, ELECTION LAW REVISIONS, was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill.

### ELECTION LAW REVISIONS

#### 3rd Sub. **S.B. 3001**

*Curtis S. Bramble*

THIS ACT MODIFIES THE ELECTION CODE TO CREATE AN ADDITIONAL PRIMARY DATE OF AUGUST 27, 2002 CONTINGENT UPON UTAH RECEIVING A FOURTH CONGRESSIONAL SEAT. THIS ACT

MAKES CONFORMING CHANGES THROUGHOUT THE ELECTION CODE TO ACCOMPLISH THAT CHANGE. THIS ACT MODIFIES DEFINITIONS, MODIFIES REQUIREMENTS FOR FILLING CANDIDATE VACANCIES, EXTENDS THE DATE FOR ALLOWING UNAFFILIATED VOTERS TO AFFILIATE AT THE POLLS, MAKES AN EXCEPTION TO THE PROHIBITION AGAINST FILING FOR MORE THAN ONE OFFICE IN AN ELECTION YEAR, AND MODIFIES VOTER INFORMATION PAMPHLET DISTRIBUTION DATES. THIS ACT REPEALS SECTIONS UNIQUE TO THE 2002 ELECTION CYCLE ON JANUARY 1, 2003. THIS ACT MAKES AN APPROPRIATION OF \$600,000 TO PAY FOR A SECOND PRIMARY IF ONE IS NEEDED. THIS ACT TAKES EFFECT MAY 7, 2002, IF PASSED BY A TWO-THIRDS VOTE.

Senators Peterson, Blackham, Dmitrich, Stephenson, Valentine, Walker, Davis, Mayne, Steele, Hale, and Gladwell commented.

\* \* \*

On motion of Senator Poulton, and at 3:55 p.m., the Senate sauntered.

The Senate was called to order at 4:15p.m., with President Mansell presiding.

\* \* \*

**3rd Sub. S.B. 3001**, ELECTION LAW REVISIONS, was before the Senate.

On motion of Senator Bramble, the bill was amended as follows:

1. Page 10, line 275:  
after "shall" delete the colon.
2. Page 10, line 276:  
delete "(a)" and after "political party's" insert "United States House of Representatives"
3. Page 10, Line 277:  
after "July 16, 2002" delete the rest of the line and insert a period.
4. Page 10, lines 278–283:  
delete lines 278–283 and renumber remaining sections accordingly.
5. Page 10, line 287:  
after "names of all" delete "statewide or multicounty" and insert "United States House of Representatives"

- 6. Page 10, line 298:  
after “for all” delete “multicounty” and insert “United States House of Representatives” and after “candidates” delete the rest of the line.
- 7. Page 10, line 299:  
delete “lieutenant governor”

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. S.B. 3001**, ELECTION LAW REVISIONS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Mayne	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator  
Peterson

**Absent or not voting were:** Senators

E. Allen	Hillyard	Knudson	Spencer
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**3rd Sub. S.B. 3001** was transmitted to the House.

\* \* \*

On motion of Senator Poulton, and at 4:20 p.m., the Senate sauntered.

The Senate was called to order at 5:20 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

April 29, 2002

I am directed to inform the Senate that the House of Representatives has passed **H.B. 3001**, REVISIONS TO ELECTION LAW, by Representative Carl Saunders, with the following amendments, and the same is transmitted herewith for consideration.

- 1. Page 1, line 12:  
after “2002” insert “under certain circumstances”

2. Page 6, line 177:  
after “(b)” delete “For” and insert “Unless, as a result of the United State Supreme Court’s opinion in State of Utah v. Evans, Utah does not obtain a fourth Congressional seat by May 15, 2002, for”
3. Page 8, line 240:  
after “Notwithstanding” insert “(1) Except as provided in subsection (2), notwithstanding”
4. Page 8, line 242:  
after line 242 insert “If, as a result of the United State Supreme Court’s opinion in State of Utah v. Evans, Utah does not obtain a fourth Congressional seat by May 15, 2002, a regular primary election shall be held throughout the state on June 25, 2002 as provided in Title 20A, Chapter 9, Part 4, Primary Elections, to nominate persons for national, state, school board, and county offices.”
5. Page 9, line 273:  
after “in the” insert “September 10, 2002”
6. Page 9, line 276–277:  
after “only,” delete “by 5 p.m. on August 1, 2002,” and insert “if a September 10, 2002 regular general primary election will be held.”
7. Page 9, line 277:  
after “shall” insert “by 5 p.m. on August 1, 2002,”
8. Page 10, line 279:  
after “only,” insert “if a September 10, 2002 regular general primary election is held.”
9. Page 10, line 282:  
after “only,” insert “if a September 10, 2002 regular general primary election is held.”
10. Page 10, line 290:  
after “only,” insert “if a September 10, 2002 regular general primary election is held.”
11. Page 10, line 295–296:  
after “only,” delete “by September 19, 2002,” and insert “if a September 10, 2002 regular general primary election is held.”
12. Page 10, line 296:  
after “shall” insert “by September 19, 2002,”

1. Page 11, line 311:  
after “only,” insert “if a September 10, 2002 regular general primary election is held.”
1. Page 12, line 353:  
after “For” bracket “the” and insert “any” and after “held” delete “September 10” bracket “,” and insert “in”
15. Page 14, line 412:  
after “(ii)” delete “For” and insert “Unless, as a result of the United State Supreme Court’s opinion in State of Utah v. Evans, Utah does not obtain a fourth Congressional seat by May 15, 2002, for”

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Hickman, **H.B. 3001** was considered read for the first time and placed on the Second Reading Calendar.

On motion of Senator Waddoups, under suspension of the rules, **H.B. 3001, REVISIONS TO ELECTION LAW**, was considered read the second and third times and failed on the following roll call:

**Yeas, 3; Nays, 21; Absent, 5.**

**Voting in the affirmative were:** Senators

Blackham	Buttars	Waddoups
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**Voting in the negative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Julander
Mayne	Peterson	Poulton	Steele
Suazo	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

E. Allen	Hillyard	Knudson	Spencer
Stephenson			

**H.B. 3001** was returned to the House for filing.

\* \* \*

President Mansell appointed Senators David Steele, Scott Jenkins, and Alicia Suazo to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Bill Wright, Michael Waddoups, and Paula Julander to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Steele reported that the Governor has been notified.

Senator Wright reported that the House has been notified.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

April 29, 2002

I am directed to inform the Senate that the House of Representatives has this day rejected **3rd Sub. S.B. 3001**, ELECTION LAW REVISIONS, and the same is returned herewith for filing.

Carole E. Peterson, Chief Clerk

Communications filed.

**3rd Sub. S.B. 3001** was filed.

On motion of Senator Poulton, and at 5:25 p.m., the Third Special Session of the Fifty-Fourth Legislature adjourned sine die.

**PAGE  
INDEX**

SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE  
THIRD SPECIAL SESSION

Convined

Wednesday, April 24, 2002

Adjourned

Monday, April 29, 2002

**S.B. 3001** — ELECTION LAW REVISIONS (*C. Bramble*)

- Read for the first time . . . . . 1153
- Read the second time . . . . . 1154
- Before the Senate . . . . . 1154
- Substituted . . . . . 1154
- Amendments . . . . . 1155
- Read the second and third time . . . . . 1156
- Transmitted to the House . . . . . 1156
- Filed . . . . . 1159

**H.B. 3001** — REVISIONS TO ELECTION LAW (*C. Saunders*)

- Placed on calendar . . . . . 1158
- Read the second and third time . . . . . 1158
- Failed . . . . . 1158
- Returned to the House . . . . . 1158

STATE OF UTAH

# **SENATE JOURNAL**

**EIGHTH EXTRAORDINARY SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE**

Convened and Adjourned on  
Wednesday, May 22, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eighth Extraordinary Session convening on Wednesday, May 22, 2002, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

**EIGHTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Eighth Extraordinary Session at 12:00 noon on Wednesday, May 22, 2002.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Curt Bramble

**Pledge**– Senator Chris Buttars

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 22nd day of May, 2002 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 7th day of May,  
2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of May 7, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Eighth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 22nd day of May, 2002, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 7th day of May,  
2002.

**Olene S. Walker**  
Lieutenant Governor

**Roll call** – All Senators present, excepts Senator Ron Allen, Julander, Evans, Suazo, and Spencer, excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Eighth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Bill Hickman, Michael Waddoups, and Karen Hale to notify the Governor's representative that the Senate is convened in the Eighth Extraordinary Session in accordance with his proclamation.

Senator Hickman advised the Senate that the Governor's representative has been notified of the convening of the Eighth Extraordinary Session.

Sandy D. Tenney read the following communication:

#### **COMMUNICATION FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: May 7, 2002

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

#### **CENTRAL UTAH WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS**

Harley M. Gillman reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Rondal McKee reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Enid Greene appointed to replace Patricia A. O'Rorke on the Central Utah Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

David R. Cox appointed to replace Afton G. Blood on the Central Utah Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Randy Crozier appointed to replace Leo Brady on the Central Utah Water Conservancy District Board of Directors for a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Ralph Duke appointed to replace Claude Hicken on the Central Utah Water Conservancy District Board of Directors for a term to begin January 1, 2003 and expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

#### **STATE TAX COMMISSION**

R. Bruce Johnson reappointed as a member of the State Tax Commission for a term to expire June 30, 2006. Section 59-1-201, Utah Code Annotated 1953, as amended. Mr. Johnson is a republican.

#### **TRANSPORTATION COMMISSION**

Jerry Lewis appointed to fill the unexpired term of Grey Larkin on the Transportation Commission, a term to expire April 1, 2007. Section 72-1-301, Utah Code Annotated 1953, as amended. Mr. Lewis is a republican.

Thank you for your timely consideration and confirmation of the above appointments.

**Michael O. Leavitt**  
Governor

Communication filed.

Senators Bramble, Peterson, and Hickman commented. Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Peterson	Poulton
Steele	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

R. Allen	Evans	Julander	Mayne
Spencer	Stephenson	Suazo	Valentine
Wright			

President Mansell directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Hickman reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Poulton, and at 12:30 p.m., the Senate adjourned sine die.

STATE OF UTAH

**SENATE JOURNAL**

FOURTH SPECIAL SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE

Wednesday, May 22, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth Special Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fourth Special Session convening on Wednesday, May 22, 2002, and adjourning sine die the same day.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**  
**SENATE JOURNAL**  
**FOURTH SPECIAL SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Fourth Extraordinary Session at 5:00 p.m., on Wednesday, May 22, 2002.*

The Senate was called to order with President Mansell presiding.

**Roll call** – All Senators present, except Senators Ron Allen, Julander, Spencer, and Walker, excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2002 General Session of the Fifty–Fourth 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, MICHAEL O. LEAVITT, 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–Fourth Legislature of the State of Utah into a Fourth Special Session at the State Capitol in Salt Lake City, Utah, on the 22nd day of May, 2002 at 5:00 p.m., for the following purposes:

1. To fund the Fiscal Year 2002 budget shortfall.

2. And, 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 State Capitol in Salt Lake  
City, Utah, this 21st day of May,  
2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of May 21st, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty-Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 22nd day of May, 2002, at 5:00 p.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session.

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 21st day of May,  
2002.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Fourth Special Session.

President Mansell appointed a committee comprised of Senators Hillyard, Knudson and Ed Allen to notify Governor Michael O. Leavitt that the Senate is convened in the Fourth Special Session in accordance with his proclamation and is organized and ready to receive any communications from him.

President Mansell appointed a committee comprised of Senators Stephenson, Hellewell, and Davis to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Hillyard reported that the House has been notified.

Senator Stephenson reported that the Governor has been notified.

\* \* \*

On motion of Senator Waddoups, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

The motion passed by the required constitutional two-thirds majority.

## INTRODUCTION OF BILLS

### 2002 BONDING FOR CAPITAL PROJECTS

**S.B. 4001**

*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. 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, the bill was placed on the Second Reading Calendar for immediate consideration.

## SECOND READING CALENDAR

**S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, under suspension of rules, was read the second time.

On motion of Senator Evans, the following substitute bill replaced the original bill.

### 2002 BONDING FOR CAPITAL PROJECTS

**1st Sub. S.B. 4001**

*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. THIS ACT TAKES EFFECT IMMEDIATELY.

On motion of Senator Evans, under suspension of the rules, **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, was considered read the second and third times. Senator Evans explained the bill. Senators Butters, Jenkins, and Peterson commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	Evans	Gladwell

Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Poulton	Stephenson	Suazo	Valentine
Waddoups	Wright	Mansell	

**Voting in the negative was:** Senator Buttars

**Absent or not voting were:** Senators

R. Allen	Julander	Spencer	Steele
Walker			

**1st Sub. S.B. 4001** was transmitted to the House.

**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 May 22nd, 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 Fourth 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 22nd day of May, 2002.

**Olene S. Walker**  
Lieutenant Governor

**SUPPLEMENTAL PROCLAMATION**

PURSUANT to Item 2 of the Proclamation issued May 21, 2002, calling the Legislature into special session on May 22, 2002, I add the following item to the agenda for the special session:

1. To consider whether and to what extent an electric utility may look to its rate base to recover the cost of new industrial infrastructure intended for a particular industrial customer.

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 22nd day of  
May, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

\* \* \*

On motion of Senator Poulton, and at 6:00 p.m., the Senate recessed.

The Senate was called to order at 6:50 p.m., with President Mansell presiding.

## **INTRODUCTION OF BILLS**

### **INDUSTRIAL ELECTRIC INFRASTRUCTURE ACT**

**S.B. 4002**

*Curtis S. Bramble*

THIS ACT MODIFIES THE PUBLIC UTILITIES TITLE TO ENACT THE INDUSTRIAL ELECTRIC INFRASTRUCTURE ACT INCLUDING THE DEFINITION OF TERMS. THE ACT ESTABLISHES WHAT IS A COVERED EXPENSE OF AN ELECTRICAL CORPORATION FOR NEW INDUSTRIAL ELECTRIC INFRASTRUCTURE AND HOW CUSTOMERS BECOME ELIGIBLE TO PARTICIPATE IN INFRASTRUCTURE AGREEMENTS. THE ACT PROVIDES THE REQUIREMENTS FOR INFRASTRUCTURE AGREEMENTS. THE ACT PROVIDES THAT COVERED EXPENSES WILL BE RECOVERED BY THE ELECTRICAL CORPORATION FROM ITS CUSTOMERS IN UTAH. THE ACT PROVIDES FOR THE ACCOUNTING TREATMENT OF COVERED EXPENSES. THIS ACT PROVIDES DIRECTION REGARDING HOW RECOVERY OF COVERED EXPENSES

ARE TO BE APPORTIONED AMONGST CUSTOMERS SHOULD AN ELIGIBLE CUSTOMER FAIL TO PAY AMOUNTS OWED UNDER AN INFRASTRUCTURE AGREEMENT. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and placed on the Second Reading Calendar.

**SECOND READING CALENDAR**

**S.B. 4002**, INDUSTRIAL ELECTRIC INFRASTRUCTURE ACT, was read the second time. Senator Bramble explained the bill. Senators Valentine, Mayne, Stephenson, Waddoups, Knudson, Dmitrich, Hickman, Blackham, and Valentine commented.

Senator Knudson made a motion to amend the bill. The motion failed.

On motion of Senator Bramble, under suspension of the rules, **S.B. 4002**, INDUSTRIAL ELECTRIC INFRASTRUCTURE ACT, was considered read the second and third times. Senator Gladwell declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 18; Nays, 4; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Hale	Hellewell	Hickman	Mayne
Peterson	Stephenson	Suazo	Valentine
Wright	Mansell		

**Voting in the negative were:** Senators

Gladwell	Jenkins	Knudson	Waddoups
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**Absent or not voting were:** Senators

R. Allen	Hillyard	Julander	Poulton
Spencer	Steele	Walker	

**S.B. 4002** was transmitted to the House.

\* \* \*

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: May 22, 2002

The House passed **H.B. 4001**, SUPPLEMENTAL APPROPRIATIONS ACT III, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

**H.B. 4001** was considered read the first time and placed on the Second Reading Calendar.

\* \* \*

On motion of Senator Poulton, and at 7:30 p.m., the Senate sauntered.

The Senate was called to order at 8:40 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

May 22, 2002

The House passed **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, by Senator B. Evans, with the following amendments:

1. Page 1, Line 15:  
Delete “\$180,200,000” and insert “\$162,230,000”
2. Page 2, Line 36:  
Delete “Capitol Restoration Design/” and after “Parking Structure” bracket “\$25,970,000” and insert “\$8,000,000”
3. Page 2, Line 43:  
After “DEVELOPMENT” delete “\$178,524,500” and insert “\$160,554,500”  
and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Evans, the Senate refused to concur in the House amendments. **1st Sub. S.B. 4001** was returned to the House for further consideration.

### SECOND READING CALENDAR

**H.B. 4001**, SUPPLEMENTAL APPROPRIATIONS ACT III, was read the second time. Senator Poulton explained the bill. Senators Hickman, Dmitrich, Blackham, Valentine, Butters, and Peterson commented.

On motion of Senator Poulton, under suspension of the rules, **H.B. 4001**, SUPPLEMENTAL APPROPRIATIONS ACT III, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Knudson	Mayne	Peterson	Poulton
Stephenson	Suazo	Valentine	Waddoups
Mansell			

**Absent or not voting were:** Senators

R. Allen	Bramble	Hillyard	Julander
Spencer	Steele	Walker	Wright

**H.B. 4001** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

President Mansell advised the Senate that the House has refused to recede from its amendments to **1st Sub. SB 4001**. President Mansell appointed a Joint Conference Committee consisting of Senators Hickman, Evans and Dmitrich to meet with a like committee from the House.

\* \* \*

On motion of Senator Poulton, and at 9:05 p.m., the Senate sauntered.

The Senate was called to order at 11:50 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: May 22, 2002

The House passed, **S.B. 4002**, INDUSTRIAL ELECTRIC INFRASTRUCTURE ACT, by Senator C. Bramble, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 4002** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: May 22, 2002

The House refuses to recede from its amendments to **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, by Senator B. Evans, and has appointed

a Conference Committee consisting of Representatives Adair, Curtis and King to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

\* \* \*

Mr. President: March 22, 2002

The House rejected the Joint Conference Committee Report dated May 22, 2002, on **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, by Senator B. Evans, and the Speaker has appointed a new Conference Committee consisting of Representatives Hatch, Ure and Gowans.

Carole E. Peterson, Chief Clerk

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President: May 22, 2002

The Joint Conference Committee comprised of Sens. Hickman, Evans, and Dmitrich, and Reps. Adair, Curtis, and King, recommends that the House recede from its amendments to **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, and adopt the original **1st Sub. S.B. 4001** without amendment.

Senator Bill Hickman  
Senate Chair  
Rep. Tom Hatch  
House Chair

Mr. President: May 22, 2002

The House adopted the Joint Conference Committee Report dated May 22, 2002, and passed **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 22, 2002

The Joint Conference Committee comprised of Sens. Hickman, Evans, and Dmitrich, and Reps. Hatch, Ure, and Gowans, recommends **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, by Senator B. Evans, with the following amendments:

1. Page 1, Line 6:  
After "facilities" insert "and by adopting intent language"

2. Page 3, Line 64:

After line 64 insert

“(5) It is the intent of the Legislature that the funding of the Capitol Restoration Design/Parking Structure does not bind this Legislature, or future Legislatures, to wholly or partially fund the capitol remodel.”

Senator Bill Hickman  
Senate Chair  
Rep. Tom Hatch  
House Chair

On motion of Senator Hickman the Senate voted to adopt the Conference Committee report.

The motion passed on the following roll call vote:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Jenkins	Knudson	Mayne	Peterson
Poulton	Stephenson	Suazo	Valentine
Waddoups	Mansell		

**Absent or not voting were:** Senators

R. Allen	Hillyard	Julander	Spencer
Steele	Walker	Wright	

**1st Sub. S.B. 4001** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

May 22, 2002

The House passed, **1st Sub. S.B. 4001**, 2002 BONDING FOR CAPITAL PROJECTS, by Senator B. Evans, 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. 4001** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

President Mansell appointed Senators Bill Hickman, Bill Wright, and Millie Peterson to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Peter Knudson, Dan Eastman, and Alicia Suazo to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

On motion by Sen. Evans the Senate voted to give the staff an extra 8 hours pay or compensatory time.

Senator Hickman reported that the Governor has been notified.

Senator Knudson reported that the House has been notified.

On motion of Senator Poulton, and at 12:05 a.m., the Fourth Special Session of the Fifty-Fourth Legislature adjourned sine die.

**PAGE  
INDEX**

SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE

FOURTH SPECIAL SESSION

Wednesday, May 22, 2002

<b>S.B. 4001</b> — 2002 BONDING FOR CAPITAL PROJECTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	1176
Read the second time	1176
Substituted	1176
Read the second and third time	1176
Transmitted to the House	1177
Amended	1178
Refuse to Concur	1180
Returned to the House	1183
Signed by the President in open session	1183
<b>S.B. 4002</b> — INDUSTRIAL ELECTRIC INFRASTRUCTURE ACT ( <i>C. Bramble</i> )	
Read for the first time	1178
Read the second time	1179
Read the second and third time	1179
Transmitted to the House	1179
Signed by the President and transmitted to the Governor	1181
<b>H.B. 4001</b> — SUPPLEMENTAL APPROPRIATIONS ACT III ( <i>J. Alexander</i> )	
Read for the first time and placed on calendar	1180
Read the second time	1180
Read the second and third time	1180
Signed by the President and returned to the House	1181

STATE OF UTAH

# **SENATE JOURNAL**

NINTH EXTRAORDINARY SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, June 19, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Ninth Extraordinary Session convening on Wednesday, June 19, 2002, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

**NINTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY–FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Ninth Extraordinary Session at 12:00 noon on Wednesday, June 19, 2002.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Michael Waddoups

**Pledge**– Senator Peter Knudson

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, 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 Senate only of the 54th Legislature of the State of Utah into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of June, 2002 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 4th day of June,  
2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of June 4, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Ninth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 19th day of June, 2002, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 4th day of June,  
2002.

**Olene S. Walker**  
Lieutenant Governor

**Roll call** – All Senators present, excepts Senators Dmitrich, Eastman, Julander, Poulton, and Spencer excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Ninth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Hillyard, Walker and Suazo to notify the Governor's representative that the Senate is convened in the Ninth Extraordinary Session in accordance with his proclamation.

Senator Hillyard advised the Senate that the Governor's representative has been notified of the convening of the Ninth Extraordinary Session.

Sandy D. Tenney read the following communication:

#### **COMMUNICATION 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:

#### **STATE BOARD OF REGENTS**

Khay Douangdara appointed to replace John B. Norman as the student representative on the State Board of Regents for a term to expire June 30, 2003. Section 53B-1-104, Utah Code Annotated 1953, as amended.

**COLLEGE OF EASTERN UTAH BOARD OF TRUSTEES**

Dennis Dooley appointed to fill the unexpired term of Phil Acton on the College of Eastern Utah Board of Trustees, a term to expire June 30, 2003. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**UTAH STATE UNIVERSITY BOARD OF TRUSTEES**

Lynette Hansen appointed to fill the unexpired term of Eugenia R. Echols on the Utah State University Board of Trustees, a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**SOUTHERN UTAH UNIVERSITY BOARD OF TRUSTEES**

Dane Leavitt appointed to fill the unexpired term of Alice Burns on the Southern Utah University Board of Trustees, a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**UTAH STATE RETIREMENT BOARD**

Phil Clinger appointed to fill the unexpired term of William N. Shiebler on the Utah State Retirement Board, a term to expire July 1, 2005. Section 49-1-202, Utah Code Annotated 1953, as amended.

**WORKERS COMPENSATION FUND BOARD OF DIRECTORS**

Robert D. Myrick reappointed as a member of the Workers Compensation Fund Board of Directors for a term to expire June 30, 2006. Section 31A-33-106, Utah Code Annotated 1953, as amended.

Vicki Varela appointed to replace August Glissmeyer on the Workers Compensation Fund Board of Directors for a term to expire June 30, 2006. Section 31A-33-106, Utah Code Annotated 1953, as amended.

Judd Turner appointed to replace Mark Heugly on the Workers Compensation Fund Board of Directors for a term to expire June 30, 2006. Section 31A-33-106, Utah Code Annotated 1953, as amended.

**UTAH ARTS COUNCIL BOARD OF DIRECTORS**

Mary Ann Lee appointed to fill the unexpired term of L. Scott Marsh on the Utah Arts Council Board of Directors, a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

Newell Dayley appointed to fill the unexpired term of Julia Moffitt on the Utah Arts Council Board of Directors, a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

**RADIATION CONTROL BOARD**

Rod O. Julander reappointed as a member of the Radiation Control Board for a term to expire July 1, 2006. Section 19-3-103, Utah Code Annotated 1953, as amended. Mr. Julander is a democrat.

Karen S. Langley reappointed as a member of the Radiation Control Board for a term to expire July 1, 2006. Section 19-3-103, Utah Code Annotated 1953, as amended. Ms. Langley is a republican.

Linda Kruse appointed to replace Cathleen Clarke Gilbert on the Radiation Control Board for a term to expire July 1, 2006. Section 19-3-103, Utah Code Annotated 1953, as amended. Ms. Kruse is a democrat.

John Thomson appointed to replace Barbara S. Reid on the Radiation Control Board for a term to expire July 1, 2006. Section 19-3-103, Utah Code Annotated 1953, as amended. Dr. Thomson is non-partisan.

Gene D. White appointed to replace Teryl Hunsaker on the Radiation Control Board for a term to expire July 1, 2006. Section 19-3-103, Utah Code Annotated 1953, as amended. Commissioner White is a democrat.

**BOARD OF CHILD AND FAMILY SERVICES**

Becky Oakley reappointed as a member of the Board of Child and Family Services for a term to expire July 1, 2006. Section 62A-4a-102, Utah Code Annotated 1953, as amended. Ms. Oakley is a republican.

Art Gardiner appointed to replace Jesse Fox on the Board of Child and Family Services for a term to expire July 1, 2006. Section 62A-4a-102, Utah Code Annotated 1953, as amended. Dr. Gardiner is a republican.

Karen Sitterud appointed to replace Elaine Platt on the Board of Child and Family Services for a term to expire July 1, 2006. Section 62A-4a-102, Utah Code Annotated 1953, as amended. Mrs. Sitterud is a democrat.

Margo Cain appointed to replace Regnal Garff on the Board of Child and Family Services for a term to expire July 1, 2006. Section 62A-4a-102, Utah Code Annotated 1953, as amended. Sister Cain is a democrat.

Cindy Ensign appointed to replace Kevin Packer on the Board of Child and Family Services for a term to expire July 1, 2006. Section 62A-4a-102, Utah Code Annotated 1953, as amended. Mrs. Ensign is a republican.

**COMMITTEE OF CONSUMER SERVICES**

Kent Bateman reappointed as a member of the Committee of Consumer Services for a term to expire July 1, 2006. Section 54-10-2, Utah Code Annotated 1953, as amended. Mr. Bateman is a republican.

Candace Hammer appointed to replace Sonny Garcia on the Committee of Consumer Services for a term to expire July 1, 2006. Section 54-10-2, Utah Code Annotated 1953, as amended. Mrs. Hammer is a democrat.

Franz Amussen appointed to replace Beverly White on the Committee of Consumer Services for a term to expire July 1, 2006. Section 54-10-2, Utah Code Annotated 1953, as amended. Mr. Amussen is independent.

#### **STATE RECORDS COMMITTEE**

Dixie Brunner reappointed as a member of the State Records Committee for a term to expire July 1, 2006. Section 63-2-501, Utah Code Annotated 1953, as amended.

LuAnn Adams appointed to replace Judy Bell on the State Records Committee for a term to expire July 1, 2006. Section 63-2-501, Utah Code Annotated 1953, as amended.

#### **JUDICIAL CONDUCT COMMISSION**

Flora Ogan 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. Ms. Ogan is a republican.

Joe Judd 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. Judd is a democrat.

#### **STATE CAPITOL PRESERVATION BOARD**

Lawrence D. Reaveley reappointed as a member of the State Capitol Preservation Board for a term to expire July 1, 2004. Section 63C-9-201, Utah Code Annotated 1953, as amended.

Neal P. Stowe reappointed as a member of the State Capitol Preservation Board for a term to expire July 1, 2004. Section 63C-9-201, Utah Code Annotated 1953, as amended.

#### **REAL ESTATE COMMISSION**

Dottie Burnham appointed to replace Lynn Snow on the Real Estate Commission for a term to expire June 30, 2006. Section 61-2-5.5 Utah Code Annotated 1953, as amended.

Maralee Jensen appointed to replace Julie Mackay on the Real Estate Commission for a term to expire June 30, 2006. Section 61-2-5.5 Utah Code Annotated 1953, as amended.

**REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD**

Paul M. King reappointed as a member of the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2006. Section 61-2b-7, Utah Code Annotated 1953, as amended.

Phillip Cook appointed to replace Jerry Webber on the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2006. Section 61-2b-7, Utah Code Annotated 1953, as amended.

Jennifer Szczykowski appointed to replace Thomas Anderson on the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2006. Section 61-2b-7, Utah Code Annotated 1953, as amended.

**BOARD OF YOUTH CORRECTIONS**

Georgia Block appointed to fill the unexpired term of Yvette Diaz on the Board of Youth Corrections, a term to expire April 1, 2005. Section 62A-1-105, Utah Code Annotated 1953, as amended. Ms. Block is non-partisan.

**UTAH TECHNOLOGY FINANCE CORPORATION BOARD OF TRUSTEES**

A. Bruce Bishop reappointed as a member of the Utah Technology Finance Corporation Board of Trustees for a term to expire June 20, 2006. Section 9-13-202, Utah Code Annotated 1953, as amended.

Bernie R. Diamond reappointed as a member of the Utah Technology Finance Corporation Board of Trustees for a term to expire June 20, 2006. Section 9-13-202, Utah Code Annotated 1953, as amended.

Kimball L. Young reappointed as a member of the Utah Technology Finance Corporation Board of Trustees for a term to expire June 20, 2006. Section 9-13-202, Utah Code Annotated 1953, as amended.

Thank you for your timely consideration and confirmation of the above appointments.

**Michael O. Leavitt**  
Governor

Communication filed.

## COMMUNICATION

Mr. President:

June 19, 2002

The Judicial Confirmation Committee reports a favorable recommendation on Mr. Joe C. Judd and Ms. Flora Ogan for appointment to the Judicial Conduct Commission.

D. Chris Buttars, Chair

\* \* \*

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Peterson
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Dmitrich	Eastman	Julander	Poulton
Spencer			

President Mansell directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Hillyard reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Valentine, and at 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

**FIFTH SPECIAL SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE**

Convened  
Wednesday, June 26, 2002

Adjourned Sine Die  
Tuesday, July 9, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth Special Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifth Special Session convening on Wednesday, June 26, 2002, and adjourning sine die on Tuesday July 9, 2002.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**  
**SENATE JOURNAL**  
**FIFTH SPECIAL SESSION**  
**of the**  
**FIFTY-FOURTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Fifth Extraordinary Session at 8:30 a.m., on Wednesday, June 26, 2002.*

The Senate was called to order at 8:55 a.m. with President Mansell presiding.

**Prayer** – Senator Scott Jenkins

**Pledge of Allegiance** – Senator Ed Mayne

**Roll call** – All Senators present, except Senators Ed Allen, Gladwell, Poulton, Spencer, and Wright excused.

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2002 General Session of the Fifty-Fourth 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, MICHAEL O. LEAVITT, 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-Fourth Legislature of the State of Utah into a Fifth Special Session at the State Capitol in Salt Lake City, Utah, on the 26th day of June, 2002 at 8:30 a.m., for the following purposes:

1. To fund the Fiscal Year 2003 budget and consider amendments to the budget reserve account.
2. To reconsider HB 25, Adult Protective Services Amendments, passed in the 2002 general session for the purpose of making technical corrections.

3. To reconsider the timing of county canvassing, as amended by SB 36, Provisional Ballot, in the 2002 general session.

4. To consider amending the law on the collection, maintenance, and reporting of data by the courts with respect to driving under the influence cases.

5. To consider approving the proposed 2002 federal–Utah state trusts lands consolidation agreement.

6. To consider authorizing a local political subdivision to call a local special election for determining voter approval of a change in Utah’s legal boundaries.

7. And, 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 State Capitol in Salt Lake  
City, Utah, this 19th day of  
June, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

### CERTIFICATION

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of June 19th, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty–Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 26th day of June, 2002, at 8:30 a.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session.

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 19th day of  
June, 2002.

**Olene S. Walker**  
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Fifth Special Session.

President Mansell appointed a committee comprised of Senators Blackham, Bramble, and Hale to notify Governor Michael O. Leavitt that the Senate is convened in the Fifth Special Session in accordance with his proclamation and is organized and ready to receive any communications from him.

President Mansell appointed a committee comprised of Senators Hickman, Jenkins, and Ron Allen to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Ron Allen reported that the House has been notified.

Senator Blackham reported that the Governor has been notified.

\* \* \*

On motion of Senator Waddoups, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

The motion passed by the required constitutional two-thirds majority.

\* \* \*

On motion of Senator Valentine and at 9:10 a.m., the Senate adjourned until 9:00 a.m., Monday, July 8, 2002.

**STATE OF UTAH**  
**SENATE JOURNAL**  
**FIFTH SPECIAL SESSION**

The Senate was called to order at 3:15 p.m. with President Mansell presiding.

**Prayer** – Senator Karen Hale

**Pledge of Allegiance** – Senator David Steele

**Roll call** – All Senators present, except Senators Bramble, and Wright excused.

**INTRODUCTION OF BILLS**

**CANVASS FOR PROVISIONAL BALLOT**

**S.B. 5001**

*John W. Hickman*

THIS ACT MODIFIES THE ELECTION CODE BY MODIFYING THE CANVASS DATES FOR PRIMARY AND GENERAL ELECTIONS. 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. 5001** was placed on the Second Reading Calendar for immediate consideration.

**SECOND READING CALENDAR**

On motion of Senator Hickman, under suspension of the rules, **S.B. 5001**, CANVASS FOR PROVISIONAL BALLOT, was considered read the second and third times. Senator Hickman explained the bill. Senator Evans commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Eastman
Suazo	Wright		

**S.B. 5001** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

July 8, 2002

The House passed **H.B. 5001**, TECHNICAL AMENDMENTS TO ADULT PROTECTIVE SERVICES AMENDMENTS, by Representative P. Jones, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 5001** was read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, **H.B. 5001** was placed at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Valentine, under suspension of the rules, **H.B. 5001**, TECHNICAL AMENDMENTS TO ADULT PROTECTIVE SERVICES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Eastman	Hickman
Spencer	Suazo	Wright	

**H.B. 5001** was signed by the President of the Senate in open session and returned to the House.

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

July 8, 2002

The House passed, as substituted, **1st Sub. H.B. 5002**, COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES, by Representative A. L. Tyler, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **1st Sub. H.B. 5002** was read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, **1st Sub. H.B. 5002** was placed at the top of the Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Buttars, under suspension of the rules, **1st Sub. H.B. 5002**, COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES, was considered read the second and third times. Senators Waddoups, Walker, Valentine and Steele commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Buttars	Davis
Dmitrich	Eastman	Evans	Gladwell
Hale	Hellewell	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Hillyard
Spencer	Suazo	Wright	

**1st Sub. H.B. 5002** was signed by the President of the Senate in open session and returned to the House.

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

July 8, 2002

The House passed, as amended, **H.B. 5003**, LOCAL SPECIAL ELECTION AMENDMENTS, by Representative E. Anderson, with the following amendment:

Page 2, Line 32:

After “(v)” insert “if required or authorized by federal law.” and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 5003** was read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, **H.B. 5003** was placed at the top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Ron Allen, under suspension of the rules, **H.B. 5003**, LOCAL SPECIAL ELECTION AMENDMENTS, was considered read the second and third times. Senators Waddoups commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**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	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Spencer
Suazo	Wright		

**H.B. 5003** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Valentine and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, July 9, 2002.

INDEX

**H.B. 5001** — TECHNICAL AMENDMENTS TO ADULT PROTECTIVE SERVICES AMENDMENTS (*P. Jones*)

- Read for the first time and referred to the Rules Committee ..... 6
- Placed on calendar ..... 6
- Read the second and third time ..... 6
- Signed by the President and returned to the House ..... 6

**1st Sub. H.B. 5002** — COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES (*A. L. Tyler*)

- Read for the first time and referred to the Rules Committee ..... 7
- Placed on calendar ..... 7
- Read the second and third time ..... 7
- Signed by the President and returned to the House ..... 7

**H.B. 5003** — LOCAL SPECIAL ELECTION AMENDMENTS (*E. Anderson*)

- Amendments ..... 7
- Read for the first time and referred to the Rules Committee ..... 8
- Placed on calendar ..... 8
- Read the second and third time ..... 8
- Signed by the President and returned to the House ..... 8

**S.B. 5001** — CANVASS FOR PROVISIONAL BALLOT (*J. Hickman*)

- 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

**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

Communication filed. **H. J.R. 501** was 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 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

**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.

\* \* \*

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.

\* \* \*

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
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**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

### ADVISE AND CONSENT

#### 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.

\* \* \*

**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
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**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**,as amended, 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
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**3rd Sub. H.B. 5004**, as substituted, was returned to the House.

\* \* \*

Having voted on the prevailing side, 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
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**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
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**Absent or not voting were:** Senators

Bramble	Spencer	Suazo
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**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 "exists" 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
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**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
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**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
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**Absent or not voting were:** Senators

Bramble	Hickman	Spencer	Suazo
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**S.B. 5013** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, and at 6:30 p.m., 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
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**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** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

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** was 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   |          |           |         |

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators Bramble                      Spencer                      Suazo

**H.B. 5014** 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 requests the return of **S.B. 5004**, ELIMINATION OF ANNUAL LEAVE CONVERSION, by Senator B. Evans, for reconsideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Knudson, the Senate voted to return **S.B. 5004** to the House.

Mr. President: July 9, 2002

The House passed, as amended, **S.B. 5012**, GUBERNATORIAL AND LEGISLATIVE TASK FORCE ON ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING, by Senator L. Blackham, with the following amendments:

1. Page 1, Line 24:  
Delete "Legislature" and insert "Senate"  
and after "of the Senate" delete "and" and insert "; (d) one member of the House of Representatives appointed by"  
Renumber remaining sections accordingly  
and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **S.B. 5012**, GUBERNATORIAL AND LEGISLATIVE TASK FORCE ON ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING. The bill, as amended, 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
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**S.B. 5012** was returned to the House.

\* \* \*

Mr. President:

July 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 111  
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

Communication filed. **H.B. 5009** was 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
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**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
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**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:

1. 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
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**Absent or not voting were:** Senators

Bramble	Hillyard	Spencer	Suazo
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**1st Sub. S.B. 5004** was returned to the House.

### COMMUNICATIONS FROM 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 and returned to the House.

\* \* \*

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.

**PAGE  
INDEX**

SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-FOURTH LEGISLATURE

FIFTH SPECIAL SESSION

**Wednesday, June 26, 2002**

**through**

**Tuesday, July 9, 2002**



<b>S.B. 5001</b> — CANVASS FOR PROVISIONAL BALLOT ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	1203
Placed on calendar	1203
Read the second and third time	1203
Transmitted to the House	1204
Signed by the President and transmitted to the Governor	1224
<b>S.B. 5002</b> — SURCHARGE ON TRAFFIC VIOLATIONS AMENDMENTS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	1210
Placed on calendar	1211
Read the second and third time	1211
Transmitted to the House	1212
Signed by the President and transmitted to the Governor	1233
<b>S.B. 5003</b> — TRANSPORTATION FUND TRANSFERS ( <i>S. Jenkins</i> )	
Read for the first time and referred to the Rules Committee	1211
Placed on calendar	1211
Read the second and third time	1212
Failed	1212
Filed	1212
Reconsideration	1226
Substituted	1226
Read the second and third time	1227
Transmitted to the House	1227
Signed by the President and transmitted to the Governor	1239
<b>S.B. 5004</b> — ANNUAL LEAVE CONVERSION ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	1211
Placed on calendar	1211
Read the second and third time	1212
Transmitted to the House	1213
Returned to the House	1234
Signed by the President and transmitted to the Governor	1224
Concurrence	1240
Returned to the House	1241
Signed by the President and transmitted to the Governor	1241
<b>S.B. 5005</b> — CAPITAL IMPROVEMENT AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	1213
Placed on calendar	1213
Read the second and third time	1214
Transmitted to the House	1214
Signed by the President and transmitted to the Governor	1224
<b>S.B. 5006</b> — 2002 CAPITAL FACILITIES BONDING ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	1213
Placed on calendar	1213
Read the second and third time	1214
Transmitted to the House	1215
Returned to the House	1228
Concurrence	1227
Signed by the President and transmitted to the Governor	1230
<b>S.B. 5007</b> — EMERGENCY MEDICAL SERVICES SURCHARGE AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	1217
Placed on calendar	1218
Read the second and third time	1218
Transmitted to the House	1219
Signed by the President and transmitted to the Governor	1224
<b>S.B. 5008</b> — CIGARETTE TAX REVENUE DISTRIBUTION AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	1217
Placed on calendar	1218
Read the second time	1219
Circled	1219
<b>S.B. 5009</b> — STATUTORY AMENDMENTS FOR MEDICAID BUDGET REDUCTIONS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	1217
Placed on calendar	1218
Read the second and third time	1219
Transmitted to the House	1220
Signed by the President and transmitted to the Governor	1224
<b>S.B. 5010</b> — MINIMUM SCHOOL PROGRAM AMENDMENTS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee	1221
Placed on calendar	1221
Read the second and third time	1223
Amendments	1223
Transmitted to the House	1223
Refuse to Concur	1231

Returned to the House .....	1231
Concurrence .....	1239
Returned to the House .....	1240
Signed by the President and transmitted to the Governor .....	1241
<b>S.B. 5011</b> — STATUTORY AMENDMENTS TO IMPLEMENT BUDGET CUTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee .....	1225
Placed on calendar .....	1225
Read the second and third time .....	1228
Amendments .....	1228
Transmitted to the House .....	1229
Signed by the President and transmitted to the Governor .....	1239
<b>S.B. 5012</b> — 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 .....	1225
Placed on calendar .....	1225
Read the second and third time .....	1229
Transmitted to the House .....	1229
Returned to the House .....	1235
Signed by the President and transmitted to the Governor .....	1241
<b>S.B. 5013</b> — HIGHER EDUCATION BUDGET AUTHORITY ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee .....	1228
Placed on calendar .....	1228
Read the second and third time .....	1229
Transmitted to the House .....	1230
Signed by the President and transmitted to the Governor .....	1239

<b>H.B. 5001</b> — TECHNICAL AMENDMENTS TO ADULT PROTECTIVE SERVICES AMENDMENTS ( <i>P. Jones</i> )	
Read for the first time and referred to the Rules Committee	1204
Placed on calendar	1204
Read the second and third time	1204
Signed by the President and returned to the House	1204
<b>1st Sub. H.B. 5002</b> — COURT RECORDS OF DRIVING UNDER THE INFLUENCE CASES ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee	1205
Placed on calendar	1205
Read the second and third time	1205
Signed by the President and returned to the House	1205
<b>H.B. 5003</b> — LOCAL SPECIAL ELECTION AMENDMENTS ( <i>E. Anderson</i> )	
Amendments	1205
Read for the first time and referred to the Rules Committee	1206
Placed on calendar	1206
Read the second and third time	1206
Signed by the President and returned to the House	1206
<b>H.B. 5004</b> — SALARIES FOR LEGISLATORS AND CONSTITUTIONAL OFFICES ( <i>J. Murray</i> )	
Read for the first time and referred to the Rules Committee	1224
Placed on calendar	1224
Read the second time	1225
Substituted	1225
Read the second and third time	1226
Returned to the House	1226
Signed by the President and returned to the House	1232
<b>H.B. 5005</b> — REPEAL OF UNFUNDED CONSUMER HEARING PANEL ( <i>M. Throckmorton</i> )	
Read for the first time and referred to the Rules Committee	1218
Placed on calendar	1218
Read the second time	1220
Circled	1221
Uncircled	1222
Read the second and third time	1222
Signed by the President and returned to the House	1223
<b>H.B. 5007</b> — EXTENSION OF BASIC SKILLS COMPETENCY TEST ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	1220
Placed on calendar	1220
Read the second and third time	1221
Signed by the President and returned to the House	1221
<b>H.B. 5008</b> — CONSOLIDATION OF DIVISIONS OF MENTAL HEALTH AND SUBSTANCE ABUSE ( <i>J. Seitz</i> )	
Read for the first time and referred to the Rules Committee	1220
Placed on calendar	1220
Read the second and third time	1222
Signed by the President and returned to the House	1222
<b>H.B. 5009</b> — SUPPLEMENTAL APPROPRIATIONS ACT IV ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	1237
Placed on calendar	1237
Read the second and third time	1238
Returned to the House	1238
Signed by the President and transmitted to the Governor	1241
<b>H.B. 5014</b> — APPROPRIATION TO GENERAL FUND FROM PERMANENT STATE TRUST FUND ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	1231

Placed on calendar .....	1231
Read the second time .....	1231
Circled .....	1232
Uncircled .....	1233
Read the second and third time .....	1233
Signed by the President and returned to the House .....	1234
<b>H.B. 5015</b> — CORRECTIONS – PROCEDURES AND FEES ( <i>G. Way</i> )	
Read for the first time and referred to the Rules Committee .....	1231
Placed on calendar .....	1231
Read the second and third time .....	1232
Signed by the President and returned to the House .....	1232
<b>H.J.R. 501</b> — RESOLUTION APPROVING FEDERAL – UTAH STATE TRUST LANDS CONSOLIDATION AGREEMENT ( <i>B. Johnson</i> )	
Amendments .....	1209
Read for the first time and referred to the Rules Committee .....	1210
Placed on calendar .....	1210
Read the second and third time .....	1210
Signed by the President and returned to the House .....	1210
<b>H.J.R. 502</b> — RESOLUTION CLOSING DISTRICT COURT IN ROY ( <i>A. L. Tyler</i> )	
Read for the first time and referred to the Rules Committee .....	1218
Placed on calendar .....	1218
Read the second and third time .....	1220
Signed by the President and returned to the House .....	1220

**COMMITTEES OF THE WHOLE INDEX**

Atkinson, Pamela – IHC ..... 302

Beattie, Lane – State Olympic Officer ..... 507

Chuk, Frank – 10th Mountain Division ..... 331

Curry, Jedadiah – Eagle Scout ..... 228

Flowers, Robert L., Commissioner, UT Public Safety ..... 836

Fuller, Susan – teacher, Upland Terrace Elementary School ..... 440

Gardner, Bob ..... 373

Hansen, Congressman James V. .... 421

Howe, Chief Justice Richard C. .... 274

Hussein, Princess Aisha Bint Al of Jordan ..... 648

Martin Luther King Jr./Human Rights Commission ..... 173

Matheson, Congressman Jim ..... 441

Morgan, Robert L – Exec Director, Dept of Natural Resources. .... 188

Njord, John R. – Executive Director – Dept of Transportation ..... 10

Norris, Ken – National. Director High School Rodeo Association ..... 442

Romney, Mitt – Salt Lake Olympic Committee ..... 577

Roth, Stephen L – Judge, Third District. .... 188

Sakrison, David L. – Mayor of Moab ..... 725

Salt Lake Urban Search and Rescue ..... 446

Schuffenhauer, Bill – 2002 Winter Olympian ..... 647

Taylor, Nedra – Teacher of the Year for Burton Elementary ..... 359

**RECOGNITIONS**

J. Wayne Lewis – LRGC employee ..... 12

Musical presentation – Melissa Webb & Jacci Sharp ..... 65

Suazo, Pete – SCR 201 ..... 65

Voices of Friendship – international children’s choir ..... 64

Utah Emergency Medical Training Program ..... 321

National Board Certified Teachers ..... 705

Ramon Samp ..... 706

## JOURNAL INDEX

	<b>Page</b>
FIRST SPECIAL SESSION, June 20, 2002 .....	3
THIRD EXTRAORDINARY SESSION – July 18, 2001 .....	37
FOURTH EXTRAORDINARY SESSION– September 12, 2001 .....	51
Suazo, Alicia L. – Oath of Office .....	53
SECOND SPECIAL SESSION, September 25 & 26, October 1, 2001 .....	59
Redistricting Guidelines .....	61
FIFTH EXTRAORDINARY SESSION– October 24, 2001 .....	103
SIXTH EXTRAORDINARY SESSION– November 14, 2001 .....	111
GENERAL SESSION 2002 (54th Legislature)	
January 21, 2002 to March 6, 2002	
Adjourn .....	922
Advise and Consent .....	187, 595
Committees .....	135, 930
Committees of the Whole Index .....	1249
Convene .....	129
Employees 2002 Session .....	928
Final Action Index .....	1093
Governor Leavitt’s Opening Remarks .....	307
Joint Conventions .....	306
Judiciary, State of .....	274
Leadership – House .....	127
Leadership – Senate (photos) .....	121
Legislative Summary .....	935
Membership .....	125
Motion to suspend reading .....	134
President’s Message .....	171
Reading of Titles of Bills (motion) .....	134
Rules, Senate and Joint .....	133
Senators (photo) .....	124
State Officials .....	127
Subject Index .....	939
SEVENTH EXTRAORDINARY SESSION – April 24, 2002 .....	1129
VETO OVERRIDE SESSION – April 24, 2002 .....	1139
THIRD SPECIAL SESSION – April 24, 2002 to April 29, 2002 .....	1149
EIGHTH EXTRAORDINARY SESSION – May 22, 2002 .....	1165
FOURTH SPECIAL SESSION – May 22, 2002 .....	1173
NINTH EXTRAORDINARY SESSION – June 19, 2002 .....	1189
FIFTH SPECIAL SESSION – June 26, 2002 to July 9, 2002 .....	1199