STATE OF UTAH

SENATE JOURNAL

SEVENTH EXTRAORDINARY SESSION
OF THE
FIFTY–FIRST LEGISLATURE

Wednesday, May 15, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh Extraordinary Session of the Fifty–First 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, May 15, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Sarah J. Streator
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

SEVENTH EXTRAORDINARY SESSION
of the
FIFTY–FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–First 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, May 15, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Lyle Hillyard.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into a Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of May, 1996 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 1996 General Session of the 51st 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 April, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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 30, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty–First Legislature of the State of Utah into a Seventh Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 15th day of May, 1996, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has changed from that of the 1996 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 30th day of April, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty–First Legislature as the rules for the Seventh Extraordinary Session.

President Beattie appointed a committee comprised of Senators McAllister, Tanner, and M. Peterson to notify Governor Michael O. Leavitt that the Senate is

convened in the Seventh Extraordinary Session in accordance with his proclamation.

Senator McAllister advised the Senate that the Governor has been notified of the convening of the Seventh Extraordinary Session.

Sandy D. Tenney read the following communication:

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: April 30, 1996

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

James J. Smedley appointed as a member of the Central Utah Water Conservancy District Board of Directors, to fill the unexpired term of Peter A. Coleman, a term to expire January 15, 1998. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Robert F. Weyher, Jr. reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 15, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

WEBER BASIN WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

Max B. Rigby reappointed as a member of the Weber Basin Water Conservancy District for a term to expire June 30, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Scott F. Peterson reappointed as a member of the Weber Basin Water Conservancy District for a term to expire June 30, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

UTAH STATE UNIVERSITY BOARD OF TRUSTEES

Willis G. Candland appointed as a member of the Utah State University Board of Trustees to fill the unexpired term of John S. Boyden, a term to expire June 30, 1999. Section 53B-2-103, Utah Code Annotated 1953, as amended.

BOARD OF MENTAL HEALTH

Charles Jay Fox appointed as a member of the Board of Mental Health, to fill the unexpired term of Meredith Alden, a term to expire April 1, 1999. Section 62A-12-104, Utah Code Annotated 1953, as amended.

Catherine Udall appointed as a member of the Board of Mental Health, to fill the unexpired term of Peggy Timblin, a term to expire April 1, 1999. Section 62A-12-104, Utah Code Annotated 1953, as amended.

UTAH HEALTH POLICY COMMISSION

Rod Betit reappointed as a member of the Utah Health Policy Commission for a term to expire June 30, 2000. Section 63C-3-101, Utah Code Annotated 1953, as amended.

Roberta Herzberg reappointed as a member of the Utah Health Policy Commission for a term to expire June 30, 2000. Section 63C-3-101, Utah Code Annotated 1953, as amended.

Marilyn Tang appointed as a member of the Utah Health Policy Commission, to fill the unexpired term of Richard Shipley, a term to expire June 30, 1996, and for a subsequent full four-year term to expire June 30, 2000. Section 63C-3-101, Utah Code Annotated 1953, as amended.

UTAH STATEHOOD CENTENNIAL COMMISSION

Dianne Hesleph appointed as a member of the Utah Statehood Centennial Commission to fill the unexpired term of Colleen Bangerter, a term to expire April 1, 1997. Section 9-1-501, Utah Code Annotated 1953, as amended.

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Georgia Block reappointed as a representative of public education on the Commission On Criminal And Juvenile Justice for a term to expire May 1, 1998. Section 63-25a-101, Utah Code Annotated 1953, as amended.

JUDICIAL CONDUCT COMMISSION

Kenneth L. Warnick reappointed as a member of the Judicial Conduct Commission for a term to expire July 1, 1999. Section 78-7-27, Utah Code Annotated 1953, as amended.

Sylvia Bennion reappointed as a member of the Judicial Conduct Commission for a term to expire July 1, 1999. Section 78–7–27, Utah Code Annotated 1953, as amended.

UTAH TECHNOLOGY FINANCE CORPORATION BOARD OF TRUSTEES

Lawrence W. Alder reappointed as a member of the Utah Technology Finance Corporation Board of Trustees for a term to expire June 30, 2000. Section 9–2–704, Utah Code Annotated 1953, as amended.

Ronald J. Ockey appointed as a member of the Utah Technology Finance Corporation Board of Trustees for a term to expire June 30, 2000. Section 9–2–704, Utah Code Annotated 1953, as amended.

Lisa Michele Church appointed as a member of the Utah Technology Finance Corporation Board of Trustees for a term to expire June 30, 2000. Section 9–2–704, 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 Myrin 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

Black	Dmitrich	Hillyard	Holmgren
Howell	Hull	Mayne	McAllister
Money	Montgomery	Myrin	C. Peterson
M. Peterson	Poulton	Rees	Richards
Steele	Steiner	Stephenson	Stewart
Tanner	Taylor	Watson	Beattie

Absent or not voting were: Senators

Blackham	Buhler	Mansell	Mantes
Wharton			

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

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

On motion of Senator C. Peterson, and at 12:20 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

EIGHTH EXTRAORDINARY SESSION
OF THE
FIFTY–FIRST LEGISLATURE

Wednesday, June 19, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth Extraordinary Session of the Fifty–First 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, June 19, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Sarah J. Streator
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

EIGHTH EXTRAORDINARY SESSION

of the

FIFTY-FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-First 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, June 19, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Joseph Hull.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into a Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of June, 1996 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 1996 Second Special Session of the 51st 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, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty–First Legislature of the State of Utah into a Eighth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 19th day of June, 1996, 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 1996 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, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

Roll Call – All members present, except Senators Buhler, Mansell, C. Peterson, Poulton, Rees, Stephenson, Tanner, and Wharton, excused.

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty–First Legislature as the rules for the Eighth Extraordinary Session.

President Beattie appointed a committee comprised of Senators Steele, Richards, and Mayne to notify Governor Michael O. Leavitt that the Senate is convened in the Eighth Extraordinary Session in accordance with his proclamation.

Senator Steele advised the Senate that the Governor has been notified of the convening of the Eighth Extraordinary Session.

Sandy D. Tenney read the following communication:

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: April 30, 1996

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

SALT LAKE COUNTY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

Royce Gibson reappointed as a member of the Salt Lake Water Conservancy District Board of Directors for a term to expire May 30, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Paul Henderson reappointed as a member of the Salt Lake Water Conservancy District Board of Directors for a term to expire May 30, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Gary Swensen reappointed as a member of the Salt Lake Water Conservancy District Board of Directors for a term to expire May 30, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Carl S. Hawkins reappointed as a member of the Alcoholic Beverage Control Commission for a term to expire July 1, 2000. Section 32A-1-106, Utah Code Annotated 1953, as amended.

COMMISSIONER OF FINANCIAL INSTITUTIONS

G. Edward Leary reappointed as the Commissioner of Financial Institutions for a term to expire July 15, 2000. Section 7-1-202, Utah Code Annotated 1953, as amended.

REAL ESTATE COMMISSION

Max D. Thompson appointed as a member of the Real Estate Commission for a term to expire June 30, 2000. Section 61-2-5.5, Utah Code Annotated 1953, as amended.

INDUSTRIAL COMMISSION OF UTAH

R. Lee Ellertson appointed to fill the unexpired term of Stephen M. Hadley on the Industrial Commission of Utah, a term to expire March 1, 1997. Section 35-1-1, Utah Code Annotated 1953, as amended.

STATE BOARD OF REGENTS

W. Brett Graham appointed as a student regent on the State Board of Regents for a term to expire June 30, 1997. Section 53B-1-104, Utah Code Annotated 1953, as amended.

PERMANENT COMMUNITY IMPACT FUND BOARD

Mayor Leonard E. Heeney reappointed as a member of the Permanent Community Impact Fund Board for a term to expire July 1, 2000. Section 9-4-304, Utah Code Annotated 1953, as amended.

Commissioner William B. Redd reappointed as a member of the Permanent Community Impact Fund Board for a term to expire July 1, 2000. Section 9-4-304, Utah Code Annotated 1953, as amended.

Commissioner Roy "Pug" Urie reappointed as a member of the Permanent Community Impact Fund Board for a term to expire July 1, 2000. Section 9-4-304, Utah Code Annotated 1953, as amended.

Commissioner Ralph Okerlund appointed as a member of the Permanent Community Impact Fund Board for a term to expire July 1, 2000. Section 9-4-304, Utah Code Annotated 1953, as amended.

SOIL CONSERVATION COMMISSION

Norman Carroll reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2000. Section 4-18-4, Utah Code Annotated 1953, as amended.

Dee A. Waldron appointed as a member of the Soil Conservation Commission for a term to expire May 8, 2000. Section 4–18–4, Utah Code Annotated 1953, as amended.

DRINKING WATER BOARD

Dr. Donald F. Hayes appointed to fill the unexpired term of Dr. Lynn Wallace on the Drinking Water Board, a term to expire May 8, 1999. Section 19–4–103, Utah Code Annotated 1953, as amended.

RADIATION CONTROL BOARD

Khosrow B. Semnani reappointed as a member of the Radiation Control Board for a term to expire July 1, 2000. Section 19–3–103, Utah Code Annotated 1953, as amended.

Norman R. Sunderland reappointed as a member of the Radiation Control Board for a term to expire July 1, 2000. Section 19–3–103, Utah Code Annotated 1953, as amended.

Lowell D. White reappointed as a member of the Radiation Control Board for a term to expire July 1, 2000. Section 19–3–103, Utah Code Annotated 1953, as amended.

Gary L. Edwards appointed as a member of the Radiation Control Board for a term to expire July 1, 2000. Section 19–3–103, Utah Code Annotated 1953, as amended.

AIR QUALITY BOARD

Dr. Richard Kanner reappointed as a member of the Air Quality Board for a term to expire March 1, 1997. Section 19–2–103, Utah Code Annotated 1953, as amended.

BOARD OF AGING AND ADULT SERVICES

Anne B. Smith appointed to fill the unexpired term of John Smith on the Board of Aging and Adult Services, a term to expire April 1, 1999. Section 62A–3–107, 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 Myrin moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Black	Blackham	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mantes
Mayne	McAllister	Money	Montgomery
Myrin	M. Peterson	Richards	Steele
Steiner	Stewart	Taylor	Watson
Beattie			

Absent or not voting were: Senators

Buhler	Mansell	C. Peterson	Poulton
Rees	Stephenson	Tanner	Wharton

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

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

On motion of Senator Blackham, and at 12:35 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

NINTH EXTRAORDINARY SESSION
OF THE
FIFTY–FIRST LEGISLATURE

Wednesday, July 17, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth Extraordinary Session of the Fifty-First 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, July 17, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Sarah J. Streator
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

NINTH EXTRAORDINARY SESSION

of the

FIFTY–FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–First Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Ninth Extraordinary Session at 12:15 p.m. on Wednesday, July 17, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Scott Howell.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of July, 1996 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 1996 General Session of the 51st 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 2nd day of July, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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 2, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-first Legislature of the State of Utah into a Ninth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 17th day of July, 1996, 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 1996 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 2nd day of July, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

Roll call - All members present, except Senators Hillyard, Rees, Stewart, and Wharton, excused.

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty-First Legislature as the rules for the Ninth Extraordinary Session.

President Beattie appointed a committee comprised of Senators Mansell, McAllister, and Black to notify Governor Michael O. Leavitt that the Senate is convened in the Ninth Extraordinary Session in accordance with his proclamation.

Senator Mansell advised the Senate that the Governor has been notified of the convening of the Ninth Extraordinary Session.

Sandy D. Tenney read the following communication:

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: July 2, 1996

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

BOARD OF TRUSTEES OF THE UTAH NAVAJO TRUST FUND

John Harja appointed as a member of the Board of Trustees of the Utah Navajo Trust Fund for a term to expire July 1, 2000. Section 63-88-103, Utah Code Annotated 1953, as amended.

UTAH SPORTS AUTHORITY

Paul F. Barber reappointed as a member of the Utah Sports Authority for a term to expire January 1, 2000. Section 63A-7-104, Utah Code Annotated 1953, as amended.

Alan M. Lipman reappointed as a member of the Utah Sports Authority for a term to expire January 1, 2000. Section 63A-7-104, Utah Code Annotated 1953, as amended.

Mark Miller reappointed as a member of the Utah Sports Authority for a term to expire January 1, 2000. Section 63A-7-104, Utah Code Annotated 1953, as amended.

Kenneth H. Bullock reappointed as a representative of cities and towns on the Utah Sports Authority for a term to expire January 1, 2000. Section 63A-7-104, Utah Code Annotated 1953, as amended.

James C. Robinson reappointed as a representative of counties on the Utah Sports Authority for a term to expire January 1, 2000. Section 63A-7-104, Utah Code Annotated 1953, as amended.

Jim T. Young reappointed as a representative of counties on the Utah Sports Authority for a term to expire January 1, 2000. Section 63A-7-104, Utah Code Annotated 1953, as amended.

WORKERS COMPENSATION FUND BOARD OF DIRECTORS

Melvin C. Green reappointed as a member of the Workers Compensation Fund Board of Directors for a term to expire June 30, 2000. Section 35-3-5, Utah Code Annotated 1953, as amended.

REAL ESTATE APPRAISER REGISTRATION AND CERTIFICATION BOARD

Brad M. Lindley reappointed as a member of the Real Estate Appraiser Registration and Certification Board for a term to expire July 1, 2000. Section 61-2b-7, Utah Code Annotated 1953, as amended.

LeRoy J. Pia reappointed as a member of the Real Estate Appraiser Registration and Certification Board for a term to expire July 1, 2000. Section 61-2b-7, Utah Code Annotated 1953, as amended.

HEBER VALLEY HISTORIC RAILROAD AUTHORITY

Ken McConnell reappointed as a member of the Heber Valley Historic Railroad Authority for a term to expire July 1, 2000. Section 9-3-301, Utah Code Annotated 1953, as amended.

Marilyn Toone appointed as a member of the Heber Valley Historic Railroad Authority, filling the unexpired term of Michael Mack, for a term to expire July 1, 1998. Section 9-3-301, Utah Code Annotated 1953, as amended.

Robyn Pearson appointed as a member of the Heber Valley Historic Railroad Authority, filling the unexpired term of Max Mawhinney, for a term to expire July 1, 1998. Section 9-3-301, Utah Code Annotated 1953, as amended.

SCHOOL AND INSTITUTIONAL TRUST LANDS BOARD OF TRUSTEES

Robert P. Morris appointed as a member of the School and Institutional Trust Lands Board of Trustees for a term to expire July 1, 2002. Section 53C-1-202, Utah Code Annotated 1953, as amended.

BOARD OF SUBSTANCE ABUSE

Steve C. Johnson appointed to fill the unexpired term of Colleen Bangerter on the Board of Substance Abuse, a term to expire April 1, 1999. Section 62A-8-108, Utah Code Annotated 1953, as amended.

TRANSPORTATION COMMISSION

Dan Eastman appointed as a member of the Transportation Commission for a term to expire April 1, 2001. Section 63-49-10, Utah Code Annotated 1953, as amended.

Sheri Griffith appointed as a member of the Transportation Commission for a term to expire April 1, 1999. Section 63-49-10, Utah Code Annotated 1953, as amended.

BOARD OF CHILD AND FAMILY SERVICES

James L. Anderson reappointed as a member of the Board of Child and Family Services for a term to expire July 1, 2000. Section 62A-4a-102, Utah Code Annotated 1953, as amended.

Virginia Higbee reappointed as a member of the Board of Child and Family Services for a term to expire July 1, 2000. Section 62A-4a-102, Utah Code Annotated 1953, as amended.

Paula Johnson reappointed as a member of the Board of Child and Family Services for a term to expire July 1, 2000. Section 62A-4a-102, Utah Code Annotated 1953, as amended.

Gladys G. Hale appointed to fill the unexpired term of Barbara Hales on the Board of Child and Family Services, a term to expire July 1, 1997. Section 62A-4a-102, Utah Code Annotated 1953, as amended.

BOARD OF PARKS AND RECREATION

Heather Campbell appointed as a member of the Board of Parks and Recreation for a term to expire July 1, 1999. Section 63-11-14, Utah Code Annotated 1953, as amended.

STATE RECORDS COMMITTEE

Joan F. Kelly reappointed as a member of the State Records Committee for a term to expire July 1, 2000. Section 63-2-501, Utah Code Annotated 1953, as amended.

Cherie Nash Willis appointed as a member of the State Records Committee for a term to expire July 1, 2000. Section 63–2–501, Utah Code Annotated 1953, as amended.

UTAH DINEH COMMITTEE

Leonard Lee reappointed as a member of the Utah Dineh Committee, representing the Aneth Chapter, for a term to expire June 30, 2000. Section 63–88–107, Utah Code Annotated 1953, as amended.

Lydia Hadley reappointed as a member of the Utah Dineh Committee, representing the Aneth Chapter, for a term to expire June 30, 1998. Section 63–88–107, Utah Code Annotated 1953, as amended.

Karolyn Romero appointed as a member of the Utah Dineh Committee, representing the Blue Mountain Dine Chapter, for a term to expire June 30, 1998. Section 63–88–107, Utah Code Annotated 1953, as amended.

Paula Sayers reappointed as a member of the Utah Dineh Committee, representing the Mexican Water Chapter, for a term to expire June 30, 2000. Section 63–88–107, Utah Code Annotated 1953, as amended.

Edward Luna reappointed as a member of the Utah Dineh Committee, representing the Navajo Mountain Chapter, for a term to expire June 30, 1998. Section 63–88–107, Utah Code Annotated 1953, as amended.

Oscar Begaye reappointed as a member of the Utah Dineh Committee, representing the Oljato Chapter, for a term to expire June 30, 1998. Section 63–88–107, Utah Code Annotated 1953, as amended.

Martha Chee appointed as a member of the Utah Dineh Committee, representing the Oljato Chapter, for a term to expire June 30, 2000. Section 63–88–107, Utah Code Annotated 1953, as amended.

Victoria Joe reappointed as a member of the Utah Dineh Committee, representing the Red Mesa Chapter, for a term to expire June 30, 2000. Section 63–88–107, Utah Code Annotated 1953, as amended.

Frank Farley appointed as a member of the Utah Dineh Committee, representing the Teec Nos Pos Chapter, for a term to expire June 30, 2000. Section 63–88–107, Utah Code Annotated 1953, as amended.

WEBER STATE UNIVERSITY BOARD OF TRUSTEES

Scott Marquardt appointed to fill the unexpired term of Ron Halverson on the Weber State University Board of Trustees, a term to expire June 30, 1999. Section 53B-2-103, Utah Code Annotated 1953, as amended.

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

Steve Lindsley appointed to fill the unexpired term of David Jordan on the Utah Substance Abuse and Anti-violence Coordinating Council, a term to expire February 1, 1998. Section 63-25a-201, Utah Code Annotated 1953, as amended.

Merrill R. Carter reappointed as a member of the Utah Substance Abuse and Anti-violence Coordinating Council for a term to expire May 1, 1998. Section 63-25a-201, Utah Code Annotated 1953, as amended.

UTAH COMPREHENSIVE HEALTH INSURANCE POOL BOARD OF DIRECTORS

William K. Wilson reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2000. Section 31A-29-104, Utah Code Annotated 1953, as amended.

Sandy Weinrauch reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2000. Section 31A-29-104, Utah Code Annotated 1953, as amended.

W. Laird Dummer appointed to fill the unexpired term of Colin Gardner on the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 1997. Section 31A-29-104, Utah Code Annotated 1953, as amended.

Sharon P. Behunin appointed to represent health insurance companies on the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2000. Section 31A-29-104, Utah Code Annotated 1953, as amended.

COMMITTEE OF CONSUMER SERVICES

Emma Kuykendall reappointed as a member of the Committee of Consumer Services for a term to expire July 1, 2000. Section 54-10-2, Utah Code Annotated 1953, as amended.

Edward "Sonny" Garcia appointed to fill the unexpired term of Michelle Brown on the Committee of Consumer Services, a term to expire July 1, 1998. Section 54-10-2, Utah Code Aanotated 1953, as amended.

UTAH HEALTH DATA COMMITTEE

Penny Brooke reappointed as a member of the Utah Health Data Committee for a term to expire June 30, 2000. Section 26-33a-103, Utah Code Annotated 1953, as amended.

Orrin Colby reappointed as a member of the Utah Health Data Committee for a term to expire June 30, 2000. Section 26-33a-103, Utah Code Annotated 1953, as amended.

Norma J. Hansen appointed as a consumer representative on the Utah Health Data Committee for a term to expire June 30, 2000. Section 26-33a-103, Utah Code Annotated 1953, as amended.

Dennis Batey appointed to fill the unexpired term of Elden R. Mitchell on the Utah Health Data Committee, a term to expire June 30, 1998. Section 26-33a-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 Myrin 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

Black	Blackham	Buhler	Dmitrich
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Money
Montgomery	Myrin	C. Peterson	M. Peterson

Poulton	Richards	Steele	Steiner
Stephenson	Tanner	Taylor	Watson
Beattie			

Absent were: Senators

Hillyard	Rees	Stewart	Wharton

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

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

On motion of Senator C. Peterson, and at 12:45 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

TENTH EXTRAORDINARY SESSION
OF THE
FIFTY–FIRST LEGISLATURE

Wednesday, August 21, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth Extraordinary Session of the Fifty–First Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Tenth Extraordinary Session convening on Wednesday, August 21, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Sarah J. Streator
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

TENTH EXTRAORDINARY SESSION

of the

FIFTY–FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–First Legislature of the State of Utah met at Snow College in Ephraim, Utah in the Tenth Extraordinary Session at 1:00 p.m. on Wednesday, August 21, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Al Mansell.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into a Tenth Extraordinary Session at Snow College in Ephraim, Utah, on the 21st day of August, 1996 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 1996 Second Special Session of the 51st 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 12th day of August, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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 12, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty–First Legislature of the State of Utah into a Tenth Extraordinary Session at Snow College in Ephraim, Utah, on the 21st day of August, 1996, 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 1996 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 12th day of August, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

Roll Call – All members present, except Senators Buhler, Dmitrich, Howell, Mantes, McAllister, Poulton, Rees, Steele, Steiner, Stewart, Tanner, Taylor, Wharton, and Watson, excused.

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty–First Legislature as the rules for the Tenth Extraordinary Session.

Annette B. Moore read the following communication:

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: July 30, 1996

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

EIGHTH DISTRICT JUVENILE COURT

Larry A. Steele appointed as an Eighth District Juvenile Court Judge. Section 78-3a-8, Utah Code Annotated 1953, as amended.

Michael O. Leavitt
Governor

Communication filed. Senator Myrin moved to consent to the appointment as read by Annette Moore. The motion passed on the following roll call:

Yeas, 15; Nays, 0; Absent, 14.

Voting in the affirmative were: Senators

Black	Blackham	Hillyard	Holmgren
Hull	Mansell	Mayne	Money
Montgomery	Myrin	C. Peterson	M. Peterson
Richards	Stephenson	Beattie	

Absent or not voting were: Senators

Buhler	Dmitrich	Howell	Mantes
McAllister	Poulton	Rees	Steele
Steiner	Stewart	Tanner	Taylor
Watson	Wharton		

On motion of Senator C. Peterson, and at 1:45 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION OF THE FIFTY–FIRST LEGISLATURE

Wednesday, September 18, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty–First Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, September 18, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Janice A. Gadd
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION

of the

FIFTY-FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-First Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Eleventh Extraordinary Session at 12:15 p.m. on Wednesday, September 18, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Scott Howell.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into an Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of September, 1996 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 1996 General Session of the 51st 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 2nd day of September, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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 2, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-First Legislature of the State of Utah into an Eleventh Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 18th day of September, 1996, 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 1996 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 2nd day of September, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

Roll call – All members present, except Senators Hillyard, Rees, Stewart, and Wharton, excused.

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty-First Legislature as the rules for the Eleventh Extraordinary Session.

President Beattie appointed a committee comprised of Senators Mansell, McAllister, and Black to notify Governor Michael O. Leavitt that the Senate is convened in the Eleventh Extraordinary Session in accordance with his proclamation.

Senator Mansell advised the Senate that the Governor has been notified of the convening of the Eleventh Extraordinary Session.

Sandy D. Tenney read the following communication:

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: September 3, 1996

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

HEBER VALLEY HISTORIC RAILROAD AUTHORITY

Dr. Stephen L. Carr appointed to fill the unexpired term of Ken McConnell on the Heber Valley Historic Railroad Authority, a term to expire July 1, 2000. Section 9–3–301, Utah Code Annotated 1953, as amended.

UTAH INDIAN COOPERATIVE COUNCIL

Phil H. Pikyavit reappointed as a member of the Utah Indian Cooperative Council, representing the Paiute Tribal Council, for a term to expire July 1, 1999. Section 9–9–109, Utah Code Annotated 1953, as amended.

Andrew Tso appointed as a member of the Utah Indian Cooperative Council, representing the Navajo Nation, for a term to expire July 1, 1999. Section 9–9–109, Utah Code Annotated 1953, as amended.

STATE TAX COMMISSION

Richard B. McKeown appointed as a member of the State Tax Commission for a term to expire June 30, 2000. Section 59–1–201, Utah Code Annotated 1953, as amended.

BOARD OF STATE HISTORY

Craig M. Call appointed to fill the unexpired term of David L. Bigler on the Board of State History, a term to expire May 1, 1997. Section 9–8–204, Utah Code Annotated 1953, as amended.

YOUTH PAROLE AUTHORITY

Uinise T. Uipi appointed to fill the unexpired term of Randy Johnson, a term to expire April 1, 1997. Section 62A-7-109, Utah Code Annotated 1953, as amended.

HEALTH FACILITY COMMITTEE

Lou Ann B. Jorgensen reappointed as a member of the Health Facility Committee for a term to expire July 1, 2000. Section 26-21-3, Utah Code Annotated 1953, as amended.

Steven B. Bateman appointed as a hospital administrator on the Health Facility Committee for a term to expire July 1, 2000. Section 26-21-3, Utah Code Annotated 1953, as amended.

Leora Medina appointed as a professional in the field of mental retardation on the Health Facility Committee for a term to expire July 1, 2000. Section 26-21-3, Utah Code Annotated 1953, as amended.

Travis J. Jackman appointed to fill the unexpired term of James Sutteer on the Health Facility Committee, a term to expire July 1, 1998. Section 26-21-3, Utah Code Annotated 1953, as amended.

CRIME VICTIMS REPARATIONS BOARD

Dr. Chad Halvorsen reappointed as a member of the Crime Victims Reparations Board for a term to expire April 15, 2000. Section 63-25(a)-404, Utah Code Annotated 1953, as amended.

Nancy Wright appointed as a member of the Crime Victims Reparations Board for a term to expire April 15, 2000. Section 63-63-4, 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 Myrin 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

Black	Blackham	Buhler	Dmitrich
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Money
Montgomery	Myrin	C. Peterson	M. Peterson
Poulton	Richards	Steele	Steiner
Stephenson	Tanner	Taylor	Watson
Beattie			

Absent were: Senators

Hillyard	Rees	Stewart	Wharton

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

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

On motion of Senator C. Peterson, and at 12:45 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

TWELFTH EXTRAORDINARY SESSION
OF THE
FIFTY–FIRST LEGISLATURE

Wednesday, October 16, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty–First Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, October 16, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Janice A. Gadd
Journal Clerk

STATE OF UTAH
SENATE JOURNAL
TWELFTH EXTRAORDINARY SESSION
of the
FIFTY-FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-First Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, October 16, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Craig Taylor.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into a Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of October, 1996 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 1996 General Session of the 51st 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 1st day of October, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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 1, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty–first Legislature of the State of Utah into a Twelfth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 16th day of October, 1996, 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 1996 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 1st day of October, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

Roll call – All Senators present, except Senators Buhler, Mantes, and Money, excused.

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty–First Legislature as the rules for the Twelfth Extraordinary Session.

President Beattie appointed a committee comprised of Senators Mongomery, Myrin, and M. Peterson to notify Governor Michael O. Leavitt that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

Senator Montgomery advised the Senate that the Governor has been notified of the convening of the Twelfth Extraordinary Session.

Sandy D. Tenney read the following communication:

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: October 1, 1996

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

BOARD OF STATE HISTORY

Paul Williams appointed to fill the unexpired term of Augustine Trujillo on the Board of State History for a term to expire March 1, 1999. Section 9-8-204, Utah Code Annotated 1953, as amended.

DIXIE COLLEGE BOARD OF TRUSTEES

Stephen Wade appointed to fill the unexpired term of Gail Smith on the Dixie College Board of Trustees, a term to expire June 30, 1999. Section 53B-2-104, Utah Code Annotated 1953, as amended.

UTAH STATE UNIVERSITY BOARD OF TRUSTEES

Barre Burgon appointed to fill the unexpired term of Richard B. Wirthlin on the Utah State University Board of Trustees, a term to expire June 30, 1999. Section 53B-2-104, Utah Code Annotated 1953, as amended.

BOARD OF MENTAL HEALTH

Carolyn Ainsworth appointed to fill the unexpired term of Victoria Anderson on the Board of Mental Health, a term to expire April 1, 1997. Section 62A-1-107 and 62A-12-104, Utah Code Annotated 1953, as amended.

SECURITIES ADVISORY BOARD

Lorraine Miller reappointed as a member of the Securities Advisory Board for a term to expire July 1, 2000. Section 61-1-18.5, Utah Code Annotated 1953, as amended.

BOARD OF PARDONS AND PAROLE

Iris E. Hemenway appointed as a pro tempore member of the Board of Pardons and Parole for a term to expire February 28, 1999. Section 77-27-2, Utah Code Annotated 1953, as amended.

N. Bruce Egan appointed as a pro tempore member of the Board of Pardons and Parole for a term to expire February 29, 2000. Section 77-27-2, Utah Code Annotated 1953, as amended.

William L. Peters reappointed as a pro tempore member of the Board of Pardons and Parole for a term to expire February 28, 2001. Section 77-27-2, 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 Myrin 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, 3*.

Voting in the affirmative were: Senators

Black	Blackham	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mayne	McAllister	Montgomery	Myrin
C. Peterson	M. Peterson	Poulton	Richards
Steele	Steiner	Stephenson	Stewart
Tanner	Taylor	Watson	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Mantes	Money

*Senate District 6 is vacant due to the resignation of Senator Stephen J. Rees, effective September 23, 1996.

President Beattie administered the Oath of Office to Michael G. Waddoups and he was seated as a member of the Utah State Senate to fill the unexpired term in Senate District 6 occasioned by the resignation of Senator Stephen J. Rees.

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

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

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

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION OF THE FIFTY–FIRST LEGISLATURE

Wednesday, November 20, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth Extraordinary Session of the Fifty-First Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Thirteenth Extraordinary Session convening on Wednesday, November 20, 1996 and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Janice A. Gadd
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION

of the

FIFTY–FIRST LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–First Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Thirteenth Extraordinary Session at 12:00 noon on Wednesday, November 20, 1996.

The Senate was called to order with President R. Lane Beattie presiding.

Prayer – Senator Craig Taylor.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 1996 General Session of the 51st 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 51st Legislature of the State of Utah into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of November, 1996 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 1996 Second Special Session of the 51st 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 November, 1996.

Michael O. Leavitt,
Governor, State of Utah

Olene S. Walker,
Lieutenant Governor,
State of Utah

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 November 4, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-first Legislature of the State of Utah into a Thirteenth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 20th day of November, 1996, 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 1996 General Session of the Utah State Legislature, except that Michael Waddoups was appointed October 16, 1996 to fill the unexpired term in Senate District 6 occasioned by the resignation of Senator Stephen J. Rees.

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 November, 1996.

Olene S. Walker,
Lieutenant Governor,
State of Utah

Roll call – All Senators present except Senators Howell and Stewart, excused.

On motion of Senator Holmgren, the Senate voted to adopt the Senate Rules of the 1996 General Session of the Fifty–First Legislature as the rules for the Thirteenth Extraordinary Session.

President Beattie appointed a committee comprised of Senators Stephenson, Buhler, and Steiner to notify Governor Michael O. Leavitt that the Senate is convened in the Thirteenth Extraordinary Session in accordance with his proclamation.

Senator Watson advised the Senate that the Governor has been notified of the convening of the Thirteenth Extraordinary Session.

Sandy D. Tenney read the following communications:

COMMUNICATIONS FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: October 2, 1996

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

THIRD DISTRICT COURT

Joseph C. Fratto, Jr. appointed as a Third District Court Judge. Utah Constitution Article VIII, Section 8 and Section 78–3–3, Utah Code Annotated 1953, as amended.

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

Dear President Beattie and Members of the Senate: November 1, 1996

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

FOURTH DISTRICT COURT

Gary D. Stott appointed as a Judge of the District Court of the Fourth Judicial District. Utah Constitution Article VIII, Section 8 and Section 78–3–3, Utah Code Annotated 1953, as amended.

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

Dear President Beattie and Members of the Senate: November 5, 1996

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

BOARD OF TRAVEL DEVELOPMENT

Jessica L. Stabrylla appointed to fill the unexpired term of Sheri Griffith on the Board of Travel Development, a term to expire July 1, 1997. Section 9-3-202, Utah Code Annotated 1953, as amended.

BOARD OF CHILD AND FAMILY SERVICES

Elaine Platt appointed to fill the unexpired term of Lisa Wharton on the Board of Child and Family Services, a term to expire July 1, 1997. Section 62A-4a-102, Utah Code Annotated 1953, as amended.

STATE MONEY MANAGEMENT COUNCIL

Kathy Jones-Price appointed to fill the unexpired term of John R. Sager on the State Money Management Council, a term to expire March 1, 1999. Section 51-7-16, Utah Code Annotated 1953, as amended.

HEALTH FACILITY COMMITTEE

Fae C. Beck appointed as a consumer representative to fill the unexpired term of William Lambert on the Health Facility Committee, a term to expire July 1, 1998. Section 26-21-3, Utah Code Annotated 1953, as amended.

GRAND COUNTY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

Ned Dalton reappointed as a member of the Grand County Water Conservancy District Board of Directors for a term to expire September 30, 2000. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communications filed. Senator Myrin 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

Black	Blackham	Buhler	Dmitrich
Hillyard	Holmgren	Hull	Mansell
Mantes	Mayne	McAllister	Money
Montgomery	Myrin	C. Peterson	M. Peterson
Poulton	Richards	Steele	Steiner
Stephenson	Tanner	Taylor	Waddoups
Watson	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Stewart

On motion of Senator C. Peterson, Judge Pratto and Judge Stott spoke in Committee of the Whole.

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

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

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

STATE OF UTAH

SENATE JOURNAL

THIRD SPECIAL SESSION OF THE FIFTY-FIRST LEGISLATURE

Convened
Wednesday, November 20, 1996

Adjourned Sine Die
Thursday, November 21, 1996

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third Special Session of the Fifty–First 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, November 20, 1996 and adjourning sine die on Thursday, November 21, 1996.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Janice A. Gadd
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

THIRD SPECIAL SESSION
of the
FIFTY–FIRST LEGISLATURE

The Senate was called to order at 5:35 p.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senators Howell, Stewart, Dmitrich, Steele, Taylor, Mansell, and Beattie, excused.
Prayer – Senator W. Rex Black, Jr.

PROCLAMATION

Whereas, since the adjournment of the 1996 General Session of the Fifty–First 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–First Legislature of the State of Utah into a Third Special Session at the State Capitol at Salt Lake City, Utah, on the 20th day of November, 1996, at 5:00 p.m., for the following purposes:

1. To consider the application of the sales tax exemption for machinery and equipment used in manufacturing.
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 14th day of November, 1996.

Michael O. Leavitt
Governor

Communication filed.

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 November 14, 1996, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the First-First Legislature of the State of Utah into a Third Special Session at the State Capitol at Salt Lake City, Utah on the 20th day of November, 1996, at 5:00 p.m., for the purposes named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 1996 General Session of the Utah State Legislature, except that Michael Waddoups was appointed October 16, 1996, to fill the unexpired term in Senate District 6, occasioned by the resignation of Senator Stephen J. Rees.

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 14th day of November, 1996.

Olene S. Walker
Lieutenant Governor

Communication filed.

READING OF TITLES OF BILLS AND RESOLUTIONS

On motion of Senator John P. Holmgren, and as provided by the Utah State Constitution, the Senate voted to suspend the reading of the full titles of all bills and resolutions on the Senate Calendar as they are read the first time and introduced, and as all bills and resolutions are considered on Second Reading.

Third Reading and on Consent Calendar. The motion is to apply to all bills and resolutions introduced and read for the remainder of this legislative session, except as an individual senator may request the reading of the full title of any House or Senate bill or resolution.

Senator C. Peterson appointed a committee comprised of Senators Watson, Richards, and Money to notify the Governor that the Senate is gathered in the Third Special Session in accordance with his proclamation and that the Senate is organized and ready to receive any communications from him.

Senator C. Peterson appointed a committee comprised of Senators Tanner, Steiner, and Montgomery to notify the House of Representatives that the Senate is organized and ready to do business.

Senator C. Peterson appointed Senators Myrin, M. Peterson, and Waddoups to read and revise the Senate Journal for the Third Special Session.

Senator Watson reported that His Excellency Governor Michael O. Leavitt had been notified.

Senator Tanner reported that the House was organized and ready to do business.

Representatives Protzman, Bradford, and Peterson notified the Senate that the House was organized and ready to do business.

On motion of Senator Blackham, the Senate sauntered at 6:00 p.m. for the purpose of a caucus.

President Beattie called the Senate to order at 11:00 p.m.

On motion of Senator Hillyard, under suspension of the rules, Senator Hillyard explained **2nd Sub. H.B. 3001**, SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS, by Representative J. Valentine, in Committee of the Whole. Senators C. Peterson, Black, Steiner, Stephenson, Taylor, Waddoups, Blackham, and Hull commented.

INTRODUCTION OF BILL

SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS

3rd Sub. S.B. 3001 *Lane Beattie*

AN ACT RELATING TO THE SALES AND USE TAX ACT; MODIFYING THE SALES TAX EXEMPTION FOR MANUFACTURING; CLARIFYING

THE CRITERIA FOR QUALIFYING AS MANUFACTURING MACHINERY, EQUIPMENT, OR NORMAL OPERATING REPLACEMENTS; MAKING TECHNICAL CHANGES; AND PROVIDING FOR RETROSPECTIVE OPERATION, was read the first time. On motion of Senator Hillyard, under suspension of the rules, the bill was placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, 3rd Sub. S.B. 3001, SALES TAX – MANUFACTURING EXEMPTION AMENDMENTS, under suspension of the rules, was read the second and third times. Senator Stephenson commented.

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

1. Page 4, Line 8:
   After "means" insert ":-(I)"

2. Page 4, Line 10:
   After "Budget" delete "and" and insert "or"

3. Page 4, Line 10:
   After line 10 insert:

"(II) a scrap recycler, that from a fixed location, utilizes machinery or equipment for the processing of iron, steel, nonferrous metal, paper, glass, plastic, textile, or rubber into prepared grades of processed materials for use in new products which would otherwise be made with nonrecycled materials; and"

Senator Mayne's motion to delete 3rd Sub. S.B. 3001 in title and body and replace it with 2nd Sub. S.B. 3001 failed on the following roll call:

Yeas, 8; Nays, 16; Absent, 5.

Voting in the affirmative were: Senators

Black	Hull	Mantes	Mayne
Money	M. Peterson	Steiner	Wharton

Voting in the negative were: Senators

Blackham	Buhler	Hillyard	Holmgren
McAllister	Montgomery	Myrin	C. Peterson
Poulton	Richards	Stephenson	Stewart
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Dmitrich	Howell	Mansell	Steele
Watson			

Senators Mayne and Montgomery commented.

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

1. Page 3, Line 10:
After "the following" delete "sales" and insert "purchases"

Senators Stephenson and Blackham declared conflicts of interest. The bill, as amended, passed on the following roll call:

Yeas, 15; Nays, 10; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Mansell
McAllister	Montgomery	Myrin	C. Peterson
Poulton	Stephenson	Stewart	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Black	Holmgren	Hull	Mantes
Mayne	Money	M. Peterson	Richards
Steiner	Wharton		

Absent or not voting were: Senators

Dmitrich	Howell	Steele	Watson

3rd Sub. S.B. 3001, as amended, was transmitted to the House.

INTENT LANGUAGE FOR 3RD SUB. S.B. 3001

On motion of Senator Hillyard, the following intent language was placed in the Senate Journal.

During the 1995 Annual General Session the Legislature passed S.B. 105, SALES TAX – MANUFACTURING EXEMPTION.

The Legislature determined that S.B. 105 has a fiscal impact on the state that was greater than anticipated when the bill was passed. This change in fiscal impact could result in a significant loss of revenues to the state.

To reduce the fiscal impact of the exemption to reflect S.B. 105's original fiscal note, the Legislature finds that the modifications to the exemption included in this bill should be applied retrospectively to July 1, 1996.

COMMUNICATION FROM THE HOUSE

Mr. President: November 21, 1996

The House passed, as substituted and amended, 2nd Sub. H.B. 3001, SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS, by Representative John L. Valentine, et al, and it is transmitted for consideration with the following amendments:

1. Page 3, Line 10:
   After "following" bracket "sales" and insert "purchases"

2. Page 3, Line 10:
   After "equipment]" bracket "purchased or leased"

3. Page 3, Line 18:
   After "state;" delete "and"

4. Page 4, Line 8:
   After "means" insert ": (I)"

5. Page 4, Line 10:
   After "Budget" delete "and" and insert "or"

6. Page 4, Line 10:
   After line 10 insert:

"(II) a scrap recycler, that from a fixed location, utilizes machinery or equipment for the processing of iron, steel, nonferrous metal, paper, glass, plastic, textile, or rubber into prepared grades of processed materials for use in new products which would otherwise be made with nonrecycled materials; and"

Carole E. Peterson
Chief Clerk

Communication filed. 2nd Sub. H.B. 3001 was read the first time. On motion of Senator Hillyard, the bill was placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, 2nd Sub. H.B. 3001, SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS, under suspension of the rules, was read the second and third times. Senator Hillyard explained the bill. Senators Myrin, Poulton, and Blackham commented.

COMMUNICATION FROM THE HOUSE

Mr. President: November 21, 1996

The House requests the return of **2nd Sub. H.B. 3001**, SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS, by Representative John L. Valentine, et al, for reconsideration.

Carole E. Peterson
Chief Clerk

Communication filed. On motion of Senator C. Peterson, the bill was returned to the House.

* * *

On motion of Senator C. Peterson, and at 1:00 a.m., the Senate sauntered.

President Beattie called the Senate to order at 1:25 a.m.

COMMUNICATION FROM THE HOUSE

Mr. President: November 21, 1996

The House passed, upon reconsideration, as amended, **2nd Sub. H.B. 3001**, SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS, by Representative J. Valentine, et al, and it is transmitted for consideration as amended:

1. Page 3, Line 10:
   After "following" bracket "sales" and insert "purchases"

2. Page 3, Line 10:
   After "equipment]" bracket "purchased or leased"

3. Page 3, Line 18:
   After "state;" delete "and"

Carole E. Peterson
Chief Clerk

Communication filed. **2nd Sub. H.B. 3001** was read the first time. On motion of Senator Hillyard, under suspension of the rules, the bill was placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, **2nd Sub. H.B. 3001**, SALES TAX - MANUFACTURING EXEMPTION MODIFICATIONS, under suspension of the

rules, was read the second and third times. Senator Hillyard explained the bill. Senator Black commented. The bill passed on the following roll call:

Yeas, 15; Nays, 10; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Mansell
McAllister	Montgomery	Myrin	C. Peterson
Poulton	Stephenson	Stewart	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Black	Holmgren	Hull	Mantes
Mayne	Money	M. Peterson	Richards
Steiner	Wharton		

Absent or not voting were: Senators

Dmitrich	Howell	Steele	Watson

2nd Sub. H.B. 3001 was signed by the President of the Senate in open session and returned to the House.

INTENT LANGUAGE FOR 2ND SUB. H.B. 3001

On motion of Senator Hillyard, the following intent language was placed in the Senate Journal.

During the 1995 Annual General Session the Legislature passed S.B. 105, SALES TAX – MANUFACTURING EXEMPTION.

The Legislature determined that S.B. 105 has a fiscal impact on the state that was greater than anticipated when the bill was passed. This change in fiscal impact could result in a significant loss of revenues to the state.

To reduce the fiscal impact of the exemption to reflect S.B. 105's original fiscal note, the Legislature finds that the modifications to the exemption included in this bill should be applied retrospectively to July 1, 1996.

COMMUNICATION FROM THE HOUSE

Mr. President: November 21, 1996

I am directed to inform the Senate that the House on this day struck the enacting clause on the following Senate Bill:

3rd Sub. S.B. 3001 SALES TAX MANUFACTURING EXEMPTION AMENDMENTS

Carole E. Peterson
Chief Clerk

Communication filed. 3rd Sub. S.B. 3001 was filed.

* * *

President Beattie appointed a committee comprised of Senators Waddoups, Poulton, and Wharton to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Beattie appointed a committee comprised of Senators Tanner, Montgomery, and Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

A committee from the House of Representatives comprised of Representatives Atkinson and Mortimer notified the Senate that the House has concluded its business and is ready to adjourn sine die.

On motion of Senator C. Peterson, and at 2:00 a.m., Thursday, November 21, 1996, the Third Special Session of the 51st Legislature adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

1997 GENERAL SESSION
OF THE
FIFTY–FIRST LEGISLATURE

Convened
Monday, January 20, 1997

Adjourned Sine Die
Wednesday, March 5, 1997

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 1997 General Session of the Fifty–Second 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 20, 1997, and adjourning sine die on Wednesday, March 5, 1997.

Annette R. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Janice A. Gadd
Journal Clerk

PRESIDENT OF THE SENATE



1997 General Session
Fifty-Second Legislature

The 1997 General Session of the Fifty-Second Legislature will long be remembered as the year the legislature implemented procedures that streamlined the legislative process. Each legislator was allowed to file three bills which were granted priority status. This new system resulted in fewer bills and resolutions being introduced (731, compared to 866 in 1996) and a higher percentage of bills and resolutions passed than in the previous seven sessions. I am pleased with the progress we have made.

In another sweeping, innovative move the 52nd Legislature voted to streamline the appropriations process by pledging to pass all fiscal note bills exceeding the $10,000 threshold, as well as the bonding bill before adjournment on Friday of the last full week of the session. This allowed for a more orderly process during the last three days. This was the first time in recent history that all the appropriations bills were filed, had a public hearing, and were passed prior to the last night of the session.

One of the major issues of the 1997 session was the funding for the I–15 reconstruction project. Senate and House leadership spent long hours deliberating with the Governor to develop a funding plan for rebuilding the state's primary interstate system. The final plan encompassed tax increases on gasoline and cigarettes, and a reduction in the state general sales tax. Other important issues were telecommunications deregulation (SB 92) and protection of nonsmokers rights to clean air (SB 49).

A new legislative session often brings new senators to the process. This year we welcomed Senators Mont Evans, Lorin Jones, Robert Muhlestein, Howard Nielson, Pete Suazo, and Michael Waddoups to the Utah State Senate. We appreciate the valuable input and efforts of these dedicated individuals.

I am honored that the senators elected me to serve a second term as Senate President. For this I am grateful and pledge to continue my efforts to lead and represent this body with integrity and vigor.

R. Lane Beattie
President, Utah State Senate

SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)



Craig A. Peterson
Majority Leader



Leonard M. Blackham
Majority Whip

MINORITY LEADERSHIP (Democrat)



Scott N. Howell
Minority Leader



George Mantes
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) ..... R. Lane Beattie
Majority Leader (R) ..... Craig A. Peterson
Majority Whip (R) ..... Leonard M. Blackham
Minority Leader (D) ..... Scott N. Howell
Minority Whip (D) ..... George Mantes

HOUSE LEADERSHIP

Speaker of the House (R) ..... Melvin R. Brown
Majority Leader (R) ..... Christine R. Fox
Majority Whip (R) ..... Kevin S. Garn
Assistant Majority Whip (R) ..... John L. Valentine
Minority Leader (D) ..... David M. Jones
Minority Whip (D) ..... Steve Barth
Assistant Minority Whip (D) ..... Judy Ann Buffmire

STATE OFFICIALS

Governor ..... Michael O. Leavitt
Lieutenant Governor ..... Olene S. Walker
Attorney General ..... Jan Graham
Auditor ..... Auston Johnson
Treasurer ..... Edward T. Alter

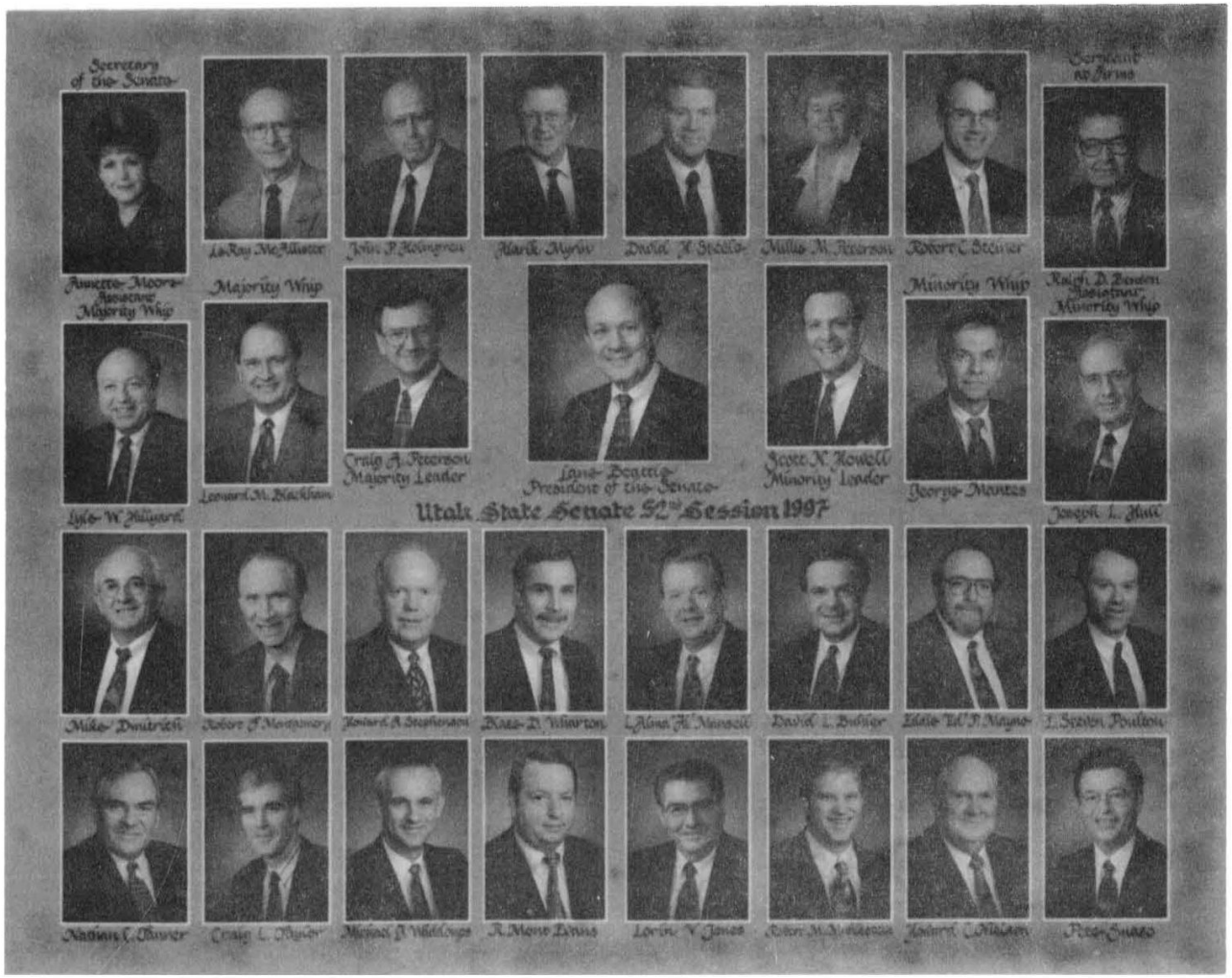
CONGRESSIONAL DELEGATION

Senator ..... Bob Bennett
Senator ..... Orrin G. Hatch
Congressman ..... Merrill Cook
Congressman ..... James V. Hansen
Congressman ..... Chris Cannon

UTAH SUPREME COURT

Chief Justice ..... Michael D. Zimmerman
Justice ..... I. Daniel Stewart
Justice ..... Richard C. Howe
Justice ..... Christine M. Durham
Justice ..... Leonard H. Russon

MEMBERS OF THE SENATE



MEMBERS OF THE SENATE
Fifty-Second Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
Robert C. Steiner	1	Salt Lake	D	80 North Wolcott Salt Lake City, Utah 84103 H–596–1213 O–328–8831
Pete Suazo	2	Salt Lake	D	1307 North Garnette Street Salt Lake City, Utah 84116 H–521–3751 O–364–9777
Blaze D. Wharton	13	Salt Lake	D	5322 South Lucky Clover Ln. Murray, Utah 84123 H–261–2412 O–359–6604
Howard A. Stephenson	14	Salt Lake, Utah	R	1038 East 13590 South Draper, Utah 84020 H–576–1022 O–972–8814
R. Mont Evans	5	Salt Lake	R	12867 South 2200 West Riverton, Utah 84065 H–254–2655
Michael G. Waddoups	56	Salt Lake	R	2005 West 5620 South Salt Lake City, Utah 84118 H–967–0225 O–355–1136
David L. Buhler	7	Salt Lake	R	1436 South Yuma Street Salt Lake City, Utah 84108 H–583–2115 O–355–5009
Scott N. Howell Minority Leader	8	Salt Lake	D	9711 South 3725 East Sandy, Utah 84092 H–943–0360 O–538–1406
L. Steven Poulton	9	Salt Lake	R	4524 Briarcreek Dr. Salt Lake City, Utah 84117 H–272–4338 O–484–4477
L. Alma "Al" Mansell	10	Salt Lake	R	6995 Union Park Ctr. #100 Midvale, Utah 84047 H–942–6019 O–567–4200
Eddie "Ed" P. Mayne	11	Salt Lake	D	5044 West Bannock Circle West Valley City, Utah 84120 H–968–7756 O–972–2771

Millie M. Peterson	12	Salt Lake	D	7131 West 3800 South West Valley City, Utah 84128 H–250–5944 O–581–7203
George Mantes Minority Whip	13	Salt Lake, Tooele	D	185 North Main, #201 Tooele, Utah 84074 H–882–4856 SLC–531–8157
Craig A. Peterson Majority Whip	14	Utah	R	1687 North 200 West Orem, Utah 84057 H–226–3236 O–262–3735
LeRay McAllister	15	Utah	R	296 East 1864 South Orem, Utah 84058 H–225–5455
Howard C. Nielson	16	Utah	R	580 Sagewood Ave Provo, Utah 84604 H–374–5411
Robert M. Muhlestein	17	Utah	D	590 East Maple Street Mapleton, Utah 84664 H–491–9472
Nathan C. Tanner	18	Davis Weber	R,	6225 Woodland Drive Ogden, Utah 84403 H–479–6442
Robert F. Montgomery	19	Weber, Morgan	R	1825 North Mountain Road North Ogden, Utah 84414 H–782–1694
Joseph L. Hull Assistant Minority Whip	20	Weber	D	5250 West 4000 South Hooper, Utah 84315 H–731–3705 O–732–6012
David H. Steele	21	Davis	R	3376 West 400 North West Point, Utah 84015 H–825–3033 O–546–7347
Craig L. Taylor	22	Davis	R	312 Oak Lane Kaysville, Utah 84037 H–544–5909
Lane Beattie President	23	Davis	R	1313 North 1100 West West Bountiful, Utah 84087 H–292–7406 O–298–7000

John P. Holmgren	24	Box Elder, Cache	R	4570 West 5400 North P.O. Box 208 Bear River City, Utah 84301 H–279–8679
Lyle W. Hillyard Assistant Majority Whip	25	Cache, Rich, Summit	R	175 East First North Logan, Utah 84321 H–753–0043 O–752–2610
Alarik Myrin	26	Carbon, Daggett, Duchesne, Summit, Uintah, Wasatch	R	HC 65, Box 30 Altamont, Utah 84001–9703 H–454–3484
Mike Dmitrich	27	Carbon, San Juan, Grand, Emery, Kane, Washington	D	566 North Dover Circle Price, Utah 84501 H–637–0426 O–636–2210
Leonard M. Blackham	28	Juab, Sanpete, Sevier, Millard, Piute, Wayne, Beaver, Garfield	R	P.O. Box 337 Moroni, Utah 84646 H–436–8489 O–436–8125
Lorin V. Jones	29	Washington, Iron	R	177 East Center Street Veyo, Utah 84782 H–574–2961 O–673–1522

***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-First Legislature 1996"**

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 Senate Office and in the Office of Legislative Research and General Counsel.**

STATE OF UTAH

SENATE JOURNAL
1997 GENERAL SESSION
of the
FIFTY-SECOND LEGISLATURE

FIRST DAY

MORNING SESSION

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Second Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 20, 1997 at ten o'clock a.m.

The Honorable Associate Chief Justice Richard C. Howe called the Senate to order.

Prayer – President James E. Faust, Second Counselor in the First Presidency, The Church of Jesus Christ of Latter-Day Saints.

On motion of Senator C. Peterson, the Senate thanked President James E. Faust for delivering the invocation and ordered it printed upon the pages of the Senate Journal.

PRAYER BY PRESIDENT JAMES E. FAUST

"Our Holy Father in Heaven,

On this historic day, we pause in thanksgiving for the blessings which have been bestowed upon this great state.

We pray for the widow of the family of Kurt Oscarson, a member of the House of Representatives, who passed away; bless them and be with them. We also pray that thy spirit will attend each member of this body to give them wisdom, understanding, and humility.

We celebrate this year the sesquicentennial of the arrival of the pioneers in this valley who began the beginnings of the marvelous blessings which we collectively enjoy. And, we also stand at the beginning of a new century, which is historic. This legislature will put in place many things which are needful and beneficial for this state, carrying over for many years into the next century.

Give to this body vision and leadership. May they work together in harmony, disagree but not being disagreeable, finding it easy to cross from one side of the aisle to the other. We're grateful for the families of our citizen legislators and pray thy blessing to be upon them, that they will have the discipline to support and sustain our legislators in their important roles.

Now we pray for all the blessings for which we're needful. We express the gratitude of our hearts for the many cultures and many peoples which have contributed so greatly to this state. We invoke a blessing upon all of them, every race, religion, creed.

I pronounce these blessings humbly in the name of thy son, the Lord Jesus Christ, Amen."

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

Utah National Guard

SPECIAL MUSICAL PRESENTATION

"On Stage" – Jan McCardell, Director

* * *

Annette B. Moore read the following Certification of Membership of the 1997 General Session of the Utah State Senate.

CERTIFICATE OF MEMBERSHIP OF THE 1997 GENERAL SESSION OF THE UTAH STATE SENATE 52ND 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 8, 1994, 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, 1995, to-wit:

FIRST DISTRICT: County of Salt Lake
Robert C. Steiner
THIRD DISTRICT: County of Salt Lake
Blaze D. Wharton
FOURTH DISTRICT: Counties of Salt Lake, Utah
Howard A. Stephenson

SEVENTH DISTRICT: County of Salt Lake
David L. Buhler
NINTH DISTRICT: County of Salt Lake
L. Steven Poulton
TENTH DISTRICT: County of Salt Lake
L. Alma "Al" Mansell
ELEVENTH DISTRICT: County of Salt Lake
Eddie "Ed" P. Mayne
TWELFTH DISTRICT: County of Salt Lake
Millie M. Peterson
THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele
George Mantes
FIFTEENTH DISTRICT: County of Utah
LeRay McAllister
EIGHTEENTH DISTRICT: Counties of Davis, Weber
Nathan C. Tanner
TWENTY–FIRST DISTRICT: County of Davis
David H. Steele
TWENTY–SECOND DISTRICT: County of Davis
Craig L. Taylor
TWENTY–FOURTH DISTRICT: Counties of Box Elder, Cache
John P. Holmgren
TWENTY–SIXTH DISTRICT: Counties of Carbon, Daggett
Duchesne, Summit, Uintah, Wasatch
Alarik Myrin

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on November 8, 1994, the following named person was chosen by the electors as a member of the Legislature of the State of Utah, to serve in the Senate for a two–year term, in accordance with Utah Code 20A–1–503(3)(a), to fill the unexpired term in District Twenty–Eight:

TWENTY–EIGHTH DISTRICT: Counties of Juab, Sanpete, Sevier
Millard, Piute, Wayne, Beaver, Garfield
Leonard M. Blackham

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 1996, 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, 1997, to–wit:

SECOND DISTRICT: County of Salt Lake
Pete Suazo
FIFTH DISTRICT: County of Salt Lake
R. Mont Evans
SIXTH DISTRICT: County of Salt Lake
Michael G. Waddoups
EIGHTH DISTRICT: County of Salt Lake
Scott N. Howell
FOURTEENTH DISTRICT: County of Utah
Craig A. Peterson
SIXTEENTH DISTRICT: County of Utah
Howard C. Nielson
SEVENTEENTH DISTRICT: County of Utah
Robert M. Muhlestein
NINETEENTH DISTRICT: Counties of Weber, Morgan
Robert F. Montgomery
TWENTIETH DISTRICT: County of Weber
Joseph L. Hull
TWENTY-THIRD DISTRICT: County of Davis
R. Lane Beattie
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
Lorin V. Jones

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 Fifteenth Day of January, 1997.

OLENE S. WALKER
Lieutenant Governor

Communication filed.

The Honorable Associate Chief Justice Richard C. Howe administered the oath of office to all newly elected members of the Senate for the Fifty–Second Legislature.

Roll Call – All senators present, except Senator Craig Taylor, excused.

* * *

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

The Honorable Associate Chief Justice Richard C. Howe declared nominations for the office of President of the Senate were in order.

On motion of Senator C. Peterson, and seconded by Senator Howell, Senator R. Lane Beattie was nominated to serve as President of the Utah State Senate.

On motion of Senator McAllister, and seconded by Senator Mantes, the nominations were closed and Senator R. Lane Beattie was elected President of the Senate by acclamation. Senators Blackham, Hillyard, and Mantes escorted Senator Beattie to the podium.

The Honorable Associate Chief Justice Richard C. Howe administered the Oath of Office to the President of the Senate, R. Lane Beattie.

On motion of Senator C. Peterson, the Senate voted to print the remarks of President Beattie in the Senate Journal.

REMARKS BY PRESIDENT R. LANE BEATTIE

"Thank you very much. This is indeed a great honor and privilege. To Justice Howe, I deeply appreciate the honor that he has given to this body, as a previous member of the Utah State Senate, to come back and perform these duties in helping us to get organized. I would like to take just a moment, if I could, and make a few remarks.

What a wonderful opening to truly, as Elder Faust said, an historic occasion, the beginning of the second hundred years. What a great opportunity it is of historical significance for you and I to have the opportunity to sit in the seats that we sit in and to represent, most importantly, the people of this state. We've had, in the last several years, unprecedented growth in the state of Utah, an opportunity which brings to the forefront many challenges, opportunities, and yes, even struggles. However, there are more things to remember as we get organized than just the bills that will be before us. How appropriate the songs that were sung this

morning. I must confess (and I thank very much the Mansells for making the recommendation of this outstanding group who came and performed for us), it was not until this morning, in fact it was not until just minutes before we started, that I found out that a niece and a nephew were in this group and performing. I don't believe Mansells knew that either as they made the recommendation (the advantages of a big family, I guess). It makes one reflect on the true importance of what we're here for.

Two or three weeks ago the Governor had an opportunity to address the State of Utah. In that address he made several references to families, to God, to our communities, and, indeed, our entire nation. I was thrilled by the comments I heard, but extremely troubled by the aftermath of what I heard. In a nation that is set up to be "one nation, under God" I could not believe, even in Utah, we have to listen to the rhetoric from even people that should have stood up for the very premise of what he said. And yet I guess we shouldn't be surprised. This is America and every citizen, irrespective of their beliefs, their backgrounds, their socioeconomics, has every right to voice their concerns.

Families in Utah are important and I hope and pray they will continue to be important. Families are the very fiber of this nation. That it is not a new statement by me as the President of this Senate but has been stated by virtually every President that has ever served this great nation from the very beginning, George Washington and Thomas Jefferson to President Clinton and others who love and value this great land. It is sometimes discouraging when we have the opportunity as leaders to jump forward and to have to represent, in essence, the negative situations that bring about the very worst in government. Today's families, communities and citizens plead for a change in politics.

What is that change? What is the change they're asking for? It doesn't matter whether you are a Democrat or a Republican, it seems that it is the status of the day that whenever one has a comment, the other has to retort. It seems like it is almost effusive in nature. It occurs not only in presidential politics, but it carries over in everything we do. Is that the service that we render to our civilization? Is it the opportunities that we provide to our children to sit around the table and hear mothers and fathers and older brothers and sisters ridicule and find fault with men and women who are trying to do their very best to bring about the solutions that give to this state and our country and this nation the strength to move forward.

Four years ago, Senator Scott Howell in his opening remarks pleaded with us as a body not to be political. I would like to echo his sentiments, pleading the same discourse. This is no longer a time for politics, it is a time for us to solve the problems of what we must. It is a time for diversity and differences and we need to honor them. This is a time when we all should be proud of who we are and what we

represent. We should be proud of the fact that we have Democrats who will stand tall and go to their constituents and represent with every fiber of their being those things that they believe are anchored upon the principles of truth. Likewise we should honor the Republicans for the same opportunities they have. Many people are concerned in this very troubled time in the state of Utah, and yet great opportunity, about the diversity of our parties. Is it necessary and do we have a two party system? I would like to echo the sentiments of how critically important it is that we have that. And yet how critically important it is that we also have diversity within our parties. I want you know, as the President of this Senate, I will do all that I can to honor the beliefs, the backgrounds and the opinions of every person in this body, irrespective of their political backgrounds.

I would also hope, that as we have an opportunity, that we would also ponder something that is even more important. I would like to remind everyone that this is "one nation, under God," and irrespective of your religious beliefs, it is important that we honor the opportunity of citizens everywhere to worship their God as they feel fit. People struggle today with the issue of church and state. I always find it somewhat comical to listen to some of the rhetoric that I hear. Most people don't understand church and state. They have the ignorance and arrogance at times to believe the discussion of God in statehouses breaks that sacred line of church and state. How foolish. How ridiculous. That has never been the case and I hope for all of our sakes that it will never be the case. The crossover of church and state is one wherein the state starts running the religions and where religion starts running the state.

We have a majority religion in this state. And it is one that we should, in all honesty, irrespective of our membership, be proud of. But we have many other religions in this state that we should honor for the beauty they have brought to this state. Their diversity and the importance of what they remind all of us are parts of life that should never be done away with. Last week I had the opportunity to drive down South Temple. I pulled over on the side of the street, and yes, at times I was probably breaking the law and parked in front of the Cathedral of the Madeleine. What an absolutely gorgeous building to represent, even in Utah, a diversity. Several years ago the Monsignor made a comment in a public meeting that I attended when he said one of the great benefits of being in Utah as a non–Mormon is the fact that everyone can blame the Mormons for everything. You know that is easily done today. Everyone wants to blame something. It doesn't matter whether we're talking about cigarettes in public buildings, tobacco in restaurants or whether we're talking about drinking laws, in Utah it seems like the fingers get pointed in one direction.

I can remember other very critical, important and sensitive issues dealing with human rights. The individuals were not from just one religion, but they came

from all religions, religious believers, and supporters of not just Christianity, but virtually every known religion in the state of Utah. It is their right to voice their concerns; and it is our responsibility to make sure that we, as representatives of the people, listen to what is a concern to them.

You know, it is easy for people to be rhetorical in statements. Benjamin Franklin understood this when he said, "Wise men don't need advice; fools won't take it." I'm not surprised then that some of the comments I make today will neither be received or appreciated by certain individuals. And I guess, in a sense, it depends on where you come from as to the wisdom or the foolishness of those individuals. Benjamin Franklin later said, "Any fool can criticize, condemn and complain and most fools do." You will hear, in the coming weeks I believe, all aspects of that statement. And you know, as critical as I can be about the beliefs of other people, I want to point the finger more directly at you and me. We talk about the importance of the institution to which we belong. We are senators of the state of Utah. It is an honor and obligation and indeed a complete responsibility that we have and hold to this state. Yet often times we ourselves are the worst offenders. As we stand before the glowing lights of the camera and criticize the decisions that others have made, we should be ashamed. That doesn't mean that we can't criticize, that we cannot have the opportunity to avail ourselves of knowledge and input into any situation that is important. But at the same time there is something more important. That is the institution. I wonder why over 80% of the people in this state do not know who you are. They don't know where we serve. They don't know if we serve at the State Capitol in Salt Lake City or in Washington, D.C. It should be no surprise at all why people get fed up, disgusted, and sickened by what they hear, oftentimes from us.

I ask each of you to listen carefully to what you hear in the media in the next few weeks. I would challenge each of you never to back away from things that you believe in. At the same time remember the sacred right that I believe each of you have to be a part of an institution of representative government. There is no greater task in the world than that of service to their fellow man. Abraham Lincoln also understood the same dilemmas when he said, "What kills a skunk is the publicity it gives itself." I would only hope that you and I don't bring about the criticism that we have an opportunity to turn away from.

Today we have an opportunity to celebrate, truly, a great American, and I think, even more importantly, an aspect of life that we in Utah need to be very sensitive about. We have many challenges facing us this year, and yet opportunities. May I read a quote from Martin Luther King? "The ultimate measure of a man is not where he stands in moments of comfort and convenience

but where he stands in times of challenge and controversy." That will be our measure this year.

We have an opportunity this year to do things that few other legislators have ever had. I have in front of me a progression chart of transportation. I am very complimentary to people who served here before I did who brought us to where we are today. In 1985, before many of us were ever involved in the legislative process, (some of you were, thank goodness) we started studies on the I-15 corridor. Before that, past governors had talked about the future of the state of Utah, where we need to strengthen, what we need to do to bring about changes that will prepare us for the 1990's and beyond. What has taken place? Let me just read from the chart to you. In 1985 I-15/State Street corridor alternatives were analyzed. It was completed. Do you believe it was started in 1985? Absolutely not! Way before that! It was completed in 1985. In 1987, the Wasatch Front Regional Council adopts Alternate 11, two lanes in each direction plus light rail. Do you think somehow we just came up with that last year? Absolutely not. In 1988, Business/Government Alliance endorses Alternative 11. In 1990, transportation commission and the UTA Board endorses Alternate 11-Transportation Task Force study. In 1993, Transportation and Public Safety interim committee votes to support the funding. In 1994, the Legislature and Governor express support for the project in SCR6. Ten million dollars were appropriated. Highway Funding Task Force studied funding. In 1995, when some of us were here, $25 million was appropriated for final design. Phase I Growth Summit hears issues. In 1996, last year, the design bill passed the legislature. Centennial Highway Fund established. One hundred ten million dollars were appropriated. RFP's issued by UDOT in the EIS were approved – not started, but approved.

Why do I read this? The reason that I read this is to point out what an opportunity we have. We are not on a threshold of trying to determine the growth of Utah. But we are on a threshold of opportunity in making the decisions that finally we can make. In 1988, we were losing 14,000 people a year out of the state of Utah. They had no jobs. Last year we had almost 36,000 new jobs created in the state of Utah – huge influx, higher growth than anyone has ever anticipated. And yet that brought to us even new challenges. Challenges of the roads and how we will fund them. Those should not be looked at as challenges but opportunities because we cannot turn back the clock, we must face reality.

What are the other aspects of this exciting year? The opportunity that we will have to look at strengthening areas in the state that need to be strengthened. Each and every one of us could make our own list as to the issues that we think are important. I found it somewhat amusing over the weekend to read the paper. I would like to take just a moment to talk about a subject that at times is hard for

people to talk about because of a great statement that was made many years ago. "Never pick a fight with someone that buys ink by the carload."

I would like to talk about one of my favorite topics – the media. It might surprise you, but I would like to compliment the media. I firmly believe that in the last two years particularly, we have had the very best reporting that I can remember for as long as I have been a legislator. Now if you're asking me does that mean if I agree with everything I've read, the answer is absolutely not. But I think that it's important to compliment those reporters and newsmen who have tried to actually cover what is news. But I was concerned as I read the opening page of the legislature about what the issues of the future were going to be. What a bunch of bunk! I read on the opening page issues that I can tell you right now if we had a vote in the legislature wouldn't even register as being major issues. And why? Because agendas are being driven by the news media, not by legislators, and not by the citizens of this state. That is deplorable. It is not the responsibility of the news media under any circumstance to create and make news. And yet we have a few that feel it's not only their responsibility to create, but their obligation to direct the affairs of this legislature. If we fall into such foolishness, then we truly do, and when I say we – we the people, lose the ability of representative government. I don't believe there has ever been a time in the history of the state of Utah when accuracy is more important. I do not believe there has ever been a time when it is more important for legislators to stand tall and proud and voice their concerns. There shouldn't be a time when it is more important for us to stand and end the rhetoric. If there are issues out there that are not going to come forth, then let's have the courage to stand up early and do away with them. Let's not take 6 weeks to debate every issue.

What have we done as a legislature in the last few years in regards to changing our process? Let me just read to you a few statistics that I hope you're proud about. On December 31, 1996 on the close of the business day at 5 p.m., 134 bills were prepared. Never before in the history of the state have we had an opportunity to have more public scrutiny on prepared bills than we have had this last year. On January 17th at the close of business, we had over 265 bills, all of them on the internet. Never in the history of any state have citizens had more opportunities to read legislation. I think you have probably heard me say, "I happen to believe it somewhat important that legislators actually have an opportunity to read a few bills before we vote on them."

This has been a great opportunity. We have a great staff who have worked many hours of overtime to prepare for you and I an opening day that will bring to us more prepared legislation including fiscal notes than has ever been given before. I hope that all of you are prepared for the input that we hope to receive. We have had, including those that have been sent out to you, 360 bills. That represents

43%, almost 50%, of the bills that have been filed thus far in this session are all ready prepared. I hope that each of you take an opportunity to go behind the scenes to thank staff for an incredible job.

We had an opportunity, Senator Mantes and I, several years ago to chair a meeting that I would just like to talk about for a minute. It was called the Process Committee. The Process Committee in our first year came up with some outstanding and wonderful concepts and ideas of change. And I remember Senator Mantes and I were thrilled as new legislators with the opportunity to come forward and explain them to this body. Senator Mantes, being the gracious statesman that he was, patted me on the back and said, "Why don't you make the presentation." So I took that opportunity. Little did I realize the great wisdom and knowledge of Senator Mantes. I left that meeting that day feeling somewhat fortunate not to be both tarred and feathered. The presentations we made were unanimously rejected, every one. I want you to know that over a period of time almost all of those suggestions of Senator Mantes have now been implemented in the state of Utah. Some of them were not.

In closing, let me tell you why some of them were not. You know that I have always spoken my true feelings. One of the most deplorable votes that I have ever made (that I regret to this day) is the vote I made against the citizens of this state. I deprived them of an opportunity, that is in my estimation, a constitutional right and privilege. I voted on an issue that is very sensitive. I voted in favor of term limits. I regret that to this day. I can't think of anything that I have done as a legislator that has taken away the rights of citizens more than their opportunity to vote for who they would like to represent them.

Why do I bring that up at this time? Because this year we will miss several people that have been true statesmen of this sacred process – people like Rex Black, Haven Barlow, Chuck Peterson, and Omar Bunnell – people who I gained such a huge esteem and respect for because of their intellect, their abilities, and, most importantly, their experience. You tell me where we're going to get that. Where in a few years from now when all of us are replaced, will they ever get that? A great concern. Some given time in the future, I vow, that I will again put before this body an opportunity, in some way, to correct what I believe is a great disservice to the citizens of this state. And no, it won't be at ten minutes to 12 midnight on the last day.

I think there are lessons that we all learn. I hope that character is built by experiences. I would like to close with a quote by C.S. Lewis. "Character is built out of circumstance. From exactly the same material, one man builds palaces, while another builds hovels." I hope and pray, as the presiding officer of this body,

that out of the confusion and struggles and challenges that we face, that we may at the end of this session, end up with palaces and not hovels. Thank you very much."

* * *

On motion of Senator C. Peterson, President Beattie directed that the following be recorded in the Senate Journal as leaders for the 52nd Legislature 1997 General Session.

President – R. Lane Beattie
Majority Leader – Craig A. Peterson
Majority Whip – Leonard M. Blackham
Assistant Majority Whip – Lyle W. Hillyard
Minority Leader – Scott N. Howell
Minority Whip – E. George Mantes
Assistant Minority Whip – Joseph L. Hull

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

On motion of Senator C. Peterson, the Senate expressed appreciation to the Honorable Associate Chief Justice Richard C. Howe for taking time from his busy schedule to participate in the opening of the Utah State Senate.

* * *

President Beattie appointed a Senate Rules Committee comprised of Senator Holmgren, Chairman, and Senators Blackham, Mansell, Buhler, Muhlestein, Wharton, and Steiner to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Beattie appointed Senators Suazo, Jones, and Muhlestein as a committee to read and revise the Daily Senate Journal.

President Beattie appointed Senator Montgomery as chair of the Senate Employees Committee.

On motion of Senator Holmgren, the Senate Rules and Joint Rules of the 1996 General Session of the Fifty–First Legislature were adopted with the understanding that changes to these Rules for the Fifty–Second Legislature will be considered and adopted as soon as possible.

President Beattie appointed Senators Tanner, Nielson, and M. Peterson as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Wright, Larson, Saunders, and Bourdeaux reported that the House of Representatives was organized and ready to do business.

President Beattie appointed a committee comprised of Senators Waddoups, Mansell, and Steiner to notify Governor Leavitt that the 1997 General Session of the Fifty-Second Legislature is organized and ready to do business, and to ascertain the time the Governor will deliver his message.

Senator Tanner, Chair of the Committee to Notify the House, reported that the House had been notified that the Senate is organized and ready to do business.

Senator Waddoups, Chair of the Committee to Notify the Governor, reported that His Excellency Governor Michael O. Leavitt had been notified and that he will be ready to deliver his message at a Joint Convention in the Chamber of the House of Representatives at 6:30 p.m. this evening.

READING OF TITLES OF BILLS AND RESOLUTIONS

On motion of Senator Holmgren, and as provided by the Utah State Constitution, the Senate voted to suspend the reading of the full titles of all bills and resolutions on the Senate Calendar as they are read the first time and introduced, and as all bills and resolutions are considered on Second Reading, Third Reading and on Consent Calendar. The motion is to apply to all bills and resolutions introduced and read for the remainder of this legislative session, except as an individual senator may request the reading of the full title 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.

* * *

At the direction of President Beattie, the following information is to be recorded in the Senate Journal.

STANDING COMMITTEES

Business, Labor and Economic Development - Steven Poulton, Chair. David Buhler, Al Mansell, Howard Nielson, Eddie Mayne, and Blaze Wharton, committee members.

Education - Lorin Jones, Chair. Leonard Blackham, Craig Peterson, David Steele, Howard Stephenson, Scott N. Howell, and Joseph L. Hull, committee members.

Energy, Natural Resources and Agriculture – Alarik Myrin, Chair. John Holmgren, Lorin Jones, Mont Evans, Joseph L. Hull, and Pete Suazo, committee members.

Health and Environment – Robert Muhlestein, Chair. John Holmgren, LeRay McAllister, Robert Montgomery, Millie Peterson, and Robert C. Steiner, committee members.

Human Services – Nathan Tanner, Chair. Craig Taylor, Alarik Myrin, and Pete Suazo, committee members.

Judiciary – Craig Taylor, Chair. Lane Beattie, Lyle Hillyard, David Buhler, Mike Dmitrich, and Robert Steiner, committee members.

Revenue and Taxation – Howard Nielson, Chair. Howard Stephenson, Michael Waddoups, Robert Montgomery, Steven Poulton, Lyle Hillyard, Leonard Blackham, Mike Dmitrich, and George Mantes, committee members.

State and Local Affairs – Mont Evans, Chair. Craig A. Peterson, LeRay McAllister, Robert Muhlestein, Millie Peterson, and Blaze Wharton, committee members.

Transportation and Public Safety – Al Mansell, Chair. David Steele, Nathan Tanner, Michael Waddoups, George Mantes, and Eddie Mayne, committee members.

EXECUTIVE APPROPRIATIONS AND SUBCOMMITTEE ASSIGNMENTS

Executive Appropriations Committee – Sen. LeRay McAllister, Chair. David Buhler, Vice Chair. Lane Beattie, Craig Peterson, Leonard Blackham, Lyle Hillyard, Scott Howell, George Mantes, Joseph Hull, and Robert Steiner, committee members.

Commerce and Revenue – Al Mansell, Chair. Lorin Jones, and Eddie Mayne, committee members.

Economic Development and Human Resources – Steve Poulton, Chair. Blaze Wharton, committee member.

Executive Offices, Criminal Justice and Legislature – Michael Waddoups, Chair. Robert Muhlestein, and Robert Steiner, committee members.

Capital Facilities and Administrative Services – David Buhler, Chair. Leonard Blackham, and Mike Dmitrich, committee members.

Higher Education – David Steele, Chair. Lyle Hillyard, Nathan Tanner, and George Mantes, committee members.

Public Education – Robert Montgomery, Chair. Craig Taylor, LeRay McAllister, and Millie Peterson, committee members.

Health and Human Services – Howard Stephenson, Chair. Howard Nielson and Scott Howell, committee members.

Transportation and Environmental Quality – John Holmgren, Chair. Lane Beattie, Mont Evans, and Pete Suazo, committee members.

Natural Resources – Alarik Myrin, Chair. Craig Peterson and Joseph L. Hull, committee members.

EMPLOYEE COMMITTEE REPORT

On motion of Senator Montgomery, the Senate voted to adopt the following committee report and employ the persons recommended by Senator Montgomery as Senate staff for the 1997 General Session of the Fifty–Second Legislature.

Mr. President January 15, 1997

As Chair of the Committee on Employees, I report that I have carefully considered the applications of the following persons, and recommend that they be employed as Senate Staff for the 1997 General Session of the 52nd Legislature.

Annette B. Moore	Secretary of the Senate
Sandy D. Tenney	Manager of Senate Services
Leslie O. McLean	Leadership Secretary & Third House Secretary
Kathleen Furness	Legislative Aide & Third House Aide
Debbie Headman	Minority Party Secretary
Lynette Erickson	Docket Clerk & Voting Machine Operator
Greg Johnson	System Analyst and Computer Specialist
Joyce R. Allison	Bill Status Clerk
Sharon S. Johnson	Secretarial Supervisor
Janice A. Gadd	Journal Clerk
Linda G. Hansen	Rules Secretary
Rolayne Day	Asst. Secretarial Supervisor & Committee Secretary

Susie Carter	Committee Secretary
Margaret Pahnke	Committee Secretary
Bonnie Brinton	Committee Secretary
Marie Anderson	Committee Secretary
Christine Fairclough	Committee Secretary
Jeanne Wride	Committee Secretary
Ralph D. Benson	Sergeant At Arms
Alfred Rex Hill	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Dale S. Hansen	Security
Robert L. Gardner	Security
Corky Wollen	Security
Thad S. Jensen	Security
Leo T. Parry	Security
Neil Black	Security
Glenn Hildebrand	Custodian
Gayle C. Petersen	Page Supervisor
Sue S. Hyer	Asst. Page Supervisor
Linda Cornaby	Page
Elaine Turley	Page
Diane Jensen	Page
Nedra Thomas	Page
Shirley C. Taylor	Page
Eleanor O. Whisenant	Page
Georgia F. Herron	Page
Dianne Richards	Page
Eileen H. Miller	Page/Recorder
Charlene Russon	Legislative & Docket Clerk Aide
Evoline Gardner	Hostess and 3rd House Aide
Debra Thompson	Legislative Aide to Secretary of the Senate
Charliene T. Reed	Public Information Officer
Deon C. Saunders	Public Information Officer
Darlene D. Nilson	Public Information Officer
Pamela H. Benson	Legislative Tour Guide

Robert F. Montgomery, Chair
Senate Employee Committee

Senator Montgomery introduced the Senate Staff. The employees were administered the oath of office by President Beattie.

INTRODUCTION OF BILLS

CONSTRUCTION CONTRACTORS

S.B. 3 *L. Steven Poulton*

AN ACT RELATING TO COMMERCE AND TRADE; MAKING VOID CERTAIN PROVISIONS OF AGREEMENTS REQUIRING DISPUTES ARISING UNDER AN AGREEMENT TO BE RESOLVED IN A FORUM OUTSIDE UTAH, was read for the first time and referred to the President of the Senate.

CAPITAL HOMICIDE AMENDMENTS

S.B. 4 *David L. Buhler*

AN ACT RELATING TO THE CRIMINAL CODE; AMENDING THE AGGRAVATED MURDER STATUTE TO INCLUDE SITUATIONS WHERE AN ATTEMPT WAS MADE TO KILL ANOTHER PERSON OTHER THAN THE VICTIM; CLARIFYING THE PROVISIONS WHEN A BOMB OR EXPLOSIVE DEVICE IS USED; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

CREATING A PUBLIC SCHOOL DISTRICT

S.B. 5 *Millie M. Peterson*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING A MECHANISM FOR THE CREATION OF A NEW SCHOOL DISTRICT; PROVIDING FOR THE TRANSFER OF PROPERTY TO AND THE ASSUMPTION OF INDEBTEDNESS BY THE NEW SCHOOL DISTRICT; AND PROVIDING FOR THE ELECTION OF BOARD MEMBERS, was read for the first time and referred to the President of the Senate.

MUNICIPAL AND COUNTY LAND USE DEVELOPMENT AND MANAGEMENT

S.B. 6 *LeRay McAllister*

AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; REQUIRING MUNICIPALITIES AND COUNTIES TO ESTABLISH A PLANNING COMMISSION; MODIFYING PROVISIONS RELATING TO THE NUMBER AND TERM OF MEMBERS AND ALTERNATE MEMBERS

OF A PLANNING COMMISSION IN MUNICIPALITIES AND COUNTIES; MODIFYING THE PROCEDURE FOR THE PREPARATION AND ADOPTION OF A ZONING ORDINANCE IN MUNICIPALITIES AND COUNTIES; MODIFYING PROVISIONS RELATING TO THE ADOPTION OF TEMPORARY ZONING REGULATIONS IN MUNICIPALITIES AND COUNTIES; MODIFYING THE TERM OF BOARD OF ADJUSTMENT MEMBERS IN MUNICIPALITIES AND COUNTIES; MODIFYING THE POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT IN MUNICIPALITIES AND COUNTIES; MODIFYING THE PROCEDURE APPLICABLE TO APPEALS FROM ZONING DECISIONS IN MUNICIPALITIES AND COUNTIES; MAKING CONFORMING CORRECTIONS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

PHARMACY ACT - OPEN DRUG FORMULARY

S.B. 7 *John P. Holmgren*

AN ACT RELATING TO HEALTH; PROVIDING THAT A HEALTH CARE PRACTITIONER MAY NOT BE LIMITED IN PRESCRIBING MEDICATION BY A RESTRICTIVE DRUG FORMULARY, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR SOUND BARRIERS

S.B. 8 *David L. Buhler*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING FROM THE TRANSPORTATION FUND FOR FISCAL YEAR 1997–98, $5,000,000 TO THE DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF CERTAIN NOISE WALLS; MAKING THE APPROPRIATION NONLAPSING; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS

S.B. 9 *L. Steven Poulton*

AN ACT RELATING TO CRIMINAL CODE AND UTAH CODE OF CRIMINAL PROCEDURE; REQUIRING THAT CERTAIN PAROLEES AND PROBATIONERS OBTAIN A HIGH SCHOOL GRADUATION DIPLOMA, GED CERTIFICATE, OR VOCATIONAL CERTIFICATE PRIOR TO TERMINATION OF THEIR PAROLE OR PROBATION; PROVIDING AN EXCEPTION; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

INCOME TAX CHECKOFF

S.B. 10 *Lyle W. Hillyard*

AN ACT RELATING TO THE INDIVIDUAL INCOME TAX ACT; REMOVING THE DESIGNATION FOR AND PROHIBITING THE COMMISSION FROM COLLECTING CERTAIN CONTRIBUTIONS UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE COMMISSION TO REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE ON WHETHER CERTAIN STATUTORY PROVISIONS SHOULD BE REPEALED IF THE COMMISSION REMOVES THE DESIGNATION FOR A CONTRIBUTION; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

WORKERS' COMPENSATION – EXEMPTION FOR AGRICULTURAL WORKERS

S.B. 11 *Robert C. Steiner*

AN ACT RELATING TO LABOR; MODIFYING EXEMPTION FOR AGRICULTURAL WORKERS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

UNDERGROUND COAL MINING – WATER REPLACEMENT REQUIREMENTS

S.B. 12 *Mike Dmitrich*

AN ACT RELATING TO MINING; PROVIDING FOR THE REPLACEMENT OF APPROPRIATED WATER SUPPLIES AFFECTED BY UNDERGROUND COAL MINING OPERATIONS; AND MAKING TECHNICAL AMENDMENTS, was read for the first time and referred to the President of the Senate.

TELECOMMUNICATION AMENDMENTS

S.B. 13 *David H. Steele*

AN ACT RELATING TO PUBLIC UTILITIES; MODIFYING EFFECTIVE DATES RELATING TO TELECOMMUNICATIONS DEREGULATION; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

OUTDOOR ADVERTISING AMENDMENTS

S.B. 14 *L. Alma Mansell*

AN ACT RELATING TO HIGHWAYS; AMENDING THE REGULATION OF OUTDOOR ADVERTISING; LIMITING THE AUTHORITY OF LOCAL GOVERNMENTS RELATING TO EXISTING OUTDOOR ADVERTISING USES; AMENDING DEFINITIONS; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO MAKE RULES TO ESTABLISH A FOLIAGE CONTROL PROGRAM RELATED TO OUTDOOR ADVERTISING; PROVIDING FOR THE RELOCATION OF CERTAIN OUTDOOR ADVERTISING; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE

S.B. 15 *Robert F. Montgomery*

AN ACT RELATING TO PUBLIC EDUCATION; CREATING THE PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE; PROVIDING FOR MEMBERSHIP; DELINEATING RESPONSIBILITIES AND PROCEDURES; PROVIDING A REPORTING DATE; APPROPRIATING $22,000 FROM THE GENERAL FUND; AND PROVIDING A REPEAL DATE, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR TUACAHN FOUNDATION

S.B. 16 *Lorin V. Jones*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING $50,000 FROM THE GENERAL FUND FOR FISCAL YEAR 1997-98 TO THE TUACAHN FOUNDATION; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

COVERING CERTAIN LOAD MATERIALS

S.B. 17 *Joseph L. Hull*

AN ACT RELATING TO HIGHWAYS; AMENDING EXEMPTIONS TO REQUIREMENTS FOR CONFINING CERTAIN LOADS ON VEHICLES, was read for the first time and referred to the President of the Senate.

HEALTH CARE PROVIDER PRACTICE AND CONDUCT AMENDMENTS

S.B. 18 *Robert F. Montgomery*

AN ACT RELATING TO HEALTH; CLARIFYING ACTIONS THAT ARE UNLAWFUL INVOLVEMENT IN A PHYSICIAN'S OR HEALTH CARE

PROVIDER'S INDEPENDENT JUDGMENT, AND ACTIONS THAT ARE NOT UNLAWFUL INVOLVEMENT; AND PROVIDING PARALLEL LANGUAGE IN THE INSURANCE CODE, was read for the first time and referred to the President of the Senate.

PRIORITIZATION OF CHILD SUPPORT COLLECTIONS

S.B. 19 *Robert M. Muhlestein*

AN ACT RELATING TO HUMAN SERVICES; ESTABLISHING AN ORDER OF PRIORITY FOR THE COLLECTION OF CHILD SUPPORT BY THE OFFICE OF RECOVERY SERVICES, was read for the first time and referred to the President of the Senate.

OPTOMETRY PRACTICE ACT

S.B. 20 *L. Alma Mansell*

AN ACT RELATING TO HEALTH; AMENDING THE OPTOMETRY PRACTICE ACT; AMENDING DEFINITIONS; PROVIDING DEFINITIONS AND PRACTICE REGARDING CONTACT LENSES; AMENDING THE SCOPE OF PRACTICE OF OPTOMETRISTS; AND AMENDING THE BOARD MEMBERSHIP, was read for the first time and referred to the President of the Senate.

EMISSIONS INSPECTION ON NEWER VEHICLES

S.B. 21 *Robert M. Muhlestein*

AN ACT RELATING TO ENVIRONMENT AND TRANSPORTATION; REDUCING THE REQUIRED FREQUENCY OF EMISSIONS INSPECTIONS FOR SPECIFIED VEHICLES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

BUDGET REVIEW TASK FORCE

S.B. 22 *Millie M. Peterson*

AN ACT RELATING TO LEGISLATURE; CREATING A TASK FORCE TO REVIEW SELECTED STATE GOVERNMENT ENTITIES' BUDGETS AND MAKE RECOMMENDATIONS; SPECIFYING TASK FORCE MEMBERSHIP AND DUTIES; PROVIDING A $79,000 APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

DRIVER LICENSE AMENDMENTS

S.B. 23 *David H. Steele*

AN ACT RELATING TO MOTOR VEHICLES; REPEALING CERTAIN PROVISIONS REQUIRING PROOF OF INSURANCE AFTER A CONVICTION FOR CERTAIN OFFENSES; ALLOWING CERTAIN INFORMATION TO BE CONSIDERED EVIDENCE OF INSURANCE AFTER AN ACCIDENT; AMENDING THE LIMIT UNDER WHICH POST ACCIDENT SECURITY IS REQUIRED; REPEALING THE REQUIREMENT THAT A COURT CONFISCATE A DRIVER LICENCE FOR CERTAIN OFFENSES; SPECIFYING CERTAIN CRIMINAL PENALTIES; ESTABLISHING A MAXIMUM PERIOD FOR WHICH THE DRIVER LICENSE DIVISION SHALL EXTEND DRIVER LICENSE SANCTIONS AND SHALL IMPOSE OTHER COURT ORDERED SANCTIONS; AMENDING SPEED SEVERITY PROVISIONS; REPEALING CERTAIN PERJURY PROVISIONS; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

UTAH FOREST PRACTICES ACT

S.B. 24 *Alarik Myrin*

AN ACT RELATING TO FORESTRY; REQUIRING NOTIFICATION BY LANDOWNERS AND OPERATORS OF INTENT TO CONDUCT FOREST PRACTICES; REQUIRING REGISTRATION OF OPERATORS; AND DIRECTING THE DIVISION OF FORESTRY, FIRE AND STATE LANDS TO ESTABLISH BEST MANAGEMENT PRACTICES AND EDUCATIONAL PROGRAMS FOR THE CONDUCT OF FOREST PRACTICES, was read for the first time and referred to the President of the Senate.

SENTENCING GUIDELINES

S.B. 25 *Lyle W. Hillyard*

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR APPLICATION OF JUVENILE SENTENCING GUIDELINES WHEN PREPARING A DISPOSITIONAL REPORT AND RECOMMENDATION IN A DELINQUENCY ACTION, was read for the first time and referred to the President of the Senate.

SALES TAX OPTION FOR COUNTIES

S.B. 26 *L. Alma Mansell*

AN ACT RELATING TO REVENUE AND TAXATION; AUTHORIZING A COUNTY OPTION SALES AND USE TAX; REQUIRING THE COUNTY

TO HOLD PUBLIC HEARINGS AND PUBLISH ADVERTISEMENTS BEFORE LEVYING THE TAX; PROVIDING FOR A MODIFIED REFERENDUM PROCEDURE; PROVIDING PROCEDURES FOR DISTRIBUTING REVENUES GENERATED BY THE TAX; PROVIDING PROCEDURES FOR ADMINISTERING THE TAX; PROVIDING A STATEWIDE PURPOSE; MODIFYING THE PROPERTY TAX CERTIFIED RATE PROVISIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

DANGEROUS WEAPONS - RESTRICTIONS

S.B. 27 *Robert C. Steiner*

AN ACT RELATING TO PUBLIC SAFETY AND THE CRIMINAL CODE; LISTING CROSS REFERENCES FOR CERTAIN RESTRICTED AREAS WHERE CONCEALED PERMIT HOLDERS MAY NOT CARRY FIREARMS; SPECIFYING THAT IT IS NOT A DISCRIMINATORY PRACTICE FOR AN EMPLOYER TO PROHIBIT EMPLOYEES FROM POSSESSING DANGEROUS WEAPONS DURING WORKING HOURS; CONSOLIDATING SECTIONS REGARDING THE PROHIBITION OF DANGEROUS WEAPONS ON SCHOOL PREMISES; PROVIDING THAT PRIVATE PROPERTY OWNERS AND PERSONS AUTHORIZED TO CONTROL PUBLIC PROPERTY MAY PROHIBIT DANGEROUS WEAPONS FROM THE PROPERTY IN CERTAIN CIRCUMSTANCES; PRESCRIBING THAT DANGEROUS WEAPONS MAY NOT BE POSSESSED ON CHURCH OR HOSPITAL PREMISES UNLESS AUTHORIZED; SPECIFYING PRIMA FACIE DETERMINATION THAT VIOLATOR HAS FAILED TO MAINTAIN GOOD CHARACTER FOR A CONCEALED FIREARM PERMIT; PROVIDING CRIMINAL PENALTIES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

DISTRICT COURT JUDGE INCREASE

S.B. 28 *Lyle W. Hillyard*

AN ACT RELATING TO THE JUDICIAL CODE; INCREASING THE NUMBER OF THIRD DISTRICT COURT JUDGES FROM 28 TO 30; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

SALES TAX EXEMPTION FOR SCRAP RECYCLERS

S.B. 29 *David L. Buhler*

AN ACT RELATING TO THE SALES AND USE TAX ACT; PROVIDING DEFINITIONS RELATING TO THE SALES AND USE TAX EXEMPTION FOR MANUFACTURING; INCLUDING A SCRAP RECYCLER IN THE DEFINITION OF A MANUFACTURING FACILITY; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

ACCOUNTABILITY AND OVERSIGHT OF UTAH TRANSIT AUTHORITY

S.B. 30 *Millie M. Peterson*

AN ACT RELATING TO SPECIAL DISTRICTS; REQUIRING THE ELECTION OF CERTAIN PUBLIC TRANSIT DISTRICT BOARD OF DIRECTORS; PROVIDING FOR NOMINATING PROCEDURES; PROVIDING FOR TRANSITION AND ELECTION PROCEDURES; PROVIDING FOR THE ESTABLISHMENT OF TRANSIT DISTRICT REGIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

CELLULAR PHONE FRAUD

S.B. 31 *Scott N. Howell*

AN ACT RELATING TO CRIMINAL CODE; ADDING DEFINITIONS; ADDING AND MODIFYING ELEMENTS OF CRIME AND PENALTIES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS

S.B. 32 *R. Mont Evans*

AN ACT RELATING TO VOTER REGISTRATION; PROVIDING VOTER REGISTRATION FORMS TO HIGH SCHOOL SENIORS; AND THE RETENTION OF VOTER REGISTRATION FORMS BY THE COUNTY CLERK, was read for the first time and referred to the President of the Senate.

CHILD VISITATION GUIDELINES

S.B. 33 *R. Mont Evans*

AN ACT RELATING TO HUSBAND AND WIFE; ESTABLISHING PRESUMPTIVE CHILD VISITATION GUIDELINES FOR CHILDREN

UNDER FIVE YEARS OF AGE; CLARIFYING THE CRITERIA UNDER WHICH A DEVIATION FROM THE VISITATION GUIDELINES MAY BE ORDERED; AND MAKING TECHNICAL AND CONFORMING AMENDMENTS, was read for the first time and referred to the President of the Senate.

AGRICULTURAL AMENDMENTS

S.B. 34 *Leonard M. Blackham*

AN ACT RELATING TO AGRICULTURE; PROVIDING THAT FUNDS COLLECTED FOR GRAIN GRADING BE NONLAPSING; PROVIDING THAT THE STATE CHEMIST IS A MERIT EXEMPT EMPLOYEE; CREATING A FEE ON FERTILIZER AND SOIL AMENDMENT PRODUCTS AND DEDICATING THE FEE REVENUE FOR CERTAIN PURPOSES; AND REGULATING SEEDS FOR SPROUTING, was read for the first time and referred to the President of the Senate.

CONTRACTOR'S DUTIES TO SUBCONTRACTORS

S.B. 73 *L. Alma Mansell*

AN ACT RELATING TO COMMERCE; ADDRESSING PAYMENT OBLIGATIONS UNDER CONSTRUCTION CONTRACTS REGULATING CONTRACTS BETWEEN CONTRACTORS AND SUBCONTRACTORS; AND PROVIDING SCOPE OF SECTION, was read for the first time and referred to the President of the Senate.

INDIGENT DEFENSE PROVISIONS

S.B. 74 *Leonard M. Blackham*

AN ACT RELATING TO UTAH CODE OF CRIMINAL PROCEDURE; ESTABLISHING THE INDIGENT DEFENSE FUND BOARD; DEFINING DUTIES OF THE BOARD; AUTHORIZING THE BOARD TO CONTRACT FOR QUALIFIED LEGAL DEFENSE COUNSEL FOR INDIGENTS; CREATING THE INDIGENT CAPITAL DEFENSE TRUST FUND AND THE INDIGENT FELONY DEFENSE TRUST FUND; PROVIDING DEFINITIONS; PROVIDING FOR PARTICIPATION BY COUNTIES IN THE FUNDS; TRANSFERRING RESPONSIBILITIES OF THE CRIMINAL DEFENSE COSTS TRUST FUND FROM THE UTAH PROSECUTION COUNCIL TO THE BOARD AND RENAMING FUND TO THE INDIGENT INMATE TRUST FUND; PROVIDING THAT THE ADMINISTRATIVE OFFICE OF THE COURTS REQUEST A SUPPLEMENTAL APPROPRIATION TO PAY FOR

ANY DEFICIT IN THE INDIGENT INMATE TRUST FUND AND THE INDIGENT CAPITAL DEFENSE FUND IN THE FOLLOWING GENERAL SESSION; APPROPRIATING $100,000 TO THE INDIGENT FELONY DEFENSE TRUST FUND FROM THE GENERAL FUND FOR THE FISCAL YEAR 1997-98 TO INITIATE THE FUND; PROVIDING FOR CONTRIBUTIONS FROM PARTICIPATING COUNTIES TO THE FUNDS; PROVIDING FOR THE BENEFITS, ADMINISTRATION, AND DISBURSEMENT OF THE FUNDS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

SAFE DRINKING WATER ACT AMENDMENTS

S.B. 75 *John P. Holmgren*

AN ACT RELATING TO HEALTH AND ENVIRONMENT; AMENDING DRINKING WATER PROGRAM PROVISIONS TO COMPLY WITH FEDERAL SAFE DRINKING WATER ACT REQUIREMENTS FOR FINANCIAL ASSISTANCE, INCLUDING PROVIDING AGENCY RULEMAKING AUTHORITY FOR CAPACITY DEVELOPMENT AND CREATION OF A DRINKING WATER PROJECT REVOLVING LOAN FUND, was read for the first time and referred to the President of the Senate.

EXTRACURRICULAR ACTIVITIES

S.B. 76 *Howard A. Stephenson*

AN ACT RELATING TO PUBLIC EDUCATION; REQUIRING THE STATE BOARD OF EDUCATION TO ESTABLISH RULES AND STANDARDS FOR THE PUBLIC SCHOOLS REGARDING THE SCHEDULING OF AND PARTICIPATION IN INTERDISTRICT EXTRACURRICULAR ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS

S.B. 77 *David H. Steele*

AN ACT RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS; PROVIDING TECHNICAL CHANGES TO PROCEDURES FOR AGENCY ADJUDICATIONS; PROVIDING FOR REGISTRATION OF PREEXISTING FEDERAL MINING CLAIMS ENCUMBERING TRUST LANDS; ALLOWING THE DIRECTOR OF SCHOOL AND INSTITUTIONAL TRUST LANDS TO REWARD COUNTY GOVERNMENTS FOR

ASSISTANCE IN APPREHENDING AND PROSECUTING TRESPASSERS ON TRUST LANDS; AND CONVERTING THE LAND GRANT MANAGEMENT FUND INTO AN ENTERPRISE FUND, was read for the first time and referred to the President of the Senate.

ELECTION LAW - POLITICAL PARTIES

S.B. 78 *Pete Suazo*

AN ACT RELATING TO ELECTIONS; MODIFYING DATES FOR BECOMING A REGISTERED POLITICAL PARTY; MODIFYING REQUIREMENTS FOR REGISTERING POLITICAL PARTY NAMES; ESTABLISHING REQUIREMENTS GOVERNING POLITICAL PARTY EMBLEMS; CLARIFYING REQUIREMENTS GOVERNING POLITICAL PARTY OFFICERS AND LIAISONS; MODIFYING DATES FOR POLITICAL PARTIES TO CERTIFY CANDIDATES; CLARIFYING CERTIFICATION REQUIREMENTS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

ELECTION LAW - ELECTION PROCESS

S.B. 79 *R. Mont Evans*

AN ACT RELATING TO ELECTIONS; MODIFYING THE VOTER REGISTRATION FORM; MODIFYING REQUIREMENTS RELATING TO ELECTION JUDGES; MODIFYING VOTER REGISTRATION PROCEDURES AND REQUIREMENTS; MODIFYING REQUIREMENTS FOR PURGING NAMES FROM VOTER REGISTRATION LISTS; MODIFYING CERTAIN ELECTION ADMINISTRATION REQUIREMENTS; CLARIFYING REQUIREMENTS FOR CERTIFYING NAMES AND ISSUES FOR THE BALLOT; CLARIFYING BALLOT CHALLENGE PROCEDURES; MODIFYING REQUIREMENTS FOR POSTING CONSTITUTIONAL AMENDMENTS AT POLLING PLACES; MODIFYING REQUIREMENTS GOVERNING TRANSFER OF VOTER REGISTRATION INFORMATION FROM THE DRIVER LICENSE DIVISION; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP

S.B. 80 *Craig L. Taylor*

AN ACT RELATING TO JUDICIAL CODE; ALTERING MEMBERSHIP OF THE CHILD SUPPORT ADVISORY COMMITTEE, was read for the first time and referred to the President of the Senate.

ELECTION LAW -
CAMPAIGN FINANCE REPORTING REQUIREMENTS

S.B. 81 *David L. Buhler*

AN ACT RELATING TO ELECTION LAW; MODIFYING DEFINITIONS; MODIFYING CAMPAIGN CONTRIBUTION AND REPORTING REQUIREMENTS; CLARIFYING REQUIREMENTS CONNECTED WITH CAMPAIGN ACCOUNTS AND REPORTING REQUIREMENTS; MODIFYING PENALTIES AND PROCEDURES RELATING TO FAILURE TO TIMELY FILE CAMPAIGN FINANCIAL REPORTS; ESTABLISHING CERTAIN PENALTIES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

ELECTION LAW - CANDIDATE ISSUES

S.B. 82 *L. Steven Poulton*

AN ACT RELATING TO ELECTIONS; REQUIRING A DECLARATION OF CANDIDACY FOR CANDIDATES FOR THE STATE BOARD OF EDUCATION; MODIFYING THE PROCESS FOR SELECTING STATE BOARD OF EDUCATION MEMBERS; CLARIFYING ISSUES RELATING TO CERTIFYING THE NAMES OF CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES FOR PLACEMENT ON THE BALLOT; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM

S.B. 83 *Craig A. Peterson*

AN ACT RELATING TO PENSIONS; CREATING A NONCONTRIBUTORY RETIREMENT SYSTEM FOR JUDGES; PROVIDING DEFINITIONS; PROVIDING ELIGIBILITY AND CONVERSION REQUIREMENTS; ESTABLISHING THAT CONTRIBUTIONS TO THE SYSTEM ARE TO BE MADE ENTIRELY BY THE EMPLOYER; PROVIDING FOR BENEFITS; PROVIDING FOR ADMINISTRATION OF THE SYSTEM; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

PUBLIC TRANSIT DISTRICT BOARDS

S.B. 84 *L. Alma Mansell*

AN ACT RELATING TO SPECIAL DISTRICTS; AMENDING THE BOARD APPOINTMENT BASIS AND PROCESS FOR CERTAIN PUBLIC

TRANSIT DISTRICTS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

PUBLIC SAFETY ELIGIBILITY AMENDMENTS

S.B. 85 *Robert F. Montgomery*

AN ACT RELATING TO PENSIONS; AMENDING THE AUTHORITY OF THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL TO DETERMINE PUBLIC SAFETY RETIREMENT DISPUTES, was read for the first time and referred to the President of the Senate.

HOUSING AUTHORITY AMENDMENTS

S.B. 86 *Pete Suazo*

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; PERMITTING CERTAIN GOVERNING BODIES OF THE STATE TO CONTRACT WITH OR EXECUTE AN INTERLOCAL AGREEMENT FOR SERVICES TO BE PROVIDED BY A HOUSING AUTHORITY ESTABLISHED IN ANOTHER POLITICAL SUBDIVISION, was read for the first time and referred to the President of the Senate.

ADJUSTMENT IN CERTIFIED RATE ON PROPERTY TAX

S.B. 87 *Howard A. Stephenson*

AN ACT RELATING TO THE PROPERTY TAX ACT; AUTHORIZING THE COMMISSION TO ADJUST A TAXING ENTITY'S CERTIFIED TAX RATE FOR CLERICAL ERRORS UNDER CERTAIN CIRCUMSTANCES; IMPOSING LIMITS ON THE AMOUNT ALLOWED AS A CERTIFIED TAX RATE ADJUSTMENT FOR CLERICAL ERRORS; AND PROVIDING FOR RETROSPECTIVE OPERATION, was read for the first time and referred to the President of the Senate.

BUDGETARY PROCESS - REVENUE REPORTING

S.B. 88 *Howard A. Stephenson*

AN ACT RELATING TO THE PROPERTY TAX ACT; REQUIRING A COUNTY TREASURER TO PROVIDE TO TAXING ENTITIES IN WRITING CERTAIN PROPERTY TAX CHARGES, COLLECTIONS, AND DISTRIBUTIONS; MAKING TECHNICAL CHANGES; AND PROVIDING

AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

JUVENILE JUDGES - SHORT TERM COMMITMENT OF YOUTH

S.B. 89 *Nathan C. Tanner*

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING THE JUVENILE COURT WITH THE AUTHORITY TO COMMIT A MINOR TO SHORT-TERM DETENTION, was read for the first time and referred to the President of the Senate.

JUVENILE COURT POWERS

S.B. 90 *Nathan C. Tanner*

AN ACT RELATING TO THE JUDICIAL CODE; AMENDING THE AUTHORITY OF THE JUVENILE COURT TO PUNISH FOR CONTEMPT, was read for the first time and referred to the President of the Senate.

TELECOMMUNICATIONS DEREGULATION AMENDMENTS

S.B. 92 *David H. Steele*

AN ACT RELATING TO PUBLIC UTILITIES; ENACTING AND AMENDING LANGUAGE REGARDING CONTRACTS PREVIOUSLY REPEALED; AMENDING PROVISIONS REGARDING DISCRIMINATION; PROVIDING THAT THE TERRITORY OF THE COMPETITOR BE MATCHED BY THE INCUMBENT FOR PRICING FLEXIBILITY; AND MAKING TECHNICAL AMENDMENTS, was read for the first time and referred to the President of the Senate.

NATIVE AMERICAN COORDINATING BOARD

S.B. 93 *Millie M. Peterson*

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; EXPANDING THE MEMBERSHIP ON THE STATE NATIVE AMERICAN COORDINATING BOARD; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

INFORMATION TECHNOLOGY AMENDMENTS

S.B. 94 *David H. Steele*

AN ACT RELATING TO INFORMATION TECHNOLOGY; ESTABLISHING A PUBLIC POLICY STATEMENT; RENUMBERING AND

AMENDING SECTIONS RELATING TO THE INFORMATION TECHNOLOGY COMMISSION AND THE CHIEF INFORMATION OFFICER; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS

S.B. 95 *David L. Buhler*

AN ACT RELATING TO PROCUREMENT; DEFINING TERMS; SPECIFYING ALTERNATIVE METHODS OF CONSTRUCTION CONTRACTING MANAGEMENT; MODIFYING PROCUREMENT REQUIREMENTS RELATING TO ARCHITECT-ENGINEER SERVICE PROVIDERS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

CITY AUTHORITY OVER CERTAIN RENTAL UNITS

S.B. 96 *David L. Buhler*

AN ACT RELATING TO CITIES AND TOWNS; AUTHORIZING A MUNICIPALITY TO IMPOSE CERTAIN REQUIREMENTS ON THE OWNER OF A RENTAL DWELLING; PROVIDING AN EXCEPTION; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

COSTS FOR UNLAWFUL SUBDIVISION OF LAND

S.B. 97 *LeRay McAllister*

AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; IMPOSING CIVIL LIABILITY FOR IMPROPERLY RECORDED SUBDIVISION PLATS, was read for the first time and referred to the President of the Senate.

COUNTIES - SUBDIVISION DEFINED

S.B. 98 *LeRay McAllister*

AN ACT RELATING TO COUNTIES; MODIFYING THE DEFINITION OF SUBDIVISION, was read for the first time and referred to the President of the Senate.

COUNTY PLANNING AMENDMENTS

S.B. 99 *LeRay McAllister*

AN ACT RELATING TO COUNTIES; CHANGING THOSE AUTHORIZED TO PETITION FOR ESTABLISHMENT OR DISSOLUTION OF PLANNING DISTRICT AND COMMISSION FROM PROPERTY OWNERS TO REGISTERED VOTERS; MODIFYING THE NOTICE PROVISIONS RELATING TO PUBLIC HEARINGS; IMPOSING RESIDENCY REQUIREMENT ON MEMBERS OF DISTRICT PLANNING COMMISSION; MODIFYING PROVISIONS FOR DISSOLUTION OF PLANNING DISTRICT; REQUIRING PLANNING DISTRICT PUBLIC HEARINGS TO BE HELD WITHIN THE DISTRICT; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

FINANCIAL INSTITUTION AMENDMENTS

S.B. 100 *L. Alma Mansell*

AN ACT RELATING TO FINANCIAL INSTITUTIONS; AMENDING POWERS AND DUTIES OF COMMISSIONER OF FINANCIAL INSTITUTIONS; REVISING FEES; AMENDING APPLICATION PROCEDURE; AMENDING POWERS, RIGHTS, AND PRIVILEGES OF BANKS; AMENDING BANK PROHIBITED INVESTMENTS AND LOANS; AMENDING COMMISSIONER'S AUTHORITY TO AUTHORIZE INDUSTRIAL LOAN CORPORATIONS TO CONDUCT BUSINESSES; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

CORPORAL PUNISHMENT IN PUBLIC SCHOOLS AMENDMENTS

S.B. 101 *David H. Steele*

AN ACT RELATING TO PUBLIC EDUCATION; REMOVING THE WRITTEN PERMISSION EXCEPTION FOR INFLICTING CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS, was read for the first time and referred to the President of the Senate.

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION AMENDMENTS

S.B. 102 *Lyle W. Hillyard*

AN ACT RELATING TO HIGHER EDUCATION; MODIFYING THE WICHE COMMISSIONERS' DUTIES AND THE RESIDENCY

REQUIREMENTS FOR ACCEPTABLE CANDIDATES TO THE WICHE PROGRAM, was read for the first time and referred to the President of the Senate.

CONSUMER PROTECTION AMENDMENTS

S.B. 103 *David L. Buhler*

AN ACT RELATING TO COMMERCE AND TRADE; AMENDING THE DEFINITIONS OF TRANSACTIONAL RESOURCES AND TELEPHONE SOLICITATION AS OVERSEEN BY THE DIVISION OF CONSUMER PROTECTION, was read for the first time and referred to the President of the Senate.

STATE RISK MANAGEMENT COVERAGE OF TEACHERS

S.B. 104 *L. Steven Poulton*

AN ACT RELATING TO RISK MANAGEMENT; DIRECTING THE RISK MANAGER TO PROVIDE INFORMATION ABOUT INSURANCE COVERAGE TO SCHOOL DISTRICTS TO PROVIDE TO SCHOOL TEACHERS; AND PROVIDING FOR RELATED MATTERS, was read for the first time and referred to the President of the Senate.

ECCLES COMMUNITY ART CENTER GRANT

S.B. 105 *Nathan C. Tanner*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING $500,000 FROM THE GENERAL FUND TO THE ECCLES COMMUNITY ART CENTER FOR USE IN CONSTRUCTING A NEW BUILDING; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

CLASS B AND C ROAD BID LIMIT

S.B. 106 *John P. Holmgren*

AN ACT RELATING TO HIGHWAYS; AMENDING THE BID LIMIT DEFINITION FOR CLASS B AND C ROADS, was read for the first time and referred to the President of the Senate.

MEDICAL SAVINGS ACCOUNT AMENDMENTS

S.B. 107 *George Mantes*

AN ACT RELATING TO REVENUE AND TAXATION; CLARIFYING THE STATE INCOME TAX CONSEQUENCES OF A WITHDRAWAL FROM

OR CONTRIBUTION TO A MEDICAL CARE SAVINGS ACCOUNT; AND PROVIDING RETROSPECTIVE OPERATION, was read for the first time and referred to the President of the Senate.

PUBLIC SAFETY RETIREMENT COST OF LIVING ADJUSTMENT

S.B. 108 *David L. Buhler*

AN ACT RELATING TO PENSIONS; INCREASING THE COST-OF-LIVING ALLOWANCE FOR MEMBERS OF THE PUBLIC SAFETY RETIREMENT SYSTEMS; AND PROVIDING AN EFFECTIVE DAT, was read for the first time and referred to the President of the Senate.

LABOR - WORKING CONDITIONS

S.B. 109 *David L. Buhler*

AN ACT RELATING TO LABOR; ELIMINATING EIGHT-HOUR DAY LIMIT ON WORKERS IN SMELTERS AND REFINERIES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

WORKERS' COMPENSATION EXCLUSIVE REMEDY

S.B. 110 *David L. Buhler*

AN ACT RELATING TO WORKFORCE SERVICES; AMENDING THE EXCLUSIVE REMEDY; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

HANDGUN PURCHASE REQUIREMENTS

S.B. 111 *Michael G. Waddoups*

AN ACT RELATING TO CRIMINAL CODE; EXCLUDING PERSONS WITH A VALID CONCEALED FIREARM PERMIT FROM BACKGROUND CHECK AND FEE FOR HANDGUN PURCHASE; PROVIDING DEFINITION; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

DRAMSHOP LIABILITY AMENDMENTS

S.B. 112 *David L. Buhler*

AN ACT RELATING TO ALCOHOLIC BEVERAGES; MODIFYING LIABILITY PROVISIONS; ELIMINATING STATUTORY CAP ON

LIABILITY UNDER DRAMSHOP ACT; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

LEGISLATIVE OVERSIGHT AND SUNSET REVIEW AMENDMENTS

S.B. 113 *Leonard M. Blackham*

AN ACT RELATING TO THE LEGISLATURE; MODIFYING THE UTAH SUNSET ACT; REPEALING THE REQUIREMENT THAT DEPARTMENTS AND DIVISIONS ARE SUBJECT TO SUNSET; REVISING THE AGENCIES SUBJECT TO REVIEW; PROVIDING A DISCRETIONARY REVIEW PROCESS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

INTERLOCAL COOPERATION ACT AMENDMENTS

S.B. 114 *Leonard M. Blackham*

AN ACT RELATING TO CITIES, COUNTIES, AND LOCAL TAXING UNITS; MODIFYING DEFINITIONS; MODIFYING THE ENERGY OUTPUT REQUIREMENT IN AN OFFER FOR A POWER SALES CONTRACT; MODIFYING THE REQUIREMENT FOR ENERGY OUTPUT AVAILABLE FOR USE WITHIN THE STATE; EXEMPTING COMMERCIAL PROJECT ENTITIES FROM PARTS OF THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

INSURANCE LAW AMENDMENTS

S.B. 115 *L. Steven Poulton*

AN ACT RELATING TO INSURANCE; AMENDING DEFINITION OF EXCESS SURPLUS; CLARIFYING AND AMENDING PENALTY PROVISIONS; CLARIFYING METHOD FOR OFFSETTING EXAMINATION EXPENSES AGAINST PREMIUM TAX LIABILITY; AMENDING METHOD FOR ISSUING CERTIFICATE OF AUTHORITY TO A HEALTH MAINTENANCE ORGANIZATION; CLARIFYING CLASS OF INSURERS THAT MUST MAINTAIN RISK BASED CAPITAL; CLARIFYING INSTANCES IN WHICH A PLAN TO DISTRIBUTE DIVIDENDS MUST BE FILED UNDER SECTION, was read for the first time and referred to the President of the Senate.

EXTENSION OF CHILD VISITATION PILOT PROGRAM

S.B. 116 *Millie M. Peterson*

AN ACT RELATING TO HUSBAND AND WIFE; EXTENDING THE EXPEDITED VISITATION ENFORCEMENT PILOT PROGRAM; CLARIFYING THE OPERATION OF THE PROGRAM; AND REDUCING THE PURPOSES FOR WHICH THE CHILDREN'S LEGAL DEFENSE ACCOUNT MAY BE USED, was read for the first time and referred to the President of the Senate.

COMMERCIAL VEHICLE REGISTRATION

S.B. 117 *David H. Steele*

AN ACT RELATING TO REVENUE AND TAXATION; DEFINING COMMERCIAL VEHICLES; PROVIDING FOR THE COLLECTION AND ASSESSMENT OF CERTAIN TAXES; AMENDING APPORTIONMENT PROVISIONS ON PROPERTY TAXES OF CERTAIN COMMERCIAL VEHICLES; MAKING TECHNICAL CHANGES; AND PROVIDING FOR RETROSPECTIVE OPERATION, was read for the first time and referred to the President of the Senate.

VALIDITY OF CREDENTIALS IN PUBLIC EDUCATION

S.B. 118 *LeRay McAllister*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT AN INDIVIDUAL MAY NOT USE A POSTSECONDARY DEGREE TO GAIN EMPLOYMENT WITHIN THE PUBLIC SCHOOL SYSTEM UNLESS THE DEGREE, AT THE TIME IT WAS AWARDED, CAME FROM AN INSTITUTION OR PROGRAM APPROVED BY THE STATE BOARD OF EDUCATION OR ACCREDITED BY AN ACCREDITING ORGANIZATION RECOGNIZED BY THE BOARD, was read for the first time and referred to the President of the Senate.

TRANSPORTATION OVERHEAD RATE LIMITATIONS

S.B. 119 *John P. Holmgren*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; ALLOWING THE DEPARTMENT OF TRANSPORTATION TO MAKE CERTAIN RULES LIMITING CERTAIN RATES THAT MAY BE CHARGED UNDER CONTRACTS; PROVIDING FOR AUDITS; REQUIRING ACCOUNTING

AND AUDITING TO COMPLY WITH CERTAIN PROVISIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

AMENDMENTS TO DIVORCE REQUIREMENTS

S.B. 120 *Craig L. Taylor*

AN ACT RELATING TO HUSBAND AND WIFE; PROVIDING THAT BOTH PARTIES MUST AGREE TO IRRECONCILABLE DIFFERENCES EXISTING BEFORE DIVORCE ON GROUNDS OF IRRECONCILABLE DIFFERENCES MAY BE GRANTED; AND REMOVING THE EXEMPTION TO THE WAITING PERIOD AFTER FILING FOR DIVORCE, was read for the first time and referred to the President of the Senate.

RECORDING JUDGMENTS ON REAL PROPERTY

S.B. 121 *L. Alma Mansell*

AN ACT RELATING TO REAL ESTATE; RECORDING OF DOCUMENTS; ENACTING AND AMENDING PROVISIONS ON RECORDING JUDGMENT LIENS; PROVIDING THE EFFECTIVE DATE OF THE PROVISIONS; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

HEALTH POLICY COMMISSION AMENDMENTS

S.B. 122 *Howard A. Stephenson*

AN ACT RELATING TO BOARDS AND COMMISSIONS; AMENDING THE DUTIES OF THE HEALTH POLICY COMMISSION, was read for the first time and referred to the President of the Senate.

WATER CONSERVANCY DISTRICT - BOARD OF DIRECTORS

S.B. 123 *Mike Dmitrich*

AN ACT RELATING TO SPECIAL DISTRICTS; ALLOWING FEWER THAN REQUIRED NOMINEES FOR BOARD OF DIRECTOR POSITIONS UNDER CERTAIN CIRCUMSTANCES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING

S.B. 124 *L. Alma Mansell*

AN ACT RELATING TO THE LEGISLATURE; CREATING A TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING;

DEFINING ITS MEMBERSHIP AND DUTIES; APPROPRIATING $23,000 FROM THE GENERAL FUND; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A REPEAL DATE, was read for the first time and referred to the President of the Senate.

RESOLUTION INTEGRATING UTAH TOMORROW PRINCIPLES

S.C.R. 1 *LeRay McAllister*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR CALLING FOR THE INTEGRATION OF UTAH TOMORROW PRINCIPLES INTO GOVERNMENTAL PROCESSES, was read for the first time and referred to the President of the Senate.

UTAH TOMORROW RESOLUTION

S.C.R. 2 *LeRay McAllister*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR ENCOURAGING THE IMPLEMENTATION OF CERTAIN VISION STATEMENTS, GOALS, AND OBJECTIVES AND THE CONSIDERATION OF THOSE VISION STATEMENTS, GOALS, AND OBJECTIVES IN APPROPRIATIONS AND OTHER LEGISLATIVE PROCESSES AND IN ADMINISTRATIVE AND OTHER EXECUTIVE PROCESSES, was read for the first time and referred to the President of the Senate.

RESOLUTION URGING CONGRESSIONAL FACILITATION OF HEALTH CARE PRODUCTS

S.J.R. 2 *Lane Beattie*

A JOINT RESOLUTION OF THE LEGISLATURE URGING THE UNITED STATES CONGRESS TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW DRUGS AND BIOLOGICS, was read for the first time and referred to the President of the Senate.

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On motion of Senator C. Peterson, Sandra Adams, Executive Director of the Martin Luther King/Human Rights Commission, and members, spoke in Committee of the Whole. Debra Bonner sang two numbers.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 20, 1997

The President having received the following Senate bills and resolutions with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 3	Construction Contractors (L. Poulton)
S.B. 11	Workers' Compensation – Exemption for Agricultural Workers (R. Steiner)
S.B. 73	Contractor's Duties to Subcontractors (L. Mansell)
S.B. 95	Amendment to Procurement Requirements For Construction Projects (D. Buhler)

Education

S.B. 5	Creating a Public School District (M. Peterson)
S.B. 76	Extracurricular Activities (H. Stephenson)
S.B. 77	School And Institutional Trust Lands Amendments (D. Steele)
S.B. 101	Corporal Punishment in Public Schools Amendments (D. Steele)
S.B. 102	Western Interstate Commission For Higher Education Amendments (L. Hillyard)
S.B. 104	State Risk Management Coverage of Teachers (L. Poulton)

Energy & Natural Resources

S.B. 12	Underground Coal Mining – Water Replacement Requirements (M. Dmitrich)

Health/Environment

S.B. 7	Pharmacy Act – Open Drug Formulary (J. Holmgren)
S.B. 18	Health Care Provider Practice And Conduct Amendments (R. Montgomery)
S.B. 20	Optometry Practice Act (L. Mansell)

Human Services

S.B. 80	Child Support Advisory Committee Membership (C. Taylor)
S.B. 86	Housing Authority Amendments (P. Suazo)

Judiciary

S.B. 4	Capital Homicide Amendments (D. Buhler)
S.B. 83	Judges Noncontributory Retirement System (C. Peterson)
S.B. 85	Public Safety Eligibility Amendments (R. Montgomery)

Revenue & Taxation

S.B. 10	Income Tax Checkoff (L. Hillyard)
S.B. 87	Adjustment in Certified Rate on Property Tax (H. Stephenson)
S.B. 107	Medical Savings Account Amendments (G. Mantes)

State & Local Affairs

S.B. 92	Telecommunications Deregulation Amendments (D. Steele)
S.B. 93	Native American Coordinating Board (M. Peterson)
S.B. 94	Information Technology Amendments (D. Steele)
S.C.R. 1	Resolution Integrating Utah Tomorrow Principles (L. McAllister)
S.C.R. 2	Utah Tomorrow Resolution (L. McAllister)

Transportation & Public Safety

S.B. 8	Appropriation For Sound Barriers (D. Buhler)
S.B. 17	Covering Certain Load Materials (J. Hull)
S.B. 106	Class B And C Road Bid Limit (J. Holmgren)

Lane Beattie, Senate President

Report filed; and

To the Members of the Senate: January 20, 1997

The President having received the following Senate bill along with its fiscal note, orders it printed and placed on the Second Reading Calendar:

S.B. 88 BUDGETARY PROCESS – REVENUE REPORTING (H. Stephenson)

Lane Beattie, Senate President

Report filed.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Beattie presiding.

On motion of Senator Hillyard, Chief Justice Zimmerman spoke in Committee of the Whole.

On motion of Senator C. Peterson, the remarks of Chief Justice Zimmerman were ordered printed upon the pages of the Senate Journal.

REMARKS OF CHIEF JUSTICE MICHAEL ZIMMERMAN

Governor Leavitt, President Beattie, Speaker Brown, legislators, and members of the public. On behalf of the Utah Judicial Council, the Utah Supreme Court, and all the judges and staff in the third branch of government, I thank you for this opportunity to report on the state of the Utah judiciary.

Contrary to my usual practice, I have come today without my robe. This symbolizes the fact that I am here not as a judge, a decider of cases, but as chair of the Utah Judicial Council, the elected body of judges given responsibility by the Utah Constitution to oversee the administration of the judicial branch. I am here to report to you the state of that branch of government from an administrative and operational perspective. You probably expect me to talk in detail about money. Well, just to set your minds at ease, I am not going to use this time to ask for money. However, I will leave that to the State Court Administrator's office in presentations before your committees in the coming weeks.

I thought this would be a good opportunity to reacquaint you with a judicial branch that looks quite different than it did in 1896, or even in 1986. In the last decade, a number of new programs have been grafted onto the branch. They bring more service to the public, but they also present some difficult challenges to those administering the judicial branch.

In giving you an overview of the current state of the third branch, I must begin with an acknowledgment of its core responsibility, a responsibility that has not changed since the writing of the Magna Carta almost 800 years ago. In that document it was stated that "All courts shall be open; every person for an injury done him, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay."

This statement of the judiciary's responsibility sounds as fresh today as it did in 1215, a fact that shows a deep and long standing social and political consensus as to what the people expect of the justice system. But because of that ingrained notion as to what judges have historically been charged to do, I find that members of the public, and occasionally legislators, tend to think of the judiciary exclusively in those terms—as black robed judges presiding in their courtrooms.

Ten years ago, that might have been a fairly accurate portrait of all that the Utah judiciary did. But from an administrative standpoint, today's Utah judicial branch is much more.

The root of this transformation lies in the fact that in 1985, the Legislature and the people amended the constitution and empowered the judiciary to administer itself in a coherent and unified fashion. The changes wrought by this amendment led us to develop administrative competence. That demonstrated competence, in turn, resulted in the Legislature placing increased responsibilities with us. Today, the Utah Judicial Council oversees 1,100 people employed within the branch. Only slightly more than one hundred of these are judges.

You may ask what those other thousand people do. The answer is that the judiciary has broad administrative functions. For example, we now manage all support services needed by those judges on the bench. This may be something that is within the expectations of many.

But perhaps less expectedly, the administrative umbrella of the judiciary shelters an increasing number of diverse programs and initiatives that the judges and the Legislature have concluded are necessary to make justice more effective and more broadly available to members of the public. Some of these programs have been given to us to administer because they serve ends allied to those of the judge in the courtroom. Others have been given to us, frankly, because they do not fit comfortably in any other agency of state government.

I want to give you a sense for the variety of the services we provide. The easiest way may be to describe how today's Utah judicial branch would look in a series of snapshots. Among those images would be the following: In a courthouse in Salt Lake City, you would see a deputy clerk helping a victim of spouse abuse, trailed by her two young children, through the hour–long process of filling out the necessary forms and going to see a judge to obtain a restraining order against the abuser. In a St. George juvenile court, you would see a judge holding a hearing to determine whether a child will be left with his parents, or taken from the home. This hearing has the full panoply of procedural protections for the child and for the parents. In that same hearing, you would see a lawyer acting as a guardian ad litem, representing the interests of the child separate from those of the state and the parents.

Both the statutory requirement for the formalized hearing, and the routine presence of the guardian ad litem, who is now an employee of the judiciary rather than the Department of Human Services, are the result of recent legislation. That legislation was passed to better protect the interests of the child and to assure permanent placement plans are in effect for all children under the custody of the department. Another picture: In a conference room in an office building in Tooele, you would see a mediator participating in our court–annexed alternative dispute resolution program. She would be working with the parties to settle a complex case, a case that the assigned trial judge had been told would take two weeks to try.

Within an afternoon, the parties resolve the dispute. They come to an agreement that also lays the foundation for future business dealings between them. In a courthouse in Richfield, you would see an in-court clerk at her computer terminal accessing some of the over three hundred screens that permit her to set trial schedules, produce forms, track payments, and input information on everything that occurs in the courtroom into a statewide data base. That same system will permit the Administrative Office of the Courts to gather and integrate detailed case data from every court in the state, to better predict trends, to let the public and the Legislature know more about the courts' business, and to make sure we are using our resources to the best advantage. In Provo, you would see a juvenile probation officer supervising a team of teenage offenders removing graffiti from the side of a business earlier defaced. This is the Juvenile Court's nationally recognized work restitution program. Similar programs across Utah returned well over $1 million to victims of juvenile crime and provided over 500,000 hours of community service in the last year alone. Another shift of scene: After hours, in a Salt Lake City district courtroom, you would see a small group of drug addicted defendants charged with non-violent crimes appearing before a district judge, a judge who volunteered to run our pilot drug court program. The judge reviews the defendants' regular drug test results to monitor any recent drug usage. He also receives reports about their progress in the mandatory treatment program. These are all conditions of their not going to jail. This pilot program, undertaken with no state funds, promises to cut repeat criminal conduct by getting minor offenders off of drugs.

By the way, I would invite any of you to attend Judge Fuchs' courtroom on a Tuesday or Thursday afternoon to observe this promising new program. In another picture, taken any day of the week in any number of locations, you would see judges and court administrators meeting with representatives of other agencies and with legislators to work on common problems. This could be a meeting of the Commission on Criminal and Juvenile Justice; it could be the Families, Agencies, and Communities Together (FACT) Council; it could be the Legislature's Judicial Rules Review Committee, or it could be any number of other committees and task forces.

It might even be the Juvenile Justice Task Force, which you established last year. Its excellent recommendations calling for a fundamental change in how we address juvenile crime will be before you this session. The final picture I would show you would be of a district court judge presiding over a civil or criminal jury trial. I want to return to the trial judge because this is where the judiciary started. This is still our core function.

The Utah judiciary I have pictured is radically different from the one you would have seen even ten years ago. And it is certainly not the picture that average

members of the public would form if asked how they envision the court system. Yet it is a picture of which we can be proud. These eleven hundred people are performing the variety of different tasks they have been given sufficiently well that they have earned consistent recognition as one of the most efficient, effective, and forward looking judicial administrations in the nation.

You may ask where this descriptive portrait of the judiciary is taking us. What relevance does it have for the legislature? My answer is that it not only gives you a better sense of the variety of tasks we perform, but also explains why the growth in population, in crime, and in civil litigation that Utah is experiencing have multiple impacts on the judiciary.

For example, assume a divorce in which there are allegations of abuse. Not only does this affect the trial judge before whom the case is heard, but also the personnel assigned to the mandatory divorce education program we have been given to administer. It may also lead to one party filing for a protective order, requiring significant time of the deputy clerk assigned to help applicants for such orders. Perhaps it will also affect the juvenile court, where proceedings concerning placement of the child may be filed. And that means another case for the guardian ad litem. These multiple impacts are common, and they have a significant effect on our resource needs.

Another impact on the judiciary of the proliferation of new programs is that they can distort our funding priorities. Each program is important. Many expand the quality and availability of justice, and they reduce crime. But we cannot lose sight of the fact that the essential job of the judiciary is still to hear cases and to decide them fairly, impartially, and without delay, just as it was 800 years ago, and, I am sure, it will be 800 years from now.

It is not always easy to attend to the funding and support needs of that core function and to those of the newer programs at the same time. New programs seem to grow faster than old ones. This is so because often the true scope of the need being addressed is not fully understood when the program is first put into place.

A prime example is the guardian ad litem program. This program was sharply expanded and put under the judiciary's administrative umbrella in 1994. Since then, it has grown from $250,000 to $2,000,000, taking a disproportionate share of all new money flowing into the judiciary's budget over the fiscal period 1994 to 1997. And the guardians are still unable to handle adequately the mounting caseload of abused and neglected children while meeting the responsibilities set for them by the legislation.

Another example is the program under which deputy clerks assist those seeking spouse abuse protective orders. First put in place in 1995, the legislation

was enacted without any funding for the needed clerks. And the demand for the orders has grown by more than 90% over the past two years. This has required creative efforts on our part to assure the availability of the necessary help to the public.

While these and other new programs have been rapidly expanding and consuming our time and resources, we have faced a growing threat to our ability to timely adjudicate civil and criminal cases in the district courts. Over the past ten years, total case filings in what is now the consolidated district court have increased by 33%; there has been a 14.4% increase from 1993 through 1996 alone. More critically, in the very near past, we have seen an unprecedented rise in criminal filings, particularly felonies. They have increased 54% since 1993. Because of the constitutional requirement that we adjudicate criminal cases before civil, a direct consequence has been a rapid increase in delays in the handling of civil matters.

During this same ten year period, we have added only two new judges in the courts now consolidated as the district court. And in by far our busiest district, the Third District that includes Summit, Tooele, and Salt Lake Counties, where over 57% of our total statewide filings are handled, no new judges have been added since 1986.

We are proud that we have managed to accommodate these dramatic increases by using more efficient calendaring procedures, adding domestic commissioners, better utilizing existing judges through consolidating circuit and district courts, and putting our court-annexed alternative dispute resolution program in place.

But we are at the point where adding resources to perform our core function is inescapable. Demand is exceeding our ability to keep up. Civil case processing times are getting steadily longer. We are now accumulating an ever increasing backlog of cases. This is a dramatic change for Utah. We have traditionally had one of the faster civil dockets in the country.

I have no solution for these conflicts in priorities between our traditional, core function and the newer initiatives for which we now have responsibility. But by making you aware of the dilemma often faced by the Judicial Council in preparing its budget requests, I hope you will better understand those requests, and our seeming omnipresence in your hearing rooms.

In closing, I assure you that those of us charged with administering the judicial branch, both judges and staff, will continue to search for ways to do our diverse jobs better and more efficiently. We will continue to innovate, and we will

continue to carry out the various programs you choose to give us with a view toward making the justice system work better for the people of Utah.

As I have mentioned in previous years, my door, like that of everyone else with administrative responsibility in the judiciary, remains open to all who have questions about how we are doing our job, and to those with thoughts about how we can do it better.

Thank you for your attention. I wish you well in your deliberations.

INTRODUCTION OF BILLS

HARDSHIP DRIVER PERMIT FOR YOUTH

S.B. 125 *Leonard M. Blackham*

AN ACT RELATING TO PUBLIC SAFETY; PROVIDING FOR THE ISSUANCE OF A RESTRICTED HARDSHIP PERMIT FOR CERTAIN PERSONS UNDER 16 YEARS OF AGE; DEFINING TERMS; ESTABLISHING RESTRICTIONS, EXPIRATION, AND REVOCATION, was read for the first time and referred to the President of the Senate.

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On motion of Senator Waddoups, the Senate approved the opening of a file for a departmental bill entitled, "State Transportation Infrastructure Bank," to be sponsored by Senator Waddoups.

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On motion of Senator C. Peterson and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 21, 1997.

JOINT CONVENTION

President Beattie called the Joint Convention to order at 6:15 p.m. in the Chamber of the Utah House of Representatives.

President Beattie appointed a Joint Committee comprised of Senators Craig A. Peterson, Leonard M. Blackham, and Scott N. Howell, and Representatives Christine R. Fox, Kevin S. Garn, and David M. Jones to notify the Governor that the 1997 General Session of the 52nd Legislature is in Joint Convention and ready to hear his State of the State address.

President Beattie acknowledged and introduced special guests.

The Joint Committee escorted His Excellency Governor Michael O. Leavitt to the podium where he was presented to the Joint Convention by President Beattie.

STATE OF THE STATE ADDRESS BY GOVERNOR MICHAEL O. LEAVITT

Mr. President, Mr. Speaker, Mr. Chief Justice, Lieutenant Governor, my fellow citizens:

As we gather together on Human Rights Day, at the dawn of Utah's second century, we are participating in one of the fundamental transformations in human history, the transition from the Industrial Age to the Information Age, the dawning of a new epoch with all of its associated uncertainties and opportunities.

Will Utah be ready for the new century? Yes, we will. We will plan wisely for growth, for the global economy, and for the Information Age. We will be ready to welcome the world in 2002.

Utah has always met its challenges straight-up, head-on. We were recently recognized as the nation's best-managed state. Our economy is strong, our stature in the world is growing, and we continue to enjoy an incomparable quality of life. Unemployment is at a forty-year low, and our spendable incomes are on the rise. Our students are among the nation's best and brightest.

Utah is a young and vigorous state. We're poised for the 21st Century. We're more than ready, we're already on our way.

This year we break ground for a 21st Century transportation system.

Many of our roads and highways are outdated, worn out, and in some cases, unsafe. If you've ever crept along I-15 at ten miles an hour during what is ironically termed "rush hour," you know for yourself: it's time to act. If you've ever waited 10 minutes at the 12th South interchange in Provo, or felt you would grow old waiting for a break in traffic on St. George Boulevard, on Harrison Boulevard in Ogden, or on Logan's Main Street, you know it's time to build a transportation system for the future.

In our last legislative session, we established the Centennial Highway Fund, a ten-year 3.6-billion-dollar investment in a transportation system to meet pressing needs in nearly every county and city in the State of Utah. We need new

interchanges in Weber, Washington and Utah Counties; new highways in Davis and Cache Counties; major improvements in Iron, Uintah, San Juan and Box Elder Counties and every other county in the state. The first and largest project is the reconstruction of I–15, which begins this Spring.

Our state is like a family embarking on a home remodeling project. You know what it's like: you end up cooking in the basement and storing the refrigerator in the front hall, but you put up with all the noise and inconvenience and the sheet rock dust that drifts into your cornflakes, because you know it's worth it.

At times, it will be inconvenient and messy for the commuters on I–15, too, but the Department of Transportation will do its best to help us cope. They will tell us about the best alternative routes and alert us about any delays we might encounter during the reconstruction project.

Like any family beginning a home remodeling project, the State needs to plan its finances carefully. I have followed two very simple funding philosophies: one, our funding plan must be affordable, and two, it must be fair.

By affordable, I mean that our funding plan must fit into people's budgets. We knew, when we embarked on this project, it would have to be something taxpayers could afford. So we have cut taxes every year for the last three years. We have cut property taxes, sales taxes, income taxes. For every new dollar in road taxes, we have lowered other taxes by three dollars. Let me repeat that. For every dollar in proposed new road taxes, we have cut general taxes by three dollars.

This is a fair funding plan. It means everybody pays a little, but those who use the roads the most, pay the most. For example, under my proposal, large trucks pay more because they cause more wear and tear on roads. That's only fair. My plan also includes fuel taxes and car registration fees. But even with the changes, Utah's gas tax will be no higher than those in surrounding states, and our automobile registration fee will still be one of the nation's lowest. I like it because if you don't use it you don't pay.

And what about those who will use the roads after the reconstruction project is completed? Shouldn't they pay part of the cost, too? I think so. That's why I'm proposing that through bonding, 10% of the costs be paid by tomorrow's drivers.

May I say to you as legislators, this is a demanding legislative task, one that requires our best statesmanship. Let us not be Republicans or Democrats on this issue. Let us be Utahns. Let us not be citizens of urban cities or rural towns, let us be Utahns. On this historic occasion, let us rise above narrow self–interests and unite in the State's common interest. We must not fail. The risk of refusal is too high; the price of procrastination too great.

Will it be easy? No. Will it be pleasant? No. Will it be worth it? Absolutely. We can do it, and we can do it well. Together, we can build the roads that will take us and our children into the next century.

Preparing for the 21st Century will take more than just concrete and reinforced steel. It will take every ounce of imagination, heart and good will that we possess. And that's why I ask you tonight to move forward on Utah's innovative Workforce Services Department.

This is a fundamental change in philosophy. We're escaping from a big-government, Washington-knows-best, top-down, one-size-fits-all, steady-stream-of-welfare, no-hope, no-exit fiasco. In its place, we're offering a dignified path to self-sufficiency for those who need help.

I like to call this the "wise neighbor" philosophy. We've all known a "wise neighbor"—the person down the street who is always willing to help out, but who trusts us to make our own smart choices. I remember my own wise neighbors, country doctor Paul Edmunds and his wife, Ella. Mrs. Edmunds was the sort of person who welcomed each new neighbor with a loaf of freshly-baked bread. As a young boy growing up in Cedar City, my Levis were always torn at the knees, something which did not make me as fashionable then as it might today. When my mother mentioned this problem to Mrs. Edmunds, she didn't offer to do my mother's mending. She simply taught my mother a mending technique durable enough to stand up to an active seven-year-old.

Mrs. Edmunds knew instinctively what some Washington bureaucrats never understood. For too long, welfare has stripped people of their independence. People would run into problems, and instead of teaching them how to mend their own broken lives, government just threw money at the problems.

Utah's "wise neighbor" welfare reforms are working. Take Jessica—a single mom on welfare who found a job and earned a raise. Under federal regulations, her raise disqualified her for child care assistance. Jessica agonized for two weeks about what to do. She loved her job and she hated welfare, but she couldn't afford to work and pay child care.

So Jessica quit her job, and went back on welfare, but she didn't think it made sense. She was right. Under Utah's welfare reform, caseworkers meet with clients like Jessica to put together an individual self-sufficiency plan, a flexible, practical plan to help each client get training, get a job, keep a job, and become self-sufficient. Today, Jessica is working at a new job and she has once again earned a raise. But things are different this time. She kept her job. We used common sense, and helped with her child care. It costs the state far less to give her

a little help with child care during her transition to self sufficiency than to send her back on welfare.

The old system didn't make sense, and Utah was one of the first states in the nation to begin reforming welfare four years ago. We were so successful that we expanded welfare reform statewide in July, and we are consolidating programs from six different departments into one streamlined Department of Workforce Services. It will bring all state employment services into one department. Now, like wise neighbors, we can help people enjoy that sense of autonomy and self–worth that comes from taking charge of our own lives.

Jessica's story is just one of thousands. The number of Utah families on welfare has dropped by more than 5,000 as reform has been implemented. Think of it: more than 5,000 families whose members have mended their lives, have regained their self–esteem, and are now contributing their skills and talents to Utah's future.

Four years ago, we agreed that health insurance should be accessible for every Utahn, and each year since then, we have taken carefully–planned steps to achieve that goal. Today, tens of thousands of Utah's citizens have gained access to affordable health care.

This year we take another step. Like wise neighbors, the State and its partners in the private insurance industry have made it possible for individuals who were previously uninsurable to purchase health care. Most of these people will purchase private health coverage, and those few who cannot, will be able to purchase coverage through a special state program. Our health care goals are in sight; let us take another step toward making health care accessible for all Utahns.

Like health care, higher education is essential not only for our individual well–being but for the well–being of the entire community. I am often struck, in fact, by the similarities in the challenges we face in the fields of health care and higher education. Both are being reshaped by enormous changes in technology and market pressures. College administrators, like hospitals and doctors, find themselves confronted by consumers clamoring for better access and lower costs, with no reduction in quality.

Utah's colleges, universities and applied technology centers offer our citizens the intellectual nourishment and lifelong training that are essential in our changing world. But like institutions all over the world, they are moving at bullet–train speed into a new age of competition and market–driven change. We must commit to stand by our colleges, universities and applied technology centers, and nurture them during this difficult transition period. Our task is not to shield them from change, but to be a partner in their transformation.

Fortunately, the very technologies that are driving these changes are also providing some of the solutions. Utah has joined with thirteen other states to create the Western Governors' University, a technology–based university that will offer degree and certificate programs from state–supported and private institutions throughout the West. Tonight I am pleased to announce that its headquarters will be in Salt Lake City.

Our investment in world–class public education is paying big dividends. The last four years have brought higher academic standards, smaller classes, and better teacher pay. Parents have more influence in schools, and we have established thousands of new partnerships between business and education. Our students are using the technologies of tomorrow in their classrooms today.

Through the Internet, our students have at their fingertips an electronic library stocked with thousands of publications, more current and more complete than any newsstand. Though Ednet, our educational video network, students have access to hundreds of classes all over the state.

Technology is changing our classrooms in fundamental ways, but no computer can ever replace a caring teacher. Tonight, I pay tribute to Utah's hard–working and dedicated teachers, particularly to one of our outstanding teachers and associates, Representative Kurt Oscarson. Our hearts go out to his family as they deal with the loss of a father and husband. He will be missed here in the halls of the Utah State Legislature, and by hundreds of students who had the privilege of learning from him. Utah has lost a good man.

When you think about our preparation for the next century nothing ranks higher than keeping our schools and communities safe. When you drop your child off at school, you have the right to expect that school to be drug–free and gun–free. We must do everything in our power to keep our kids safe at school.

In the past four years, we've more than doubled our juvenile corrections capacity, and we've hired new juvenile judges and probation officers to handle the increased case load. We've made sure that kids who commit adult crime are serving adult time. This year, we're calling for tough new sentencing guidelines that will intervene earlier and dole out more severe penalties for repeat offenders.

It does no good, however, to pass tough laws unless we have the jails, prisons and juvenile facilities to back them up. In this year's budget, I propose that we add more than 1,200 slots for juvenile and adult offenders. Correction facilities are expensive but essential. Utahns everywhere say crime is one of their major concerns. Let's do what's necessary to keep our communities safe.

Last November, this country elected a president. But both major parties selected their candidates without any meaningful participation from the citizens of Utah or other Rocky Mountain states. Our selection process was too late. That's why Western leaders from both major parties want to hold a Rocky Mountain Presidential Primary election beginning in the year 2000. An early Rocky Mountain primary would become a major event in the presidential campaign. Candidates would come, they would get to know us, and we would get to know them. Our issues would receive national attention. I ask that we join with our neighboring states to give Utah and the West a voice in selecting the leader of the free world. Utah's voice deserves to be heard.

While on the subject of national politics, I wish to extend on behalf of all Utahns our best wishes to the president, who was inaugurated today. We express our deepest desire that the president and Congress set aside partisan interests and get on with the business of the people. A critical item of business is balancing the national budget. I am hopeful that this body will have the opportunity to ratify a constitutional amendment imposing on Congress the same discipline that we and nearly every other state have: to balance our budgets. To the Congress, I say: It's time. Let's get it done!

Another issue unique to the West: wilderness. For decades, this issue has divided our people. Both sides of the wilderness debate see Utah's canyons, deserts and mountains as sacred, but for different reasons.

Let us learn from a bigger debate that the world has watched for centuries; a debate about land, about peace, and about trust.

On a luminous September day in 1993, I stood on the south lawn of the White House to witness the signing of a peace treaty between Israel and the PLO. Former presidents, secretaries of state, and world leaders waited for the ceremony to begin as helicopters hovered overhead securing the air space, and thousands of journalists positioned themselves at the crowd's edge. Across the street in Lafayette Park, protesters from both sides loudly chanted their objections. Finally, Yasser Arafat and Yitzhak Rabin walked with President Clinton from the White House. They stood side by side on a simple platform, two leaders of nations who had for centuries fought each other over land that both held sacred for different reasons. I will never forget what Prime Minister Rabin said that day.

"We are destined to live together on the same soil in the same land. We the soldiers who have returned from battles . . . Enough. . . . We are today giving peace a chance."

As the ceremony drew to a close, Arafat extended his hand, and the world waited to see how Rabin would respond. Slowly, hesitantly, they reached toward

each other. Their eyes met, their hands touched, and a huge sigh went up from the crowd.

Interestingly, the actual content of the peace accords was not dramatic; the parties had reached an agreement on relatively small points. But those small points of agreement were highly symbolic, establishing a path of trust toward broader future agreement.

Succeeding years have shown, of course, that the peace process has been neither swift nor sure, and Rabin even gave his life for peace. But who does not count it as a major victory for both sides, that after two thousand years of fighting over a land they each held sacred, these old enemies took the first steps toward peace?

We're not talking about world peace, but our state, for decades, has been divided on the wilderness issue. It is time, now, to say enough fighting, to begin building on what unites us. Each of us shares a love for the land, and each of us shares a common desire to preserve sensitive lands. Let us begin with those lands on which there is substantial agreement. I'd like to say to the extremes on both sides of this debate, let's quit protesting in Lafayette Park, come to the table, and after 20 years let's stop fighting and start protecting land.

Tonight, I challenge all sides of this debate to take one small, but symbolically important step toward our own peaceful resolution. In the next few weeks, I will invite all wilderness stakeholders to my office to discuss a proposal to begin the process. We must recognize that gradual progress is superior to perpetually-deferred perfection. Will we ultimately agree on everything? Perhaps not. But time and trust will take us a long way. Let us begin, each of us, by offering a hand in trust. We only fail if we quit. Let us give trust a chance.

You know, willing and wise neighbors pull together to overcome challenges and fulfill big dreams. That is our tradition in Utah. For the sake of our children and their children, we will work together to transform education and reform welfare, to combat crime, to provide health care access. And, yes, we will build highways for the 21st Century: electronic highways of bits and bytes, and wide, smooth highways of concrete and steel.

It will stretch us; it will measure our mettle and test our character. But I say bring on the 21st Century. Utah is ready!

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President Beattie asked that the Joint Committee escort the Governor back to his office.

On motion of Senator C. Peterson, the Joint Convention voted to have the complete text of the Governor's State of the State address printed in the Senate Journal.

On motion of Representative Christine Fox, the Joint Convention was dissolved.

SECOND DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senators Evans and Taylor, excused.
Prayer – Pastor Jack Serr, Salt Lake Christian Center.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 20, 1997

The House passed **H.J.R. 7**, RESOLUTION REAPPOINTING DIRECTOR AND GENERAL COUNSEL, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 6**, JOINT RULES RESOLUTION – AMENDMENTS TO INTERIM RULES, by Representative B. Harward, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 6** and **H.J.R. 7** were read the first time and referred to the President of the Senate.

BILL ASSIGNMENT REPORT

To the Members of the Senate: January 21, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 100	Financial Institution Amendments (L. Mansell)
S.B. 103	Consumer Protection Amendments (D. Buhler)
S.B. 113	Legislative Oversight And Sunset Review Amendments (L. Blackham)

Energy, Natural Resources & Agriculture

S.B. 24	Utah Forest Practices Act (A. Myrin)

Health/Environment

S.B. 75	Safe Drinking Water Act Amendments (J. Holmgren)

Judiciary

S.B. 9	Parolees and Probationers Education Requirements (L. Poulton)
S.B. 74	Indigent Defense Provisions (L. Blackham)
S.B. 89	Juvenile Judges - Short Term Commitment of Youth (N. Tanner)
S.B. 90	Juvenile Court Powers (N. Tanner)
S.B. 108	Public Safety Retirement Cost Of Living Adjustment (D. Buhler)

Revenue & Taxation

S.B. 26	Sales Tax Option For Counties (L. Mansell)

State & Local Affairs

S.B. 114	Interlocal Cooperation Act Amendments (L. Blackham)

Transportation & Public Safety

S.B. 14	Outdoor Advertising Amendments (L. Mansell)

Lane Beattie, Senate President

Report filed.

INTRODUCTION OF BILLS

DEPARTMENT OF AGRICULTURE AND FOOD - NAME CHANGE

S.B. 35 *Leonard M. Blackham*

AN ACT RELATING TO AGRICULTURE; CHANGING THE NAME OF THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF AGRICULTURE AND FOOD; CHANGING THE TITLE OF COMMISSIONER OF AGRICULTURE TO COMMISSIONER OF AGRICULTURE AND FOOD; MAKING TECHNICAL AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION

S.B. 36 *R. Mont Evans*

AN ACT RELATING TO REVENUE AND TAXATION; REAUTHORIZING THE INCOME TAX CREDIT FOR ENERGY SAVING SYSTEMS COSTS; MODIFYING THE MAXIMUM AMOUNTS ALLOWABLE AS CREDITS FOR RESIDENTIAL AND COMMERCIAL ENERGY SYSTEMS; MOVING THE CREDIT AUTHORIZED UNDER THE CORPORATE FRANCHISE AND INCOME TAX PROVISIONS INTO TITLE

59, CHAPTER 7, CORPORATE FRANCHISE AND INCOME TAXES; MOVING CERTIFICATION DUTIES FROM THE OFFICE OF ENERGY SERVICES TO THE OFFICE OF ENERGY AND RESOURCE PLANNING; MODIFYING CERTAIN DEFINITIONS; MAKING TECHNICAL CHANGES; PROVIDING A REPEAL DATE; AND PROVIDING FOR RETROSPECTIVE OPERATION, was read for the first time and referred to the President of the Senate.

AMENDMENTS TO WORKERS COMPENSATION

S.B. 37 *David H. Steele*

AN ACT RELATING TO LABOR AND WORKFORCE SERVICES; PERMITTING A PROPERTY OWNER AND CONTRACTORS, CONSULTANTS AND SUBCONTRACTORS, AND SUBCONTRACTORS IN CERTAIN CONSTRUCTION CONTRACTS TO TREAT WORKERS AS STATUTORY EMPLOYEES; PROVIDING FOR SCOPE OF EXCLUSIVE REMEDY; AND PROVIDING AN EFFECTIVE DAT, was read for the first time and referred to the President of the Senate.

DANGEROUS WEAPONS AT CHILD-CENTERED SCHOOLS AND FACILITIES

S.B. 38 *Michael G. Waddoups*

AN ACT RELATING TO CRIMINAL CODE; PROVIDING DEFINITIONS; CONSOLIDATING AND AMENDING SECTIONS RELATING TO DANGEROUS WEAPONS AND EXPLOSIVES AT CERTAIN SCHOOLS, FACILITIES, AND PREMISES; ENACTING SECTION LISTING CROSS REFERENCES TO RESTRICTED AREAS FOR CONCEALED FIREARMS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

PRIVATE PROPERTY OWNERS' RIGHT TO PROHIBIT DANGEROUS WEAPONS

S.B. 39 *Michael G. Waddoups*

AN ACT RELATING TO PUBLIC SAFETY AND THE CRIMINAL CODE; SPECIFYING CERTAIN RESTRICTED AREAS WHERE CONCEALED PERMIT HOLDERS MAY NOT CARRY FIREARMS; PROVIDING THAT DANGEROUS WEAPONS MAY BE PROHIBITED ON PRIVATE PROPERTY, INCLUDING HOUSES OF WORSHIP, IN CERTAIN CIRCUMSTANCES; PROVIDING A PENALTY; MODIFYING PERSONS EXEMPT FROM

WEAPONS LAWS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

STATE SCHOOL BOARD ELECTION PROCEDURES

S.B. 40 *Howard C. Nielson*

AN ACT RELATING TO THE STATE BOARD OF EDUCATION; REQUIRING A DECLARATION OF CANDIDACY AND FILING FEE FOR CANDIDATES FOR THE STATE BOARD OF EDUCATION; MODIFYING THE PROCESS FOR ELECTING STATE BOARD OF EDUCATION MEMBERS; AND PROVIDING A COORDINATION CLAUSE, was read for the first time and referred to the President of the Senate.

COAL TAX CREDIT

S.B. 41 *Mike Dmitrich*

AN ACT RELATING TO REVENUE AND TAXATION; AUTHORIZING THE UTAH STEAM COAL TAX CREDIT FOR AN ADDITIONAL FIVE YEARS; PROVIDING THAT THE CREDIT MAY BE CARRIED FORWARD UNDER CERTAIN CIRCUMSTANCES; MAKING TECHNICAL CHANGES; PROVIDING FOR RETROSPECTIVE OPERATION; AND PROVIDING A REPEAL DATE, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM

S.B. 126 *Robert F. Montgomery*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING $300,000 TO RESTORE A HISTORIC WORLD WAR II B-24 BOMBER AIRCRAFT TO MUSEUM QUALITY; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

CONSTITUTIONAL REVISION COMMISSION AMENDMENTS

S.B. 127 *Mike Dmitrich*

AN ACT RELATING TO THE CONSTITUTIONAL REVISION COMMISSION; PROVIDING FOR THE MAXIMUM OF 12 YEARS AS A MEMBER; AND MAKING TECHNICAL AMENDMENTS, was read for the first time and referred to the President of the Senate.

OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS

S.B. 128 *John P. Holmgren*

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY IMPLEMENT OF HUSBANDRY SAFETY AND USE REQUIREMENTS; REPEALING CERTAIN EXCEPTIONS; EXPANDING THE USE OF CERTAIN OFF-HIGHWAY VEHICLE ACCOUNT REVENUE; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

SECOND READING CALENDAR

S.B. 88, BUDGETARY PROCESS – REVENUE REPORTING, was read the second time. Senator Stephenson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Evans	McAllister	Taylor
Waddoups			

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On motion of Senator C. Peterson, the following bills were lifted from committee and placed on Second Reading Calendar: S.B. 76, S.B. 77, S.B. 87, S.B. 93, S.C.R. 1, and S.C.R. 2.

On motion of Senator C. Peterson, H.J.R. 6 and H.J.R. 7 were circled.

SECOND READING CALENDAR

S.B. 76, EXTRACURRICULAR ACTIVITIES, was read the second time. Senator Stephenson explained the bill. Senators C. Peterson, Steele, Howell, Myrin, and Jones commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Mansell	McAllister	Poulton
Taylor			

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S.B. 77, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, was read the second time. Senator Steele explained the bill. Senators Jones and Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	McAllister	Poulton	Stephenson
Taylor			

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On motion of Senator C. Peterson, S.B. 87 was circled.

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S.B. 93, NATIVE AMERICAN COORDINATING BOARD, was read the second time. Senator M. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Steiner	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	McAllister	Poulton	Steele
Stephenson	Taylor		

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On motion of Senator Blackham, S.C.R. 1 and S.C.R. 2 were circled.

* * *

On motion of Senator Blackham, the circle was removed from H.J.R. 6, JOINT RULES RESOLUTION – AMENDMENTS TO INTERIM RULES. The bill was read the second time and explained by Senator Blackham. Senator Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	Montgomery	Muhlestein
Nielsen	C. Peterson	M. Peterson	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Mansell	McAllister	Myrin
Poulton	Steele	Stephenson	Taylor

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On motion of Senator C. Peterson, the circle was removed from H.J.R. 7, RESOLUTION REAPPOINTING DIRECTOR AND GENERAL COUNSEL. The bill was read the second time and explained by Senator C. Peterson. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	Montgomery	Muhlestein
Nielsen	C. Peterson	M. Peterson	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Mansell	McAllister	Myrin
Poulton	Steele	Stephenson	Taylor

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On motion of Senator Blackham, S.B. 87 was uncircled.

S.B. 87, ADJUSTMENT IN CERTIFIED RATE ON PROPERTY TAX, was read the second time. Senator Stephenson explained the bill. Senators Nielson and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mantes
Mayne	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Holmgren	Mansell	McAllister
Montgomery	Myrin	Taylor	

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On motion of Senator Blackham, S.B. 113 was placed on Second Reading Calendar.

S.B. 113, LEGISLATIVE OVERSIGHT AND SUNSET REVIEW AMENDMENTS, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mantes
Mayne	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Holmgren	Mansell	McAllister
Montgomery	Myrin	Taylor	

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 1997

The House passed H.B. 228, REVISOR'S STATUTE, by Representative J. Hickman, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.B. 228 was read the first time and referred to the President of the Senate.

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On motion of Senator C. Peterson, the circles were removed from S.C.R. 1 and S.C.R. 2.

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On motion of Senator C. Peterson and at 11:45 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 22, 1997.

THIRD DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Craig Taylor, excused.
Prayer – The Reverend Caryl Marsh, St. Paul's Episcopal Church.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 22, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the first and second days and find them correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 1997

The House passed **H.B. 164**, CHILDREN AND YOUTH AT RISK AMENDMENTS, by Representative B. Evans, et al, and it is transmitted for consideration; and

The House passed **H.B. 155**, MASTER ROAD AMENDMENTS, by Representative P. Knudson, and it is transmitted for consideration; and

The House passed **H.B. 3**, STATE BUILDINGS – PREVENTIVE MAINTENANCE, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 153**, PROPERTY TAX RELIEF AMENDMENTS, by Representative R. Short, and it is transmitted for consideration; and

The House passed **H.B. 158**, TRANSPORTATION OF STUDENTS BY SCHOOL DISTRICTS, by Representative K. Johnson, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 164, H.B. 155, H.B. 3, H.B. 153**, and **H.B. 158**, were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: January 21, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 17**, COVERING CERTAIN LOAD MATERIALS, by Senator J. Hull; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 106**, CLASS B AND C ROAD BID LIMIT, by Senator J. Holmgren.

L. Alma Mansell, Chair; and

Mr. President: January 21, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 12**, UNDERGROUND COAL MINING - WATER REPLACEMENT REQUIREMENTS, by Senator M. Dmitrich.

Alarik Myrin, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 17, S.B. 106**, and **S.B. 12** were placed on Second Reading Calendar.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 22, 1997

The President having received the following House bill, orders it placed on the Second Reading Calendar:

H.B. 228 Revisor's Statute (J. Hickman); and

Mr. President: January 22, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 109 Labor - Working Conditions (D. Buhler)

S.B. 110	Workers' Compensation Exclusive Remedy (D. Buhler)
S.B. 112	Dramshop Liability Amendments (D. Buhler)
Education	
S.B. 15	Public Education Computer Technology Task Force (R. Montgomery)
S.B. 105	Eccles Community Art Center Grant (N. Tanner)
Energy, Natural Resources & Agriculture	
S.B. 16	Appropriation for Tuacahn Foundation (L. Jones)
Health/Environment	
S.J.R. 2	Resolution Urging Congressional Facilitation of Health Care Products (L. Beattie)
Human Services	
S.B. 124	Task Force on Regulatory Barriers to Affordable Housing (L. Mansell)
Judiciary	
S.B. 28	District Court Judge Increase (L. Hillyard)
Transportation & Public Safety	
S.B. 23	Driver License Amendments (D. Steele)

Lane Beattie, Senate President

Reports filed.

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On motion of Senator Holmgren, H.B. 155, MASTER ROAD AMENDMENTS, was lifted from the Rules Committee and placed on Consent Calendar.

INTRODUCTION OF BILLS

JUVENILE CURFEW

S.B. 42 *Lorin V. Jones*

AN ACT RELATING TO THE CRIMINAL CODE; CREATING A STATEWIDE CURFEW FOR MINORS FROM 12 MIDNIGHT TO 6 A.M.; PROVIDING FOR EXCEPTIONS; AND ESTABLISHING A PENALTY, was read for the first time and referred to the President of the Senate.

PROHIBITION OF ULTIMATE FIGHTING

S.B. 43 *L. Steven Poulton*

AN ACT RELATING TO OCCUPATIONAL AND PROFESSIONAL LICENSING; PROHIBITING ULTIMATE FIGHTING CONTESTS; AND

MAKING PARTICIPATION IN AN ULTIMATE FIGHTING MATCH GROUNDS FOR LICENSE REVOCATION AND A CLASS A MISDEMEANOR, was read for the first time and referred to the President of the Senate.

PRIVILEGED INFORMATION IN CIVIL ACTIONS

S.B. 129 *Pete Suazo*

AN ACT RELATING TO THE JUDICIAL CODE; CLARIFYING THAT CERTAIN INFORMATION CONCERNING JUDGES BROUGHT TO THE JUDICIAL CONDUCT COMMISSION OR THE SUPREME COURT IS PRIVILEGED INFORMATION AND MAY NOT BE DISCLOSED UNTIL AFTER A FINAL ORDER IS ENTERED, was read for the first time and referred to the President of the Senate.

NONCONTRIBUTORY RETIREMENT SYSTEM FOR FIREFIGHTERS

S.B. 130 *Pete Suazo*

AN ACT RELATING TO PENSIONS; CREATING A NONCONTRIBUTORY RETIREMENT SYSTEM FOR FIREFIGHTERS; PROVIDING DEFINITIONS; PROVIDING ELIGIBILITY AND PARTICIPATION REQUIREMENTS; PROVIDING FOR ADMINISTRATION OF THE SYSTEM; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

AFFORDABLE HOUSING AMENDMENTS

S.B. 131 *Pete Suazo*

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING REQUIREMENTS FOR USE OF THE OLENE WALKER HOUSING TRUST FUND, was read for the first time and referred to the President of the Senate.

DEFINITION OF LAW ENFORCEMENT OFFICIAL AND JUDGE

S.B. 132 *Lyle W. Hillyard*

AN ACT RELATING TO PUBLIC SAFETY; DEFINING LAW ENFORCEMENT OFFICIAL AND JUDGE FOR PURPOSES OF EXEMPTION FROM WEAPONS LAWS; PROVIDING TRAINING AND CERTIFICATION

REQUIREMENTS; AUTHORIZING CERTAIN ENTITIES TO ESTABLISH RULES FOR REQUALIFICATION FOR PERSONS UNDER THEIR JURISDICTION; PROVIDING FOR REVOCATION; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

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On motion of Senator Waddoups, the Senate approved the opening of a file for a departmental bill entitled "Intrastate Carrier Pilot Program."

THIRD READING CALENDAR

S.B. 88, BUDGETARY PROCESS – REVENUE REPORTING, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Beattie

Absent or not voting were: Senators

Hull	Mansell	C. Peterson	Taylor
Wharton			

S.B. 88 was transmitted to the House.

* * *

S.B. 76, EXTRACURRICULAR ACTIVITIES, was read the third time and explained by Senator Stephenson. Senators Hull, Dmitrich, Myrin, and Buhler commented. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Hull	Jones	McAllister
Montgomery	Muhlestein	Myrin	C. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Waddoups	Beattie	

Voting in the negative were: Senators

Dmitrich	Howell	Mantes	Mayne
Nielsen	M. Peterson	Suazo	Wharton

Absent or not voting were: Senators

Mansell	Taylor

S.B. 76 was transmitted to the House.

* * *

On motion of Senator C. Peterson and at 10:35 a.m., the Senate adjourned until 10:00 a.m., January 23, 1997.

FOURTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senators C. Peterson, Taylor and Waddoups, excused.

Prayer – Pastor Randy Clay, Southside Church of Christ

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 23, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the third day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 1997

The House passed, as amended, **H.J.R. 13**, COMPENSATION OF IN-SESSION EMPLOYEE RESOLUTION, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 163**, PRISON INMATE EDUCATION AMENDMENTS, by Representative L. Frandsen, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 13** and **H.B. 163** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: January 22, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 3**, CONSTRUCTION CONTRACTORS, by Senator L. Poulton; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, by Senator D. Buhler.

Steven Poulton, Chair; and

Mr. President: January 22, 1997

The Education Committee reports a favorable recommendation on S.B. 101, CORPORAL PUNISHMENT IN PUBLIC SCHOOLS AMENDMENTS, by Senator D. Steele; and

The Education Committee reports a favorable recommendation on S.B. 102, WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION AMENDMENTS, by Senator L. Hillyard.

Lorin Jones, Chair; and

Mr. President: January 22, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 24, UTAH FOREST PRACTICES ACT, by Senator A. Myrin.

Alarik Myrin, Chair; and

Mr. President: January 22, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 7, PHARMACY ACT – OPEN DRUG FORMULARY, by Senator J. Holmgren, with the following amendments:

1. Page 1, Line 14:
   Delete "prescription" and insert "legend"
2. Page 1, Line 15:
   After "prohibited" insert "by the Utah Department of Health"
3. Page 1, Line 17:
   Delete "prescription" and insert "legend"
4. Page 1, Line 20:
   After "(3)" delete "A state department, division, or agency" and insert "The Utah Department of Health"
5. Page 1, Line 24:
   After "(4)" delete "A state department, division, or agency" and insert "The Utah Department of Health"

6. Page 1, Line 26:
After Line 26 insert:
"(5) This section does not affect the state's ability to exercise the exclusion options available under the federal Omnibus Budget Reconciliation Act of 1990."; and

The Health and Environment Committee reports a favorable recommendation on S.B. 20, OPTOMETRY PRACTICE ACT, by Senator L. Mansell, with the following amendments:

1. Page 9, Line 3:
Delete the brackets and reinstate "he is an exclusive wholesale optical establishment" and delete the remainder of line 3

2. Page 9, Line 4:
Delete "presented to him for the lens or lenses"

3. Page 9, Line 16:
After "involved in" delete "selling" and insert "fitting"

4. Page 10, Line 1:
After "apprenticeship" delete "prior to January 1, 1997"

Robert Muhlestein, Chair; and

Mr. President: January 22, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 10, INCOME TAX CHECKOFF, by Senator L. Hillyard, with the following amendments:

1. Page 4, Line 18:
After "subsequent taxable year" bracket "until the end of the 1997 taxable year"

2. Page 4, Line 23:
After "(1)" delete "If" and insert "Beginning on January 1, 1998, if" and after "59-10-549" insert "(1)(a), 59-10-549(1)(b)"

3. Page 4, Line 28:
After "Subsection (1)" delete "(a)" ; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 107, MEDICAL SAVINGS ACCOUNT AMENDMENTS, by Senator G. Mantes.

Howard Nielson, Chair; and

Mr. President: January 22, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 94, INFORMATION TECHNOLOGY AMENDMENTS, by Senator D. Steele, with the following amendments:

1. Page 11, Line 28:
   After "participate" insert "as follows"

2. Page 11, Line 29:
   Delete "(i)" and insert "(I)"

3. Page 11, Line 30:
   Delete "(ii)" and insert "(II)"

4. Page 11, Line 31:
   After "Commission" insert "with the approval of the President of the Senate and the Speaker of the House"

Mont Evans, Chair; and

Mr. President: January 22, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 4, CAPITAL HOMICIDE AMENDMENTS, by Senator D. Buhler; and

The Judiciary Committee reports a favorable recommendation on S.B. 83, JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM, by Senator C. Peterson; and

The Judiciary Committee reports a favorable recommendation on S.B. 85, PUBLIC SAFETY ELIGIBILITY AMENDMENTS, by Senator R. Montgomery; and

The Judiciary Committee reports a favorable recommendation on S.B. 89, JUVENILE JUDGES - SHORT TERM COMMITMENT OF YOUTH, by Senator N. Tanner; and

The Judiciary Committee reports a favorable recommendation on S.B. 90, JUVENILE COURT POWERS, by Senator N. Tanner, with the following amendments:

1. Page 6, Line 12:
After "78-3a-516" insert ", except for commitment to a secure facility"

Lyle W. Hillyard, Chair; and

Mr. President: January 22, 1997

The Education Committee reports a favorable recommendation on S.B. 104, STATE RISK MANAGEMENT COVERAGE OF TEACHERS, by Senator L. Poulton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Lorin Jones, Chair

On motion of Senator Hillyard, the committee reports were adopted. S.B. 3, S.B. 95, S.B. 101, S.B. 102, S.B. 24, S.B. 7, S.B. 20, S.B. 10, S.B. 107, S.B. 94, S.B. 4, S.B. 83, S.B. 85, S.B. 89, and S.B. 90, as amended, were placed on Second Reading Calendar.

S.B. 104 was placed on Consent Calendar.

INTRODUCTION OF BILLS

MOTOR VEHICLE INSURANCE - TRANSFER OF AGENT

S.B. 44 *Joseph L. Hull*

AN ACT RELATING TO INSURANCE; ALLOWING AN INSURED TO MAINTAIN AN EXISTING MOTOR VEHICLE INSURANCE POLICY WHEN THE INSURED'S AGENT OR BROKER IS NO LONGER APPOINTED BY AND THE INSURER, was read for the first time and referred to the President of the Senate.

AIR QUALITY BOARD POWERS

S.B. 45 *LeRay McAllister*

AN ACT RELATING TO HEALTH AND ENVIRONMENT; AMENDING THE AUTHORITY OF THE AIR QUALITY BOARD TO ALLOW ESTABLISHMENT OF TRADING OF EMISSIONS UNITS AS AN INCENTIVE FOR EMISSIONS REDUCTIONS, was read for the first time and referred to the President of the Senate.

PHYSICIAN ASSISTANT PRACTICE ACT AMENDMENTS

S.B. 46 *Robert C. Steiner*

AN ACT RELATING TO HEALTH; REPEALING THE CURRENT PHYSICIAN ASSISTANT PRACTICE ACT AND ENACTING A PHYSICIAN

ASSISTANT CHAPTER; PROVIDING DEFINITIONS; CREATING A BOARD; ESTABLISHING LICENSURE QUALIFICATIONS AND SCOPE OF PRACTICE; DEFINING UNLAWFUL AND UNPROFESSIONAL ACTS; AND PROVIDING PENALTIES, was read for the first time and referred to the President of the Senate.

TAX INCENTIVES FOR CLEAN FUELS

S.B. 47 *LeRay McAllister*

AN ACT RELATING TO HEALTH AND ENVIRONMENT; INCREASING TAX INCENTIVES FOR PURCHASE OF OR CONVERSION TO CLEAN-FUELED VEHICLES; PROVIDING TAX INCENTIVES FOR SPECIAL FUEL FILLING STATIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR RESTORATION OF BRIGHAM YOUNG ACADEMY

S.B. 48 *Howard C. Nielson*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING $2,000,000 TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR HISTORIC PRESERVATION OF THE ORIGINAL BRIGHAM YOUNG ACADEMY BUILDING; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING PROVISIONS

S.B. 91 *LeRay McAllister*

AN ACT RELATING TO HEALTH AND THE ENVIRONMENT; ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE IMPLEMENTATION OF REGIONAL GROWTH PLANS AND INTERLOCAL COORDINATION PLANS ADDRESSING AIR QUALITY, LAND USE, TRANSPORTATION, AND RELATED AREAS; AMENDING MUNICIPAL AND COUNTY STATUTORY PROVISIONS TO INCORPORATE REFERENCES TO THESE PLANS; CREATING A PROGRAM TO PROVIDE SUPPORT TO COUNTIES AND MUNICIPALITIES INVOLVED IN THIS PLANNING; AND APPROPRIATING $225,000 FOR FISCAL YEAR 1997-98 TO FUND THE SUPPORT PROGRAM, was read for the first time and referred to the President of the Senate.

APPEALS SETTLEMENT PROGRAM

S.B. 133 *Craig A. Peterson*

AN ACT RELATING TO THE JUDICIARY; CREATING A SETTLEMENT AND MEDIATION PROGRAM FOR MATTERS ON APPEAL BEFORE THE COURT OF APPEALS; PROVIDING THE PURPOSE OF THE PROGRAM; PROVIDING QUALIFICATIONS AND DUTIES OF THE EXECUTIVE DIRECTOR; PROVIDING FOR CONFIDENTIALITY TO APPLY TO THESE PROCEEDINGS; PROVIDING GOVERNMENTAL IMMUNITY FROM ANY LIABILITY TO THE EXECUTIVE DIRECTOR AND OTHER PROFESSIONAL STAFF WHEN ACTING AS MEDIATORS; AND APPROPRIATING $165,961 FROM THE GENERAL FUND TO THE ADMINISTRATIVE OFFICE OF THE COURTS FOR FISCAL YEAR 1997-98, was read for the first time and referred to the President of the Senate.

JUVENILE COURT RECODIFICATION - PHASE 2

S.B. 134 *Lyle W. Hillyard*

AN ACT RELATING TO JUDICIAL CODE; MAKING ADJUSTMENTS AND CORRECTIONS TO THE RECODIFICATION OF THE JUVENILE COURT ACT OF 1996; CORRECTING CROSS-REFERENCES; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

BUILDING CODE AMENDMENTS

S.B. 135 *Craig A. Peterson*

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING THE UNIFORM BUILDING STANDARDS ACT TO BE CALLED THE UTAH BUILDING STANDARDS ACT; PROVIDING DEFINITIONS; CREATING REQUIREMENTS OF QUALIFICATION FOR ANY PLANS EXAMINER AND ANY BUILDING OFFICIAL; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS

S.B. 136 *Craig A. Peterson*

AN ACT RELATING TO COMMERCE AND TRADE, UNENFORCEABLE AGREEMENTS; PROVIDING DEFINITIONS;

SPECIFYING LIMITS TO THE AMOUNT OF RETENTION PROCEEDS WITHHELD IN CONSTRUCTION PROJECTS; REQUIRING ALLOWABLE RETENTION PROCEEDS TO BE DEPOSITED IN AN INTEREST-BEARING ESCROW ACCOUNT; PROVIDING STANDARDS FOR REQUIRING RELEASE OF ANY RETENTION PROCEEDS; AND PROVIDING FOR ATTORNEY'S FEES TO THE PREVAILING PARTY, was read for the first time and referred to the President of the Senate.

SPECIAL EDUCATION DISPUTE RESOLUTION

S.B. 137 *David H. Steele*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR THE STATE BOARD OF EDUCATION TO ADOPT RULES MEETING FEDERAL REQUIREMENTS GOVERNING THE ESTABLISHMENT AND MAINTENANCE OF PROCEDURAL SAFEGUARDS FOR STUDENTS WITH DISABILITIES AS TO A FREE APPROPRIATE PUBLIC EDUCATION; PROVIDING A HEARING PROCESS AND TIMELINES TO RESOLVE SPECIAL EDUCATION DISPUTES; PROVIDING AN APPEAL PROCESS; AND PROVIDING CONDITIONS FOR RECOVERY OF ATTORNEY FEES, was read for the first time and referred to the President of the Senate.

USED OIL ACT AMENDMENTS

S.B. 138 *LeRay McAllister*

AN ACT RELATING TO THE ENVIRONMENT; REMOVING THE REQUIREMENT THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY PROVIDE PUBLIC INFORMATION SIGNS REGARDING RECYCLING TO ALL UTAH BUSINESSES SELLING MOTOR OIL, was read for the first time and referred to the President of the Senate.

CLEAN BURNING STOVE TAX CREDIT AMENDMENTS

S.B. 139 *LeRay McAllister*

AN ACT RELATING TO HEALTH AND ENVIRONMENT; EXTENDING THE NUMBER OF YEARS FOR WHICH A TAX CREDIT IS ALLOWED REGARDING PURCHASE OF WOOD OR PELLET BURNING STOVES, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS

S.B. 140 *R. Mont Evans*

AN ACT RELATING TO DOMESTIC VIOLENCE; APPROPRIATING $250,000 TO PROVIDE HOUSING FOR VICTIMS OF DOMESTIC

VIOLENCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

STATE AND FEDERAL LAW ENFORCEMENT–JOINT JURISDICTION

S.B. 141 *David H. Steele*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; AUTHORIZING CONCURRENT JURISDICTION WITH THE UNITED STATES OVER CERTAIN PROPERTY IN TOOELE COUNTY, was read for the first time and referred to the President of the Senate.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 23, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development
S.B. 96 City Authority over Certain Rental Units (D. Buhler)
Education
S.B. 118 Validity of Credentials in Public Education (L. McAllister)
Health/Environment
S.B. 122 Health Policy Commission Amendments (H. Stephenson)
Human Services
S.B. 126 Appropriation for Hill Air Force Base Heritage Museum (R. Montgomery)
Judiciary
S.B. 31 Cellular Phone Fraud (S. Howell)
S.B. 129 Privileged Information in Civil Actions (P. Suazo)
Revenue & Taxation
S.B. 22 Budget Review Task Force (M. Peterson)
Transportation & Public Safety
S.B. 21 Emissions Inspection on Newer Vehicles (R. Muhlestein)

The President having received the following House bills assigns them to the following committees:

Education
H.B. 158 Transportation of Students by School Districts (K. Johnson)

Human Services
H.B. 164 Children and Youth at Risk Amendments (B. Evans)
Revenue & Taxation
H.B. 153 Property Tax Relief Amendments (R. Short)
State & Local Affairs
H.B. 3 State Buildings – Preventive Maintenance (G. Adair)

Lane Beattie, Senate President

Report filed.

REVISED COMMITTEE REPORT

Mr. President: January 23, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 94, INFORMATION TECHNOLOGY AMENDMENTS, by Senator D. Steele, with the following amendments:

1. Page 11, Line 28:
   After "participate" insert "as follows"
2. Page 11, Line 29:
   Delete "(i)" and insert "(I)"
3. Page 11, Line 30:
   Delete "(ii)" and insert "(II)"
4. Page 11, Line 31:
   After "Commission" insert "with the approval of the President of the Senate and the Speaker of the House"

Mont Evans, Chair

On motion of Senator Evans, the revised committee report was adopted. The bill retains its place on Second Reading Calendar.

* * *

On motion of Senator Mantes, H.C.R. 5, RESOLUTION RECOGNIZING LIFE AND CONTRIBUTIONS OF REPRESENTATIVE KURT OSCARSON, and H.B. 258, KURT OSCARSON CHILDREN'S ORGAN TRANSPLANT COMMITTEE, will be considered today at 11:00 a.m.

THIRD READING CALENDAR

S.B. 77, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, was read the third time and explained by Senator Steele. Senator Hillyard commented.

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

1. Page 5, Line 26:
After "enterprise" delete "trust"

On motion of Senator Steele, the bill was circled.

* * *

S.B. 93, NATIVE AMERICAN COORDINATING BOARD, was read the third time and explained by Senator M. Peterson. Senators Hillyard and Myrin commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Beattie	

Absent or not voting were: Senators

Howell	C. Peterson	Steiner	Taylor
Waddoups	Wharton		

S.B. 93 was transmitted to the House.

* * *

H.J.R. 6, JOINT RULES RESOLUTION – AMENDMENTS TO INTERIM RULES, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	M. Peterson
Poulton	Steele	Stephenson	Suazo
Tanner	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Howell	C. Peterson	Steiner
Taylor	Waddoups		

H.J.R. 6 was signed by the President of the Senate in open session and returned to the House.

* * *

H.J.R. 7, RESOLUTION REAPPOINTING DIRECTOR AND GENERAL COUNSEL, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Wharton	Beattie

Absent or not voting were: Senators

Howell	C. Peterson	Steiner	Taylor
Waddoups			

H.J.R. 7 was signed by the President of the Senate in open session and returned to the House.

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S.B. 87, ADJUSTMENT IN CERTIFIED RATE ON PROPERTY TAX, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Wharton	Beattie

Absent or not voting were: Senators

Howell	C. Peterson	Steiner	Taylor
Waddoups			

S.B. 87 was transmitted to the House.

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S.B. 113, LEGISLATIVE OVERSIGHT AND SUNSET REVIEW AMENDMENTS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Wharton	Beattie

Absent or not voting were: Senators

Howell	C. Peterson	Steiner	Taylor
Waddoups			

S.B. 113 was transmitted to the House.

SECOND READING CALENDAR

H.B. 228, REVISOR'S STATUTE, was read the second time. Senator Holmgren explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Wharton	Beattie

Absent or not voting were: Senators

Howell	C. Peterson	Steiner	Taylor
Waddoups			

* * *

S.C.R. 1, RESOLUTION INTEGRATING UTAH TOMORROW PRINCIPLES, was read the second time. Senator McAllister explained the bill. Senator Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Wharton	Beattie

Absent or not voting were: Senators

Howell	C. Peterson	Steiner	Taylor
Waddoups			

* * *

S.C.R. 2, UTAH TOMORROW RESOLUTION, was read the second time. Senator McAllister explained the bill.

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

1.. Page 5, Line 12:
After "program" insert "with due regard for staffing, housing, financial, and equity requirements"

2. Page 5, Line 14:
After "SCHOOLS" insert "INCREASED"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Steele	Stephenson	Suazo
Tanner	Wharton	Beattie	

Absent or not voting were: Senators

Howell	C. Peterson	Poulton	Steiner
Taylor	Waddoups		

* * *

S.B. 17, COVERING CERTAIN LOAD MATERIALS, was read the second time. Senator Hull explained the bill. Senator Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
Poulton	Steele	Stephenson	Suazo
Tanner	Wharton	Beattie	

Absent or not voting were: Senators

Howell	C. Peterson	M. Peterson	Steiner
Taylor	Waddoups		

* * *

S.B. 106, CLASS B AND C ROAD BID LIMIT, was read the second time. Senator Holmgren explained the bill.

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

1. Page 1, Line 15:
   Delete "$150,000" and insert "$135,000"

Senators Hillyard and Buhler commented. S.B. 106 failed on the following roll call:

Yeas, 11; Nays, 13; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Holmgren	Hull	Jones
Mantes	McAllister	Muhlestein	Steele
Suazo	Wharton	Beattie	

Voting in the negative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Howell	Mansell	Mayne	Montgomery
Myrin	Nielsen	Poulton	Stephenson
Tanner			

Absent or not voting were: Senators

C. Peterson	M. Peterson	Steiner	Taylor
Waddoups			

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 1997

The House passed H.C.R. 5, RESOLUTION RECOGNIZING LIFE AND CONTRIBUTIONS OF REPRESENTATIVE KURT E. OSCARSON, by Representative G. Davis, et al, and it is transmitted for consideration; and

The House passed H.B. 258, KURT OSCARSON CHILDREN'S ORGAN TRANSPLANT COMMITTEE, by Representative G. Davis, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.C.R. 5 and H.B. 258, were read the first time and referred to the President of the Senate. On motion of Senator Blackham, under suspension of the rules, H.C.R. 5 and H.B. 258 were placed at the top of the Second Reading Calendar.

* * *

On motion of Senator Hillyard, Jane Larson, Principal; Teachers Toni McSpadden, Jolie Lloyd, and Sylvia Coons, of Nibley Park Elementary spoke in Committee of the Whole. Nibley Park is the first school to implement wearing uniforms. Senator Stephenson commented.

SECOND READING CALENDAR

On motion of Senator Dmitrich, H.C.R. 5, RESOLUTION RECOGNIZING LIFE AND CONTRIBUTIONS OF KURT E. OSCARSON, under suspension of the rules, was read the second and third times. Senator Dmitrich explained the bill. Senators Hull, Steele, and Evans commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Wharton
Beattie			

Absent or not voting were: Senators

C. Peterson	Steiner	Taylor	Waddoups

H.C.R. 5 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Howell, **H.B. 258**, KURT OSCARSON CHILDREN'S ORGAN TRANSPLANT COMMITTEE, under suspension of the rules, was read the second and third times. Senator Howell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Wharton
Beattie			

Absent or not voting were: Senators

C. Peterson	Steiner	Taylor	Waddoups

H.B. 258 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 **S.B. 77**.

* * *

On motion of Senator Blackham, and at 12:10 p.m., the Senate adjourned until 10:00 a.m., Friday, January 24, 1997.

FIFTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Wharton, excused.
Prayer – Mrs. Wendy Stovall, State Director of the Unification Church.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 24, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the fourth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 1997

The House passed, as amended, **H.B. 182**, ADMINISTRATIVE RULES REVIEW COMMITTEE AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 213**, REAUTHORIZE ENTERPRISE ZONE ACT, by Representative B. Evans, and it is transmitted for consideration; and

The House passed **H.B. 169**, TRANSIT DISTRICT COLLECTIONS AND BUDGET, by Representative R. Short, and it is transmitted for consideration; and

The House passed **H.B. 167**, CHILD SUPPORT – SOCIAL SECURITY CREDIT, by Representative B. Harward, and it is transmitted for consideration; and

The House passed **H.B. 166**, JOINT LIAISON COMMITTEE AMENDMENTS, by Representative B. Evans, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 182, H.B. 213, H.B. 169, H.B. 167**, and **H.B. 166** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: January 23, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 114, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator L. Blackham.

Mont Evans, Chair

Mr. President: January 23, 1997

The Education Committee reports a favorable recommendation on S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, by Senator M. Peterson.

Lorin Jones, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 114 and S.B. 5 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

SECOND HAND SMOKE AMENDMENTS

S.B. 49 *Lane Beattie*

AN ACT RELATING TO HEALTH; CLARIFYING THAT DRIFTING TOBACCO SMOKE IS A NUISANCE; AND PROVIDING THAT RESIDENTIAL UNIT RENTAL AND PURCHASE AGREEMENTS MAY PROHIBIT GENERATION OF TOBACCO SMOKE, was read for the first time and referred to the President of the Senate.

SALES TAX REFUND ON DONATED FOOD

S.B. 50 *Howard A. Stephenson*

AN ACT RELATING TO THE SALES AND USE TAX ACT; PROVIDING A SALES TAX REFUND FOR POUNDS OF FOOD DONATED TO A QUALIFIED EMERGENCY FOOD AGENCY; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR IMPLEMENTING THE REFUND; GRANTING RULEMAKING AUTHORITY TO THE STATE TAX COMMISSION; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

COAL RECLAMATION AMENDMENTS

S.B. 142 *Mike Dmitrich*

AN ACT RELATING TO MINING; AMENDING THE DEFINITION OF ADJUDICATIVE PROCEEDING; AMENDING PROVISIONS REGARDING

PROTESTS OF APPLICATIONS TO MINE COAL; CLARIFYING AN OPERATOR'S RIGHTS TO CONTEST A NOTICE OF VIOLATION AND PENALTY; AND MAKING TECHNICAL AMENDMENTS, was read for the first time and referred to the President of the Senate.

PENALTY FOR JOY RIDING

S.B. 143 *Pete Suazo*

AN ACT RELATING TO MOTOR VEHICLES; CHANGING THE PENALTY FOR UNAUTHORIZED CONTROL OVER A MOTOR VEHICLE THAT IS RETURNED WITHIN 24 HOURS TO A THIRD DEGREE FELONY IF THE VEHICLE IS DAMAGED OR USED TO COMMIT A FELONY; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

ELECTRONIC LAW LIBRARY

S.B. 144 *Lyle W. Hillyard*

AN ACT RELATING TO STATE AFFAIRS; PROVIDING A PURPOSE STATEMENT; APPROPRIATING $93,000 FROM THE GENERAL FUND FOR FISCAL YEAR 1997-98 FOR THE PURCHASE OF AN ELECTRONIC RESEARCH LAW LIBRARY FOR THE OFFICE OF THE ATTORNEY GENERAL, THE JUDICIAL BRANCH, THE OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL, AND MEMBERS OF THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

PEDESTRIAN OVERPASS APPROPRIATION

S.B. 145 *Millie M. Peterson*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING $3,750,000 FROM THE GENERAL FUND FOR FISCAL YEAR 1997-98 TO THE DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF CERTAIN PEDESTRIAN OVERPASS STRUCTURES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

REAUTHORIZATION OF ADMINISTRATIVE RULES

S.B. 146 *LeRay McAllister*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; REAUTHORIZING RULES OF STATE AGENCIES; LISTING THOSE RULES

NOT TO BE REAUTHORIZED; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

RESOLUTION ENCOURAGING SHORTENING DAYLIGHT SAVINGS PERIOD

S.J.R. 3 *Ed P. Mayne*

A JOINT RESOLUTION OF THE LEGISLATURE URGING CONGRESS TO END DAYLIGHT SAVING TIME BY THE SECOND SUNDAY IN OCTOBER, OR TO ALLOW STATES THE POWER TO DO SO, TO INCREASE SAFETY ON UTAH'S ROADS, was read for the first time and referred to the President of the Senate.

THIRD READING CALENDAR

S.B. 77, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, was before the Senate, explained by Senator Steele, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Beattie		

Absent or not voting were: Senators

C. Peterson	Taylor	Wharton

S.B. 77 was transmitted to the House.

* * *

H.B. 228, REVISOR'S STATUTE, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Beattie			

Absent or not voting were: Senators

Mantes	C. Peterson	Taylor	Wharton

H.B. 228 was signed by the President of the Senate in open session and returned to the House.

* * *

S.C.R. 1, RESOLUTION INTEGRATING UTAH TOMORROW PRINCIPLES, was read the third time, explained by Senator McAllister, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Beattie

Voting in the negative was: Senator
Waddoups

Absent or not voting were: Senators

Mantes	C. Peterson	Taylor	Wharton

S.C.R. 1 was transmitted to the House.

* * *

S.C.R. 2, UTAH TOMORROW RESOLUTION, was read the third time and explained by Senator McAllister.

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

1. Page 5, Line 14 (goldenrod copy):
   Delete "increased"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Beattie	

Absent or not voting were: Senators

Taylor	Wharton

S.C.R. 2, as amended, was transmitted to the House.

* * *

S.B. 17, COVERING CERTAIN LOAD MATERIALS, was read the third time, explained by Senator Hull, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Beattie	

Absent or not voting were: Senators

Taylor	Wharton

S.B. 17 was transmitted to the House.

SECOND READING CALENDAR

S.B. 12, UNDERGROUND COAL MINING – WATER REPLACEMENT REQUIREMENTS, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Beattie	

Absent or not voting were: Senators

Taylor	Wharton

* * *

S.B. 3, CONSTRUCTION CONTRACTORS, was read the second time. Senator Poulton explained the bill. Senators McAllister and Nielsen commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators

Dmitrich	Wharton

* * *

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION, was read the second time. Senator Buhler explained the bill. Senators Evans, Nielson, C. Peterson, and Buhler commented.

On motion of Senator Buhler, the bill was circled.

* * *

S.B. 101, CORPORAL PUNISHMENT IN PUBLIC SCHOOLS AMENDMENTS, was read the second time. Senator Steele explained the bill. Senators Hillyard and Steiner commented.

Senator Steiner moved an amendment. Senators Steele, Blackham, Hillyard, and Steiner commented. The amendment failed on a voice vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups			

Voting in the negative were: Senators

Muhlestein	Nielsen	Beattie

Absent or not voting was: Senator
Wharton

* * *

S.B. 102, WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Nielson, Beattie, McAllister, and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Buhler	Jones	Wharton

* * *

S.B. 24, UTAH FOREST PRACTICES ACT, was read the second time.

On motion of Senator Myrin, the bill was circled.

* * *

S.B. 7, PHARMACY ACT – OPEN DRUG FORMULARY, was read the second time. Senator Holmgren explained the bill. Senators Hillyard and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Buhler	C. Peterson	Wharton

* * *

S.B. 20, OPTOMETRY PRACTICE ACT, was read the second time. Senator Mansell explained the bill.

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

1. Page 9, Line 2:
   After "lens or lenses" insert "<u>, except in the case of an emergency.</u>"

Senators Howell and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators
Buhler Wharton

* * *

S.B. 10, INCOME TAX CHECKOFF, was read the second time. Senator Hillyard explained the bill. Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Buhler	Wharton

* * *

S.B. 107, MEDICAL SAVINGS ACCOUNT AMENDMENTS, was read the second time. Senator Mantes explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Blackham	Buhler	Tanner	Wharton

* * *

On motion of Senator Howell, the Senate voted to reconsider its action on S.B. 106, CLASS B AND C ROAD BID LIMIT. The bill was placed at the bottom of Second Reading Calendar.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 24, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 13	Telecommunication Amendments (D. Steele)
S.B. 44	Motor Vehicle Insurance – Transfer Of Agent (J. Hull)
S.B. 121	Recording Judgments on Real Property (L. Mansell)

Energy, Natural Resources & Agriculture

S.B. 34	Agricultural Amendments (L. Blackham)
S.B. 35	Department of Agriculture and Food – Name Change (L. Blackham)
S.B. 123	Water Conservancy District – Board of Directors (M. Dmitrich)

Judiciary

S.B. 25	Sentencing Guidelines (L. Hillyard)
S.B. 111	Handgun Purchase Requirements (M. Waddoups)
S.B. 130	Noncontributory Retirement System For Firefighters (P. Suazo)
S.B. 141	State And Federal Law Enforcement–joint Jurisdiction (D. Steele)

State & Local Affairs

S.B. 32	Voter Registration Information in High Schools (R. Evans)
S.B. 78	Election Law – Political Parties (P. Suazo)
S.B. 79	Election Law – Election Process (R. Evans)
S.B. 81	Election Law – Campaign Finance Reporting Requirements (D. Buhler)
S.B. 82	Election Law – Candidate Issues (L. Poulton)

Transportation & Public Safety

S.B. 117	Commercial Vehicle Registration (D. Steele); and

The President having received the following Senate bills, which are waiting fiscal notes, assigns them to the following committee. The bills are to be printed as soon as they receive a fiscal note.

Judiciary

S.B. 27	Dangerous Weapons – Restrictions (R. Steiner)
S.B. 38	Dangerous Weapons at Child–Centered Schools and Facilities (M. Waddoups)
S.B. 39	Private Property Owners' Right to Prohibit Dangerous Weapons (M. Waddoups)
S.B. 132	Definition of Law Enforcement Official and Judge (L. Hillyard); and

The President having received the following House bill assigns it to the following committee:

Education

H.B. 163	Prison Inmate Education Amendments (L. Frandsen); and

The President having received the following House resolution, orders it placed on the Second Reading Calendar:

H.J.R. 13	Compensation of In–session Employee Resolution (J. Haymond)

Lane Beattie, Senate President

Reports filed.

* * *

On motion of Senator C. Peterson, the circles were removed from S.B. 24 and S.B. 95.

* * *

On motion of Senator C. Peterson and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, January 27, 1997.

EIGHTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Lowell Benson, Executive Vice President of O.C. Tanner Company.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 27, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the fifth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 1997

The House passed **H.B. 29**, MOBILE HOME TENANT AMENDMENTS, by Representative L. Frandsen, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 5**, AUTOMATED TELLER MACHINE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 14**, SELF INSURED PREMIUM ASSESSMENT, by Representative G. Adair, and it is transmitted for consideration; and

The House passed **H.B. 229**, DOMESTIC RELATIONS CASES – NAME DESIGNATION, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 194**, EDUCATION ASSESSMENT PROGRAM, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed, as amended, H.B. 204, ALCOHOLIC BEVERAGES – RESTAURANT REGULATION, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed, as amended, H.B. 171, HOUSING COORDINATION AND PLANNING, by Representative F. Hunsaker, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 29, 2nd Sub. H.B. 5, H.B. 14, H.B. 229, H.B. 194, H.B. 204, and H.B. 171 were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORT

Mr. President: January 24, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 73, CONTRACTOR'S DUTIES TO SUBCONTRACTORS, by Senator L. Mansell, with the following amendments:

1. Page 1, Line 21:
   After "receiving a" insert "corresponding"

2. Page 2, Line 9:
   After "contractor" insert "has"

3. Page 2, Line 13:
   After "signing" delete "of" and after "contract" insert "between the contractor and the subcontractor"

4. Page 2, Line 14:
   After "executed" delete ", renewed, or materially modified"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 100, FINANCIAL INSTITUTION AMENDMENTS, by Senator L. Mansell, with the following amendments:

1. Page 9, Line 16:
   After "banks;" insert "and"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 103, CONSUMER PROTECTION AMENDMENTS, by Senator D. Buhler.

Steven Poulton, Chair; and

Mr. President: January 24, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 8, APPROPRIATION FOR SOUND BARRIERS, by Senator D. Buhler, with the following amendments:

1. Page 1, Line 8:
   Delete "WALLS" and insert "ABATEMENT MEASURES"

2. Page 1, Line 16:
   After "construction of" insert "retrofit noise abatement measures, including"; and

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 23, DRIVER LICENSE AMENDMENTS, by Senator D. Steele.

Al Mansell, Chair; and

Mr. President: January 24, 1997

The Energy, Natural Resources, and Agriculture Committee recommends S.B. 16, APPROPRIATION FOR TUACAHN FOUNDATION, by Senator L. Jones, be replaced and favorably recommends Sub. S.B. 16, APPROPRIATION FOR TUACAHN FOUNDATION.

Alarik Myrin, Chair; and

Mr. President: January 23, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 18, HEALTH CARE PROVIDER PRACTICE AND CONDUCT AMENDMENTS, by Senator R. Montgomery, with the following amendments:

1. Page 2, Line 20:
   Delete "responsibility" and insert "ability"

2. Page 5, Line 4:
   Delete "responsibility" and insert "ability"

3. Page 8, Line 29:
Delete "responsibility" and insert "ability"; and

The Health and Environment Committee reports a favorable recommendation on S.B. 75, SAFE DRINKING WATER ACT AMENDMENTS, by Senator J. Holmgren; and

The Health and Environment Committee reports a favorable recommendation on S.J.R. 2, RESOLUTION URGING CONGRESSIONAL FACILITATION OF HEALTH CARE PRODUCTS, by Senator L. Beattie.

Robert Muhlestein, Chair; and

Mr. President: January 24, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 92, TELECOMMUNICATIONS DEREGULATION AMENDMENTS, by Senator D. Steele, with the following amendments:

1. Page 1, Line 27:
After the word "offer" insert "retail end user"

2. Page 4, Line 1:
After the words "provision of" insert "retail end user"; and

The State and Local Affairs Committee reports a favorable recommendation on H.B. 3, STATE BUILDINGS - PREVENTIVE MAINTENANCE, by Representative G. Adair.

R. Mont Evans, Chair; and

Mr. President: January 24, 1997

The Judiciary Committee recommends S.B. 9, PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS, by Senator L. Poulton, be replaced and favorably recommends Sub. S.B. 9, PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS; and

The Judiciary Committee reports a favorable recommendation on S.B. 28, DISTRICT COURT JUDGE INCREASE, by Senator L. Hillyard.

Lyle W. Hillyard, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 73, S.B. 100, S.B. 103, S.B. 8, S.B. 23, S.B. 16, S.B. 18, S.B. 75, S.J.R. 2, S.B. 92, H.B. 3, S.B. 9, and S.B. 28 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

VEHICLE AIR BAG AMENDMENTS

S.B. 147 *George Mantes*

AN ACT RELATING TO MOTOR VEHICLES; AMENDING PROVISIONS RELATING TO THE MANDATORY REPAIR OF DAMAGED OR DEPLOYED AIRBAGS; CREATING NOTICE REQUIREMENTS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

PUBLIC SCHOOL SNOW DAYS RESOLUTION

S.J.R. 4 *Scott N. Howell*

A JOINT RESOLUTION OF THE LEGISLATURE ENCOURAGING LOCAL SCHOOL BOARDS TO DESIGN THEIR SCHOOL YEAR CALENDARS SO THAT SNOW DAYS CAN BE MADE UP ON DAYS OTHER THAN SATURDAY, was read for the first time and referred to the President of the Senate.

RESOLUTION ON REPUBLIC OF CHINA ON TAIWAN

S.J.R. 5 *Craig A. Peterson*

A JOINT RESOLUTION OF THE LEGISLATURE RECOGNIZING THE COMMERCIAL RELATIONSHIP BETWEEN UTAH AND THE REPUBLIC OF CHINA ON TAIWAN; RECOGNIZING THE REPUBLIC'S DEMOCRATIC REFORMS AND HUMANITARIAN SERVICE; AND URGING THAT THE REPUBLIC BE ALLOWED TO PARTICIPATE IN THE UNITED NATIONS AND OTHER ORGANIZATIONS, was read for the first time and referred to the President of the Senate.

CONSENT CALENDAR

H.B. 155, MASTER ROAD AMENDMENTS, was read the third time, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Hillyard	Holmgren	Howell
Hull	Jones	Mansell	Mayne

McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Dmitrich	Evans	Mantes
Stephenson			

H.B. 155 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

S.B. 12, UNDERGROUND COAL MINING - WATER REPLACEMENT REQUIREMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Buhler	Mantes

S.B. 12 was transmitted to the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 27, 1997

The President having received the following House bills assigns them to the following committees:

Human Services

H.B. 166 Joint Liaison Committee Amendments (B. Evans)

Revenue & Taxation

H.B. 167 Child Support - Social Security Credit (B. Harward)

H.B. 213 Reauthorize Enterprise Zone Act (B. Evans)
State & Local Affairs
H.B. 182 Administrative Rules Review Committee Amendments (D. Ure); and

Mr. President: January 27, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development
S.B. 131 Affordable Housing Amendments (P. Suazo)
Education
S.B. 40 State School Board Election Procedures (H. Nielson)
Energy, Natural Resources & Agriculture
S.J.R. 3 Resolution Encouraging Shortening Daylight Savings Period (E. Mayne)
Health/Environment
S.B. 43 Prohibition Of Ultimate Fighting (L. Poulton)
S.B. 138 Used Oil Act Amendments (L. McAllister)
Human Services
S.B. 33 Child Visitation Guidelines (R. Evans)
Judiciary
S.B. 143 Penalty for Joy Riding (P. Suazo)
Revenue & Taxation
S.B. 127 Constitutional Revision Commission Amendments (M. Dmitrich)
Transportation & Public Safety
S.B. 119 Transportation Overhead Rate Limitations (J. Holmgren)

Lane Beattie, Senate President

Report filed.

THIRD READING CALENDAR

S.B. 3, CONSTRUCTION CONTRACTORS, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen

M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	C. Peterson

S.B. 3 was transmitted to the House.

* * *

S.B. 101, CORPORAL PUNISHMENT IN PUBLIC SCHOOLS AMENDMENTS, was read the third time, explained by Senator Steele, and passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Myrin	M. Peterson	Poulton
Steele	Steiner	Suazo	Wharton

Voting in the negative were: Senators

Muhlestein	Nielsen	Stephenson	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators

Buhler	C. Peterson

S.B. 101 was transmitted to the House.

* * *

S.B. 102, WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Buhler

S.B. 102 was transmitted to the House.

* * *

S.B. 7, PHARMACY ACT – OPEN DRUG FORMULARY, was read the third time. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 20, OPTOMETRY PRACTICE ACT, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Buhler

S.B. 20 was transmitted to the House.

* * *

S.B. 10, INCOME TAX CHECKOFF, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 10 was transmitted to the House.

* * *

S.B. 107, MEDICAL SAVINGS ACCOUNT AMENDMENTS, was read the third time, explained by Senator Mantes, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 107 was transmitted to the House.

* * *

On motion of Senator Holmgren, the circle was removed from S.B. 7, PHARMACY ACT – OPEN DRUG FORMULARY. Senator Holmgren explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 7 was transmitted to the House.

SECOND READING CALENDAR

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, was before the Senate. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 24, UTAH FOREST PRACTICES ACT, was before the Senate. Senator Myrin explained the bill. Senators Steiner and C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
McAllister

* * *

S.B. 94, INFORMATION TECHNOLOGY AMENDMENTS, was read the second time. Senator Steele explained the bill. Senators Buhler, Nielson, and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

S.B. 4, CAPITAL HOMICIDE AMENDMENTS, was read the second time. Senator Buhler explained the bill. Senators Steiner, Howell, and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Nielsen

* * *

S.B. 83, JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM, was read the second time. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Buhler Howell

* * *

S.B. 85, PUBLIC SAFETY ELIGIBILITY AMENDMENTS, was read the second time. Senator Montgomery explained the bill.

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

1. Page 2, Line 18:
After line 18 insert:
"(C) Except as provided under Subsection (D), a decision of the Peace Officer Standards and Training Council granting an individual or a position coverage under the Public Safety Retirement System may only be applied prospectively from the date of that decision.
(D) A decision of the Peace Officer Standards and Training Council granting an individual or a position coverage under the Public Safety Retirement System may be applied retroactively only if:
(i) the employing unit covered other similarly situated employees under the Public Safety Retirement System during the time period in question; and
(ii) the employee otherwise meets all eligibility requirements for membership in the Public Safety Retirement System."

2. Page 4, Line 29:
After line 29 insert:
"(C) Except as provided under Subsection (D), a decision of the Peace Officer Standards and Training Council granting an individual or a position coverage under the Public Safety Retirement System may only be applied prospectively from the date of that decision.
(D) A decision of the Peace Officer Standards and Training Council granting an individual or a position coverage under the Public Safety Retirement System may be applied retroactively only if:
(i) the employing unit covered other similarly situated employees under the Public Safety Retirement System during the time period in question; and
(ii) the employee otherwise meets all eligibility requirements for membership in the Public Safety Retirement System."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	

Voting in the negative was: Senator
Beattie

Absent or not voting was: Senator
Waddoups

* * *

S.B. 89, JUVENILE JUDGES - SHORT TERM COMMITMENT OF YOUTH, was read the second time. Senator Tanner explained the bill. Senator McAllister commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

S.B. 90, JUVENILE COURT POWERS, was read the second time. Senator Tanner explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators
Mayne Wharton

* * *

On motion of Senator C. Peterson, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 1997

The House passed H.B. 34, ASSAULT AMENDMENTS, by Representative P. Knudson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 17, COUNTERFEIT FINANCIAL TRANSACTION CARD AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed, as amended, H.B. 216, RURAL HEALTH CARE PROVIDER AMENDMENTS, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed H.B. 211, USE OF UTAH INDUSTRIAL ASSISTANCE, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed, as amended, H.B. 173, RETIREMENT OFFICE AMENDMENTS, by Representative R. Short, and it is transmitted for consideration; and

The House passed, as amended, H.B. 172, CHILDREN AND YOUTH TASK FORCE REAUTHORIZATION, by Representative B. Evans, and it is transmitted for consideration; and

The House passed H.B. 43, COUNTY AND MUNICIPALITY JUDGESHIPS, by Representative W. Harper, et al, and it is transmitted for consideration; and

The House passed H.B. 189, SPECIAL DISTRICTS - DRAINAGE DISTRICT AMENDMENTS, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as amended, H.B. 22, UNLAWFUL ACTIVITY AMENDMENTS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed, as amended, H.B. 4, PUBLIC SAFETY - MISSING PERSONS CENTER, by Representative K. Johnson, and it is transmitted for consideration; and

The House passed H.B. 177, POST CERTIFICATION OF YOUTH CORRECTIONS WORKERS, by Representative B. Chard, and it is transmitted for consideration; and

The House passed, as amended, H.B. 18, HIGHER EDUCATION REVENUE BONDS, by Representative F. Hunsaker, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 34, H.B. 17, H.B. 216, H.B. 211, H.B. 173, H.B. 172, H.B. 43, H.B. 189, H.B. 22, H.B. 4, H.B. 177, and H.B. 18 were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: January 27, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 110, WORKERS' COMPENSATION EXCLUSIVE REMEDY, by Senator D. Buhler, with the following amendments:

1. Page 2, Line 13:
   After "client company" insert "and its employees"

2. Page 2, Line 14:
   After "client company" insert "and its employees" and after "the acts of" delete "a temporary employee" and insert "any of the temporary staffing company's employees"; and

The Business, Labor, and Economic Development Committee recommends S.B. 112, DRAMSHOP LIABILITY AMENDMENTS, by Senator D. Buhler, be

replaced and favorably recommends Sub. S.B. 112, DRAMSHOP LIABILITY AMENDMENTS.

Steven Poulton, Chair; and

Mr. President: January 27, 1997

The Education Committee reports a favorable recommendation on S.B. 118, VALIDITY OF CREDENTIALS IN PUBLIC EDUCATION, by Senator L. McAllister; and

The Education Committee reports a favorable recommendation on H.B. 158, TRANSPORTATION OF STUDENTS BY SCHOOL DISTRICTS, by Representative K. Johnson, et al; and

The Education Committee reports a favorable recommendation on H.B. 163, PRISON INMATE EDUCATION AMENDMENTS, by Representative L. Frandsen, et al.

Lorin Jones, Chair; and

Mr. President: January 24, 1997

The Human Services Committee reports a favorable recommendation on S.B. 86, HOUSING AUTHORITY AMENDMENTS, by Senator P. Suazo; and

The Human Services Committee reports a favorable recommendation on S.B. 124, TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING, by Senator L. Mansell; and

The Human Services Committee reports a favorable recommendation on H.B. 164, CHILDREN AND YOUTH AT RISK AMENDMENTS, by Representative B. Evans.

Nathan C. Tanner, Chair; and

Mr. President: January 24, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 26, SALES TAX OPTION FOR COUNTIES, by Senator L. Mansell.

Howard Nielson, Chair

On motion of Senator C. Peterson, the committee reports were adopted. S.B. 110, S.B. 112, S.B. 118, H.B. 158, H.B. 163, S.B. 86, S.B. 124, H.B. 164, and S.B. 26 were placed on Second Reading Calendar.

SECOND READING CALENDAR

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was read the second time. Senator M. Peterson explained the bill.

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

1. Page 1, Line 18:
After "district" delete "is" and insert "may be" and at the end of the line delete the words, "in the following manner"

2. Page 1, Line 20:
After "(i)" insert "if"

3. Page 1, Line 24:
After "(ii)" insert "if"

Senators Hillyard, Steele, Waddoups, C. Peterson, and Nielson commented. The bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Howell
Hull	Jones	Mansell	Mantes
Mayne	Muhlestein	Myrin	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner			

Voting in the negative were: Senators

Hillyard	Holmgren	McAllister	Montgomery
Nielsen	C. Peterson	Steele	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting was: Senator
Blackham

RECONSIDERATION OF S.B. 76

On motion of Senator C. Peterson, under suspension of the rules, the Senate voted to reconsider its action on S.B. 76 and place it at the top of Third Reading Calendar.

S.B. 76, EXTRACURRICULAR ACTIVITIES, was before the Senate.

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

1. Page 2, Line 4:
After "music events" insert ", provided that it is not intended that the board prepare or approve schedules, or manage or operate these activities, unless requested by the affected local school boards"

Senators Stephenson, Dmitrich, McAllister, Myrin, and Taylor commented. The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Howell	Suazo

Absent or not voting was: Senator
Blackham

S.B. 76 was transmitted to the House.

* * *

S.B. 114, INTERLOCAL COOPERATION ACT AMENDMENTS, was before the Senate. On motion of Senator C. Peterson, the bill was circled.

* * *

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

On motion of Senator Montgomery, under suspension of the rules, H.J.R. 13, COMPENSATION OF IN-SESSION EMPLOYEE RESOLUTION, was read the second and third times. Senator Montgomery explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

H.J.R. 13 was signed by the President of the Senate in open session and returned to the House.

INTRODUCTION OF BILLS

MEDICAL ADVISORY BOARD WAIVERS

S.B. 51 *Ed P. Mayne*

AN ACT RELATING TO HEALTH AND TRANSPORTATION; PROVIDING THAT THE DRIVER LICENSE MEDICAL ADVISORY BOARD MAY ESTABLISH A STANDARDS PROGRAM REGARDING COMMERCIAL INTRASTATE DRIVER LICENSES; AND ESTABLISHING REQUIREMENTS FOR THE PROGRAM, was read for the first time and referred to the President of the Senate.

REVOCATION OF PAROLE - REPRESENTATION BY COUNSEL

S.B. 148 *Craig A. Peterson*

AN ACT RELATING TO UTAH CODE OF CRIMINAL PROCEDURE; MODIFYING MANDATE FOR REPRESENTATION OF COUNSEL AT A REVOCATION OF PAROLE HEARING TO INCLUDE ONLY THOSE WHO ARE MENTALLY INCOMPETENT OR PLEADING NOT GUILTY; AMENDING EXAMINER'S REQUIREMENTS; PRESCRIBING THAT FINAL DECISIONS BE REACHED BY MAJORITY OF THE BOARD SITTING; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and ref read to the President of the Senate.

CHIROPRACTIC PRACTICE AMENDMENTS

S.B. 149 *David H. Steele*

AN ACT RELATING TO HEALTH; AMENDING THE CHIROPRACTIC PRACTICE ACT; AMENDING THE DEFINITION OF UNLAWFUL

CONDUCT AND PROVIDING PENALTIES; AMENDING THE DEFINITION OF CHIROPRACTIC; AND AMENDING THE SCOPE OF PRACTICE, was read for the first time and referred to the President of the Senate.

CONDUCT RELATED TO SCHOOL ACTIVITIES

S.B. 150 *Howard A. Stephenson*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR THE ADOPTION OF RULES BY THE STATE AND LOCAL SCHOOL BOARDS REGARDING CONDUCT PROHIBITED AT SCHOOL ACTIVITIES; PROVIDING FOR REPORTING OF PROHIBITED CONDUCT BY SCHOOL EMPLOYEES; PROVIDING FOR LIMITATIONS OF LIABILITY; MODIFYING THE DEFINITION OF HAZING; PROVIDING THAT CONSENT IS NOT A DEFENSE; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

RESOLUTION ON USE OF FORT DOUGLAS AREA

S.J.R. 6 *Blaze D. Wharton*

A JOINT RESOLUTION OF THE LEGISLATURE EXPRESSING ITS INTENT THAT THE RELATIONSHIP BETWEEN THE UNITED STATES RESERVE FORCES AND THE STATE OF UTAH NOT BE JEOPARDIZED BY ANY STATE EFFORT TO ACQUIRE ANY PORTION OF FORT DOUGLAS; AND URGING THAT NO FEDERAL OR STATE FUNDS BE USED, NOR EFFORTS MADE, TO RELOCATE THE RESERVE FORCES AND THAT THE UNIVERSITY OF UTAH NOT BUILD THEIR OLYMPIC VILLAGE ON FORT DOUGLAS LOCATIONS, was read for the first time and referred to the President of the Senate.

* * *

On motion of Senator C. Peterson, the circles were removed from S.B. 95, S.B. 114, and S.B. 106.

* * *

On motion of Senator C. Peterson and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 28, 1997.

NINTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Dmitrich, excused.
Prayer – Father Patrick Ward, St. Stephen's Episcopal Church.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 28, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the eighth day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

SPECIAL MUSICAL PRESENTATION

The Harvard University musical group "Din and Tonic" performed a vocal medley for the Senate.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 1997

The House passed H.B. 51, TOLLING A CRIMINAL SENTENCE, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.B. 24, MUNICIPAL DISTRICTS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed H.B. 215, CUSTODY DISPUTES INVOLVING A PARENT WITH A DISABILITY, by Representative J. Tanner, and it is transmitted for consideration; and

The House passed, as amended, H.B. 186, NATIVE AMERICAN PERFORMANCE OF MARRIAGES, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 225, ASSESSMENT ON WORKERS' COMPENSATION, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.B. 12, BOARDS AND COMMISSIONS AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed H.B. 160, ELECTION LAW TECHNICAL AMENDMENTS, by Representative M. Carlson, and it is transmitted for consideration; and

The House passed H.B. 66, APPROPRIATION FOR PIONEER DISPLAY, by Representative B. Allen, and it is transmitted for consideration; and

The House passed H.B. 221, WORKERS' COMPENSATION - NONCOMPLIANCE OF EMPLOYER, by Representative G. Adair, and it is transmitted for consideration; and

The House passed H.B. 224, WORKERS' COMPENSATION - COSTS OF MEDICAL REVIEW, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, H.B. 25, PUBLIC WATER SUPPLY AGENCIES - APPLICATION AND USE, by Representative D. Iverson, and it is transmitted for consideration; and

The House passed H.B. 26, DEPOSITORY INSTITUTION NAME AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed H.B. 8, CAPITOL ART PLACEMENT COMMISSION, by Representative J. Tanner, and it is transmitted for consideration; and

The House passed, as amended, H.B. 11, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, by Representative D. Tuttle, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 51, Sub. H.B. 24, H.B. 215, H.B. 186, H.B. 225, Sub. H.B. 12, H.B. 160, H.B. 66, H.B. 221, H.B. 224, H.B. 25, H.B. 26, H.B. 8, and H.B. 11 were read the first time and referred to the President of the Senate.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 27, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Education

S.B. 144	Electronic Law Library (L. Hillyard)

Health/Environment

S.B. 46	Physician Assistant Practice Act Amendments (R. Steiner)

Transportation & Public Safety

S.B. 128	Off-Highway Vehicle Operator Requirements (J. Holmgren); and

To the Members of the Senate: January 28, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 48	Appropriation for Restoration of Brigham Young Academy (H. Nielson)

Human Services

S.B. 140	Appropriation for Domestic Violence Shelters (R. Evans)

Revenue & Taxation

S.B. 29	Sales Tax Exemption for Scrap Recyclers (D. Buhler)
S.B. 36	Income Tax – Energy Savings Tax Credit Extension (R. Evans)
S.B. 41	Coal Tax Credit (M. Dmitrich)

Transportation & Public Safety

S.B. 145	Pedestrian Overpass Appropriation (M. Peterson); and

The President having received the following House bills assigns them to the following committees:

Business, Labor & Economic Development

2nd Sub. H.B. 5	Automated Teller Machine Amendments (F. Hunsaker)
H.B. 17	Counterfeit Financial Transaction Card Amendments (B. Goodfellow)
H.B. 29	Mobile Home Tenant Amendments (L. Frandsen)
H.B. 211	Use of Utah Industrial Assistance (J. Haymond)

Education

H.B. 18	Higher Education Revenue Bonds (F. Hunsaker)

H.B. 194	Education Assessment Program (R. Siddoway)
Health/Environment	
H.B. 216	Rural Health Care Provider Amendments (J. Haymond)
Human Services	
H.B. 229	Domestic Relations Cases – Name Designation (J. Valentine)
Judiciary	
H.B. 22	Unlawful Activity Amendments (S. Barth)
H.B. 34	Assault Amendments (P. Knudson)
State & Local Affairs	
H.B. 189	Special Districts – Drainage District Amendments (M. Styler)
Transportation & Public Safety	
H.B. 4	Public Safety – Missing Persons Center (K. Johnson)
H.B. 177	Post Certification of Youth Corrections Workers (B. Chard)

Lane Beattie, Senate President

Report filed.

INTRODUCTION OF BILLS

REDEVELOPMENT AGENCY AMENDMENTS

S.B. 53 *Craig L. Taylor*

AN ACT RELATING TO SPECIAL DISTRICTS; ELIMINATING THE EMINENT DOMAIN AUTHORITY OF REDEVELOPMENT AGENCIES; MODIFYING THE DEFINITION OF BLIGHT; ELIMINATING THE EXCEPTION TO THE DEVELOPER-CAUSED BLIGHT PROVISIONS; MODIFYING THE PROVISIONS RELATING TO AN OWNER'S OPPORTUNITY TO PARTICIPATE IN THE REDEVELOPMENT PLAN; ELIMINATING A TENANT'S OPPORTUNITY TO PARTICIPATE IN THE REDEVELOPMENT PLAN; MODIFYING THE AMOUNT OF TAX INCREMENT FINANCING AN AGENCY MAY COLLECT; MAKING CONFORMING CORRECTIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

DRUG DEALER'S LIABILITY ACT

S.B. 54 *Craig L. Taylor*

AN ACT RELATING TO CONTROLLED SUBSTANCES; CREATING THE DRUG DEALER'S LIABILITY ACT; PROVIDING FOR CIVIL

ACTIONS AGAINST DRUG DEALERS BY PERSONS HARMED BY THE UNLAWFUL DEALING OF DRUGS, was read for the first time and referred to the President of the Senate.

RESOLUTION DESIGNATING BONE MARROW REGISTRATION DAY

S.C.R. 3 *Millie M. Peterson*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR DESIGNATING MAY 16, 1997 AS UTAH BONE MARROW REGISTRATION DAY IN THE STATE OF UTAH; AND ENCOURAGING QUALIFIED CITIZENS TO CONSIDER PLACING THEIR NAMES ON THE NATIONAL MARROW REGISTRY, was read for the first time and referred to the President of the Senate.

CONSENT CALENDAR

S.B. 104, STATE RISK MANAGEMENT COVERAGE OF TEACHERS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Holmgren	Howell
Hull	Jones	Mansell	Mantes
Mayne	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	McAllister
Nielsen	Steiner	Suazo	Tanner
Taylor			

S.B. 104 was transmitted to the House.

THIRD READING CALENDAR

S.B. 24, UTAH FOREST PRACTICES ACT, was read the third time. On motion of Senator Myrin, the bill was circled.

* * *

S.B. 94, INFORMATION TECHNOLOGY AMENDMENTS, 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

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich	McAllister	Suazo
Tanner	Taylor		

S.B. 94 was transmitted to the House.

* * *

S.B. 4, CAPITAL HOMICIDE AMENDMENTS, was read the third time, explained by Senator Buhler, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	McAllister	Suazo
Tanner	Taylor	Waddoups	

S.B. 4 was transmitted to the House.

* * *

S.B. 83, JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Dmitrich	McAllister	Suazo
Taylor			

S.B. 83 was transmitted to the House.

* * *

S.B. 85, PUBLIC SAFETY ELIGIBILITY AMENDMENTS, was read the third time. On motion of Senator Montgomery, the bill was circled.

* * *

S.B. 89, JUVENILE JUDGES - SHORT TERM COMMITMENT OF YOUTH, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Mantes	McAllister
Montgomery	Suazo	Taylor	

S.B. 89 was transmitted to the House.

* * *

S.B. 90, JUVENILE COURT POWERS, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich	McAllister	Myrin
Suazo	Taylor		

S.B. 90 was transmitted to the House.

* * *

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was read the third time. On motion of Senator M. Peterson, the bill was circled.

SECOND READING CALENDAR

S.B. 95, AMENDMENTS TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, was before the Senate. Senator Buhler explained the bill.

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

1. Page 5, Line 15:
   After "(2)(a)" Delete "Rules" and insert "Procurement rules adopted by the State Building Board for state building construction projects"

2. Page 5, Line 28:
   After "procured" insert "under Title 63A, Chapter 5, State Building Board/ Division of Facilities Construction and Management"

Senator C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Howell
Hull	Jones	Mansell	Mantes

Mayne	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	McAllister
Poulton	Suazo	Taylor	

* * *

S.B. 114, INTERLOCAL COOPERATION ACT AMENDMENTS, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 73, CONTRACTOR'S DUTIES TO SUBCONTRACTORS, was read the second time. Senator Mansell explained the bill. Senator C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Dmitrich	McAllister	Suazo
Taylor			

* * *

S.B. 100, FINANCIAL INSTITUTION AMENDMENTS, was read the second time. Senator Mansell explained the bill.

On motion of Senator Mansell, the bill was amended as follows:
Refer to Business, Labor, and Economic Development committee report dated January 24, 1997: delete "and" and insert "or"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Dmitrich	McAllister	Taylor

* * *

S.B. 103, CONSUMER PROTECTION AMENDMENTS, was read the second time. Senator Buhler explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Hull	Jones	Mansell	Mayne
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich	Howell	Mantes
McAllister	Taylor		

* * *

S.B. 8, APPROPRIATION FOR SOUND BARRIERS, was read the second time. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 23, DRIVER LICENSE AMENDMENTS, was read the second time. Senator Steele explained the bill. Senators Howell, Hull, and Poulton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Taylor

* * *

Sub. S.B. 16, APPROPRIATION FOR TUACAHN FOUNDATION, was read the second time. Senator Jones explained the bill. Senator McAllister commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Wharton	Beattie

Voting in the negative were: Senators

Mansell	Stephenson	Waddoups

Absent or not voting were: Senators

Dmitrich	Taylor

* * *

S.B. 18, HEALTH CARE PROVIDER PRACTICE AND CONDUCT AMENDMENTS, was read the second time. Senator Montgomery explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Dmitrich	Taylor

* * *

S.B. 75, SAFE DRINKING WATER ACT AMENDMENTS, was read the second time. Senator Holmgren explained the bill. Senator Jones commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Evans	Hillyard	Holmgren	Howell
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Buhler	Dmitrich	Taylor

* * *

S.J.R. 2, RESOLUTION URGING CONGRESSIONAL FACILITATION OF HEALTH CARE, was read the second time. Senator C. Peterson explained the bill. Senator Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell

Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Dmitrich	Taylor

* * *

On motion of Senator C. Peterson, and at 11:45 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 1997

The House passed H.B. 162, ELECTRONIC MEETINGS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed H.B. 174, IMMUNITY TO DAM OWNERS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed H.B. 220, EMPLOYMENT SECURITY AMENDMENTS, by Representative P. Knudson, and it is transmitted for consideration; and

The House passed H.B. 16, UTAH SUMMER GAMES APPROPRIATION, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed H.B. 197, USE OF INCOME TAX REVENUES, by Representative K. Garn, and it is transmitted for consideration; and

The House passed H.B. 154, PROPERTY TAX – CIRCUIT BREAKER, by Representative R. Short, et al, and it is transmitted for consideration; and

The House passed H.B. 44, CONCURRENT AND CONSECUTIVE SENTENCING LIMITATIONS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed H.B. 40, RENEWAL OF DRIVERS LICENSES KIOSKS, by Representative P. Arent, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 60**, POST CONVICTION REMEDIES – DEATH PENALTY, by Representative M. Stephens, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 162, H.B. 174, H.B. 220, H.B. 16, H.B. 197, H.B. 154, H.B. 44, H.B. 40**, and **H.B. 60** were read the first time and referred to the President of the Senate.

SECOND READING CALENDAR

S.B. 92, TELECOMMUNICATIONS DEREGULATION AMENDMENTS, was read the second time. Senator Steele explained the bill. Senators Jones and Evans commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Muhlestein
Myrin	Nielsen	C. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Dmitrich	Mantes	Montgomery	M. Peterson
Taylor			

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 114**, INTERLOCAL COOPERATION ACT AMENDMENTS, and was read the second time. Senator Blackham explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Dmitrich	M. Peterson

* * *

H.B. 3, STATE BUILDINGS – PREVENTIVE MAINTENANCE, was read the second time. Senator C. Peterson explained the bill. Senators Hillyard and Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	M. Peterson

* * *

Sub. S.B. 9, PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS, was read the second time. Senator Poulton explained the bill. Senators Wharton and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Mayne

* * *

S.B. 28, DISTRICT COURT JUDGE INCREASE, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich	Mansell	Mantes
Mayne	Wharton		

* * *

S.B. 110, WORKERS' COMPENSATION EXCLUSIVE REMEDY, was read the second time. Senator Buhler explained the bill. Senators Hillyard, Montgomery, and Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Mantes

* * *

On motion of Senator Holmgren, the Senate recalled **H.B. 155** from the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 28, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.J.R. 5	Resolution On Republic Of China On Taiwan (C. Peterson)
S.J.R. 6	Resolution On Use Of Fort Douglas Area (B. Wharton)

Health/Environment

S.B. 49	Second Hand Smoke Amendments (L. Beattie)
S.B. 139	Clean Burning Stove Tax Credit Amendments (L. McAllister)
S.C.R. 3	Resolution Designating Bone Marrow Registration Day (M. Peterson)

Judiciary

S.B. 134	Juvenile Court Recodification – Phase 2 (L. Hillyard)

State & Local Affairs

S.B. 97	Costs For Unlawful Subdivision of Land (L. McAllister)
S.B. 98	Counties – Subdivision Defined (L. McAllister)
S.B. 99	County Planning Amendments (L. McAllister)
S.B. 135	Building Code Amendments (C. Peterson)
S.B. 136	Retention Proceeds Reform for Construction Projects (C. Peterson)
S.B. 146	Reauthorization Of Administrative Rules (L. McAllister)

Lane Beattie, Senate President

Report filed.

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On motion of Senator C. Peterson, the circles were removed from S.B. 24, S.B. 85, S.B. 5, S.B. 106 and S.B. 8.

* * *

On motion of Senator C. Peterson and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 29, 1997.

TENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – The Reverend Gregory Wright, Pastor of Southside Baptist Church, St. George, Utah.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 29, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the ninth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 1997

The House passed, as amended, **H.B. 62**, EXEMPTIONS FROM CONSTRUCTION TRADES LICENSING ACT, by Representative B. Wright, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 196**, PEDESTRIAN RIGHT OF WAY, by Representative J. Swallow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 62** and **H.B. 196** were read the first time and referred to the President of the Senate.

* * *

Mr. President: January 28, 1997

The House transmits **H.B. 155**, MASTER ROAD AMENDMENTS, by Representative P. Knudson, for further consideration.

Carole E. Peterson, Chief Clerk

Communication filed. On motion of Senator Holmgren, the Senate voted to reconsider its action on **H.B. 155**, to place it on the Consent Calendar where it last appeared, and then to move it to the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Holmgren, **H.B. 155**, MASTER ROAD AMENDMENTS, under suspension of the rules, was read the second and third times. Senator Holmgren explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Holmgren	Jones
Mansell	Mayne	Montgomery	Muhlestein
Myrin	Nielsen	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Evans	Hillyard	Howell
Hull	Mantes	McAllister	C. Peterson
Poulton	Taylor		

H.B. 155 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, and at 10:15 a.m., the Senate sauntered.

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

STANDING COMMITTEE REPORTS

Mr. President: January 28, 1997

The Transportation and Public Safety Committee recommends **S.B. 21**, EMISSIONS INSPECTION ON NEWER VEHICLES, by Senator R. Muhlestein,

be replaced and favorably recommends 2nd Sub. S.B. 21, EMISSIONS INSPECTION ON NEWER VEHICLES; and

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 117, COMMERCIAL VEHICLE REGISTRATION, by Senator D. Steele.

Al Mansell, Chair; and

Mr. President: January 28, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 34, AGRICULTURAL AMENDMENTS, by Senator L. Blackham, with the following amendments:

1. Page 3, Line 27:
Delete "approved by the commissioner"; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 35, DEPARTMENT OF AGRICULTURE AND FOOD – NAME CHANGE, by Senator L. Blackham.

Alarik Myrin, Chair; and

Mr. President: January 28, 1997

The Human Services Committee reports a favorable recommendation on S.B. 80, CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP, by Senator C. Taylor; and

The Human Services Committee reports a favorable recommendation on S.B. 126, APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM, by Senator R. Montgomery; and

The Human Services Committee reports a favorable recommendation on H.B. 166, JOINT LIAISON COMMITTEE AMENDMENTS, by Representative B. Evans.

Nathan C. Tanner, Chair; and

Mr. President: January 28, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 127, CONSTITUTIONAL REVISION COMMISSION AMENDMENTS, by Senator M. Dmitrich; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 167, CHILD SUPPORT - SOCIAL SECURITY CREDIT, by Representative B. Harward.

Howard Nielson, Chair; and

Mr. President: January 28, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 25, SENTENCING GUIDELINES, by Senator L. Hillyard; and

The Judiciary Committee reports a favorable recommendation on S.B. 31, CELLULAR PHONE FRAUD, by Senator S. Howell; and

The Judiciary Committee recommends S.B. 129, PRIVILEGED INFORMATION IN CIVIL ACTIONS, by Senator P. Suazo, be replaced and favorably recommends Sub. S.B. 129, PRIVILEGED INFORMATION IN CIVIL ACTIONS with the following amendments:

1. Page 2, Line 27:
   After "any civil action." delete "No complaints" and insert "Complaints"

Craig L. Taylor, Chair

On motion of Senator Hillyard, the committee reports were adopted. 2nd Sub. S.B. 21, S.B. 117, S.B. 34, S.B. 35, S.B. 80, S.B. 126, H.B. 166, S.B.127, H.B. 167, S.B. 25, S.B. 31, as amended, Sub. S.B. 129, as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

WATERCRAFT - LIABILITY INSURANCE

S.B. 52 *Nathan C. Tanner*

AN ACT RELATING TO INSURANCE AND BOATING; REQUIRING OWNERS OF PERSONAL WATERCRAFT TO MAINTAIN OWNER'S OR OPERATOR'S SECURITY ON THEIR PERSONAL WATERCRAFT; SPECIFYING MEANS OF COMPLYING WITH SECURITY REQUIREMENTS; PROVIDING FOR ENFORCEMENT OF SECURITY REQUIREMENTS; PROVIDING CRIMINAL PENALTIES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

BEAR RIVER DEVELOPMENT ACT AMENDMENTS

S.B. 151 *John P. Holmgren*

AN ACT RELATING TO THE BEAR RIVER DEVELOPMENT ACT; CHANGING THE TIME PERIOD FOR REPAYMENT OF CONSTRUCTION AND ENVIRONMENTAL MITIGATION COSTS, was read for the first time and referred to the President of the Senate.

CRIME VICTIMS' RIGHTS AMENDMENTS

S.B. 152 *Craig A. Peterson*

AN ACT RELATING TO THE CODE OF CRIMINAL PROCEDURE; AMENDING DEFINITIONS TO CLARIFY A VICTIM OF A CRIME MAY BE A NATURAL PERSON, was read for the first time and referred to the President of the Senate.

JOINT RULES RESOLUTION - AMENDING LEGISLATIVE PROCEDURES

S.J.R. 7 *John P. Holmgren*

A JOINT RESOLUTION OF THE LEGISLATURE REVISING JOINT RULES; CHANGING BILL DISTRIBUTION REQUIREMENTS; MODIFYING REQUIREMENTS RELATING TO RESERVED BILL NUMBERS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

JOINT RULES RESOLUTION - FISCAL PRIORITIZATION

S.J.R. 8 *Robert C. Steiner*

A JOINT RESOLUTION OF THE LEGISLATURE REVISING JOINT RULES; AMENDING TO JOINT RULES TO ALLOW ACCESS TO THE LEGISLATURE'S FISCAL PRIORITIZATION PROCESS, was read for the first time and referred to the President of the Senate.

JOINT RULES RESOLUTION - CHANGES TO BILL AND APPROPRIATION PROCESS

S.J.R. 9 *Lane Beattie*

A JOINT RESOLUTION OF THE LEGISLATURE REVISING JOINT RULES; IMPLEMENTING CAUCUS DECISIONS RELATING TO THE

LEGISLATURE'S BILL AND APPROPRIATION PROCESS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

SENATE RULES RESOLUTION - INTRODUCING BILLS

S.R. 1 *Lane Beattie*

A RESOLUTION OF THE SENATE REVISING SENATE RULES; REPEALING THE BILL INTRODUCTION REQUIREMENT, WHICH IS COVERED IN JOINT RULES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

* * *

On motion of Senator Hillyard, S.B. 25, SENTENCING GUIDELINES, will be considered Thursday, January 30, 1997 at 10:30 a.m.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 29, 1997

The President having received the following Senate Resolutions orders them printed and placed at the top of the Second Reading Calender:

S.J.R. 7	Joint Rules Resolution - Amending Legislative Procedures (J. Holmgren)
S.J.R. 9	Joint Rules Resolution - Changes To Bill And Appropriation Process (L. Beattie)
S.R. 1	Senate Rules Resolution - Introducing Bills (L. Beattie); and

Mr. President: January 29, 1997

The President having received the following House bills assigns them to the following committees:

Business, Labor & Economic Development

H.B. 221	Workers' Compensation - Noncompliance of Employer (G. Adair)
H.B. 224	Workers' Compensation - Costs of Medical Review (G. Adair)
H.B. 225	Assessment on Workers' Compensation (G. Adair)

Energy, Natural Resources & Agriculture

H.B. 8	Capitol Art Placement Commission (J. Tanner)
H.B. 25	Public Water Supply Agencies - Application and Use (D. Iverson)

H.B. 174 Immunity to Dam Owners (B. Johnson)
Lane Beattie, Senate President

Reports filed.

THIRD READING CALENDAR

S.B. 24, UTAH FOREST PRACTICES ACT, was before the Senate. On motion of Senator Myrin, the bill was circled.

* * *

S.B. 85, PUBLIC SAFETY ELIGIBILITY AMENDMENTS, was before the Senate. Senator Montgomery explained the bill. Senator Evans and Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Evans

S.B. 85 was transmitted to the House.

* * *

On motion of Senator M. Peterson, S.B. 5 was circled.

* * *

On motion of Senator Holmgren, the Senate moved to the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Holmgren, S.J.R. 7, JOINT RULES RESOLUTION – AMENDING LEGISLATIVE PROCEDURES, under suspension of the rules,

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

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.J.R. 7 was transmitted to the House.

* * *

On motion of Senator C. Peterson, S.J.R. 9, JOINT RULES RESOLUTION – CHANGES TO BILL AND APPROPRIATION PROCESS, under suspension of the rules, was read the second and third times. Senator C. Peterson explained the bill. Senators Waddoups, Beattie, and Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Evans	Mayne	Myrin

S.J.R. 9 was transmitted to the House.

* * *

On motion of Senator C. Peterson, S.R. 1, SENATE RULES RESOLUTION – INTRODUCING BILLS, under suspension of the rules, was read the second and third times. Senator explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Hillyard	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	Holmgren
Mayne	Myrin		

S.R. 1 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Lt. Governor.

* * *

On motion of Senator C. Peterson, Representatives Way, Hogue, and Siddoway spoke in Committee of the Whole.

On motion of Senator C. Peterson, the Senate moved to the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION, was read the third time. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 73, CONTRACTOR'S DUTIES TO SUBCONTRACTORS, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Mayne	Myrin	Stephenson	Wharton

S.B. 73 was transmitted to the House.

* * *

S.B. 100, FINANCIAL INSTITUTION AMENDMENTS, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Mayne	Myrin	Wharton	

S.B. 100 was transmitted to the House.

* * *

S.B. 103, CONSUMER PROTECTION AMENDMENTS, was read the third time and explained by Senator Buhler. Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Mayne	Myrin	Wharton	

S.B. 103 was transmitted to the House.

* * *

S.B. 23, DRIVER LICENSE AMENDMENTS, was read the third time. On motion of Senator Steele, the bill was circled.

* * *

Sub. S.B. 16, APPROPRIATION FOR TUACAHN FOUNDATION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Howell	Hull
Jones	Mantes	McAllister	Montgomery
Muhlestein	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Mansell	Mayne	Myrin	Wharton

Sub. S.B. 16 was transmitted to the House.

* * *

S.B. 18, HEALTH CARE PROVIDER PRACTICE AND CONDUCT AMENDMENTS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Myrin	Suazo	Wharton	

S.B. 18 was transmitted to the House.

* * *

S.B. 75, SAFE DRINKING WATER ACT AMENDMENTS, was read the third time. On motion of Senator C. Peterson, the bill was circled.

* * *

S.J.R. 2, RESOLUTION URGING CONGRESSIONAL FACILITATION OF HEALTH CARE, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Mayne	Myrin	Wharton	

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

* * *

S.B. 92, TELECOMMUNICATIONS DEREGULATION 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

Buhler	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell

Mantes	Mayne	McAllister	Montgomery
Muhlestein	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Blackham	Holmgren	Myrin	Wharton

S.B. 92 was transmitted to the House.

* * *

S.B. 114, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

S.B. 114 was transmitted to the House.

* * *

On motion of Senator Jones, the Senate voted to lift S.B. 40 from the Education standing committee and refer it to the State and Local Affairs standing committee.

* * *

On motion of Senator Holmgren, the circle was removed from S.B. 75, SAFE DRINKING WATER ACT AMENDMENTS. Senator Holmgren explained the bill. Senators Hillyard, Jones, and C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

S.B. 75 was transmitted to the House.

* * *

H.B. 3, STATE BUILDINGS – PREVENTIVE MAINTENANCE, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Beattie	

Absent or not voting were: Senators
Waddoups Wharton

H.B. 3 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 S.B. 23, DRIVER LICENSE AMENDMENTS. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

S.B. 23 was transmitted to the House.

* * *

Sub. S.B. 9, PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

Sub. S.B. 9 was transmitted to the House.

* * *

S.B. 28, DISTRICT COURT JUDGE INCREASE, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

S.B. 28 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 1997

The House passed H.B. 183, UTAH TOMORROW STRATEGIC PLANNING COMMITTEE AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed, as amended, H.B. 192, VEHICLE SAFETY AT RAILROAD CROSSINGS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed H.B. 200, EDUCATIONAL SAVINGS PLAN TRUST AMENDMENTS, by Representative K. Johnson, and it is transmitted for consideration; and

The House passed H.B. 209, LEGACY LOOP HIGHWAY ADDITION, by Representative D. Bowman, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 183, H.B. 192, H.B. 200, and H.B. 209 were read the first time and referred to the President of the Senate.

* * *

On motion of Senator C. Peterson, the circles were removed from S.B. 24, S.B. 5, and S.B. 95.

* * *

On motion of Senator C. Peterson and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 30, 1997.

ELEVENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senators Howell and Steele, excused.
Prayer – Beth Hendricks, President, Cache County Republican Women

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 30, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the tenth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 1997

The House passed, S.J.R. 7, JOINT RULES RESOLUTION – AMENDING LEGISLATIVE PROCEDURES, by Senator J. Holmgren, 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. 7 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Lt. Governor.

* * *

Mr. President: January 29, 1997

The House passed H.B. 148, COUNTY OPTION SALES TAX FOR BOTANICAL AND CULTURAL ORGANIZATIONS, by Representative B. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 20, CITATION PROCEDURE, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 212**, EDUCATION COSTS FOR NONRESIDENT STUDENTS, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 148, H.B. 20**, and **H.B. 212** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: January 29, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 11**, WORKERS' COMPENSATION - EXEMPTION FOR AGRICULTURAL WORKERS, by Senator R. Steiner, with the following amendments:

1. Page 2, Line 18:
After "(4)(a)" insert " For purposes of this Subsection 4, "employer's immediate family" means:
(i) an agricultural employer's:
(A) spouse;
(B) grandparent;
(C) parent;
(D) sibling;
(E) child; or
(F) grandchild; or
(ii) a spouse of any person provided in Subsections (4)(i)(B) through (4)(i)(F).
(b)"

2. Page 2, Line 19:
After (i) insert "(A)"

3. Page 2, Lines 20 and 21:
At the beginning of the line delete "(ii)" and insert "(B)"and after "the employees work" reinstate "; or" and delete the period.

4. Page 2, Line 24:
After line 24 insert:
"(ii) the employer's total estimated annual payroll for all employees who are not members of the employer's immediate family is less than $8,000.
(c) If an agricultural employer's total estimated annual payroll is equal to or exceeds $8,000 for all employees who are not members of the

employer's immediate family, for purposes of this chapter and Chapter 3a, the employer:
(i) is considered an employer of all employees who are not members of the employer's immediate family; and
(ii) is not considered an employer of the employer's immediate family."

5. Page 2, Line 25:
At the beginning of the line bracket "(b)" and insert "(d)"

6. Page 2, Line 28:
After "Chapter 3a may at" delete "its" and insert "the employer's"

Steven Poulton, Chair; and

Mr. President: January 29, 1997

The Education Committee reports a favorable recommendation on S.B. 15, PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE, by Senator R. Montgomery, with the following amendments:

1. Page 1, Line 20:
After "of the" delete the remainder of line 20

2. Page 1, Line 21:
At the beginning of line 21 delete "of Education" and insert "Utah Education Network"; and

The Education Committee reports a favorable recommendation on S.B. 144, ELECTRONIC LAW LIBRARY, by Senator L. Hillyard; and

The Education Committee reports a favorable recommendation on S.B. 105, ECCLES COMMUNITY ART CENTER GRANT, by Senator N. Tanner.

Lorin Jones, Chair; and

Mr. President: January 29, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 43, PROHIBITION OF ULTIMATE FIGHTING, by Senator L. Poulton; and

The Health and Environment Committee reports a favorable recommendation on S.B. 122, HEALTH POLICY COMMISSION AMENDMENTS, by Senator H. Stephenson; and

The Health and Environment Committee recommends S.B. 138, USED OIL ACT AMENDMENTS, by Senator L. McAllister, be replaced and favorably recommends Sub. S.B. 138, USED OIL ACT AMENDMENTS.

Robert Muhlestein, Chair; and

Mr. President: January 29, 1997

The State and Local Affairs Committee recommends S.B. 78, ELECTION LAW - POLITICAL PARTIES, by Senator P. Suazo, be replaced and favorably recommends Sub. S.B. 78, ELECTION LAW - POLITICAL PARTIES with the following amendments:

1. Page 2, Line 24:
   After the word "least" delete "15,000" and insert "5,000"; and

The State and Local Affairs Committee recommends S.B. 81, ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS, by Senator D. Buhler, be replaced and favorably recommends Sub. S.B. 81, ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS with the following amendments:

1. Page 12, Line 24:
   After "January" delete "10" and insert "5"

2. Page 17, Line 18:
   After "January" delete "10" and insert "5"

3. Page 21, Line 24:
   After "January" delete "10" and insert "5"

4. Page 23, Line 25:
   At the beginning of the line delete "10" and insert "5"

5. Page 26, Line 19:
   At the beginning of the line delete "10" and insert "5"

6. Page 27, Line 25:
   After "than" reinstate "$150" and delete "$50"

7. Page 28, Line 10:
   After "January" delete "10" and insert "5"

8. Page 29, Line 2:
   After "January" delete "10" and insert "5"

9. Page 30, Line 1:
After "totaling at least" at the beginning of the line and at the end of the line delete "$750" and insert "$50"

10. Page 30, Line 24:
After "least" delete "$750" and insert "$50"

11. Page 30, Line 26:
After "January" delete "10" and insert "5"

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 11, S.B. 15, S.B. 144, S.B. 105, S.B. 43, S.B. 122, S.B. 138, S.B. 78, and S.B. 81 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS

S.B. 55 *Ed P. Mayne*

AN ACT RELATING TO CITIES, TOWNS, COUNTIES, LOCAL TAXING UNITS, SPECIAL DISTRICTS, AND PUBLIC FUNDS AND ACCOUNTS; MODIFYING NOTICE PROVISIONS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

SCHOOL BUS PARKING ZONES

S.B. 56 *Ed P. Mayne*

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN PARKING ENFORCEMENT PROVISIONS; ESTABLISHING UNIFORM SCHOOL BUS PARKING ZONES; REQUIRING RULEMAKING; AND PROVIDING PENALTIES, was read for the first time and referred to the President of the Senate.

STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS

S.B. 57 *George Mantes*

AN ACT RELATING TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES; TRANSFERRING THE RESPONSIBILITY FOR THE FUEL DISPENSING PROGRAM FROM THE DIVISION OF GENERAL SERVICES

TO THE DIVISION OF FLEET OPERATIONS; MODIFYING THE MEMBERSHIP OF THE MOTOR VEHICLE REVIEW COMMITTEE; MODIFYING THE DUTIES OF THE DIVISION OF FLEET OPERATIONS; MODIFYING THE CONDITIONS FOR LOCAL GOVERNMENT ENTITIES TO PARTICIPATE IN THE CENTRAL MOTOR POOL; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

APPROPRIATION TO STUDY CENTRALIZED URBAN PROGRAMS FOR NATIVE AMERICANS

S.B. 153 *Pete Suazo*

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; APPROPRIATING $30,000 FROM THE GENERAL FUND FOR FISCAL YEAR 1997-98 TO THE DIVISION OF INDIAN AFFAIRS FOR A FEASIBILITY STUDY ON CENTRALIZING URBAN PROGRAMS FOR NATIVE AMERICANS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

CHANGES TO DIVISION OF STATE HISTORY

S.B. 154 *LeRay McAllister*

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING THE DUTIES OF THE DIVISION OF STATE HISTORY TO INCLUDE THE CREATION OF AN INVENTORY OF CEMETERIES IN THE STATE; APPROPRIATING $9,000 FROM THE GENERAL FUND TO THE DIVISION OF STATE HISTORY FOR FISCAL YEAR 1997-98; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

COURT REPORTER AMENDMENTS

S.B. 155 *Craig A. Peterson*

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS AND THE JUDICIAL CODE; CREATING THE CERTIFIED SHORTHAND REPORTERS LICENSING ACT TO BE ADMINISTERED BY THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING WITHIN THE DEPARTMENT OF COMMERCE; AND CREATING THE COURT REPORTER ACT TO BE ADMINISTERED BY THE COURTS, was read for the first time and referred to the President of the Senate.

EMINENT DOMAIN AMENDMENTS

S.B. 156 *Mike Dmitrich*

AN ACT RELATING TO THE JUDICIAL CODE; EXPANDING THE EMINENT DOMAIN STATUTE TO INCLUDE DEPOSITS OF OIL, GAS, AND HYDROCARBONS, AS WELL AS GEOTHERMAL STEAM, was read for the first time and referred to the President of the Senate.

THIRD READING CALENDAR

S.B. 24, UTAH FOREST PRACTICES ACT, was read the third time. On motion of Senator Myrin, the bill was circled.

* * *

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate. On motion of Senator Blackham, the bill was circled.

* * *

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION, was before the Senate. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 110, WORKERS' COMPENSATION EXCLUSIVE REMEDY, was before the Senate.

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

1. Page 2, Line 7
   Goldenrod

   1-28-97:
   After "of" insert "a temporary staffing company"

2. Page 2, Line 12
   Goldenrod

   1-28-97:
   After "(b)" delete "The" and insert "If the temporary staffing company secures the payment of workers' compensation in accordance with Section 35A-3-201 for all temporary employees of the temporary staffing company, the"

3. Page 2, Line 14a
Goldenrod

1-28-97:
After "COMPANY'S" insert "temporary"

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

4. Page 2, Line 7
Goldenrod

1-28-97:
After "of" insert "a temporary staffing company"

5. Page 2, Line 14a
Goldenrod

1-28-97:
After "COMPANY'S" insert "temporary"

The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	Poulton
Steiner	Stephenson	Suazo	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Howell	Mayne	M. Peterson
Steele	Tanner	Taylor	

S.B. 110, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 8, APPROPRIATION FOR SOUND BARRIERS, was before the Senate. On motion of Senator Buhler, the bill was circled.

* * *

On motion of Senator Buhler, the Senate voted to reconsider its action on S.B. 110 and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 110, WORKERS' COMPENSATION EXCLUSIVE REMEDY, was before the Senate.

On motion of Senator Buhler, the bill was amended as follows:
Remove Senator Buhler's amendments above.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	Poulton
Steiner	Stephenson	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Howell	Hull	M. Peterson
Steele	Suazo	Taylor	

S.B. 110, as amended, was transmitted to the House.

SECOND READING CALENDAR

Sub. S.B. 112, DRAMSHOP LIABILITY AMENDMENTS, was read the second time. Senator Buhler explained the bill.

Senator Stephenson moved the following amendments:

1. Page 3, Lines 1 – 4:
   Reinstate the bracketed language on lines 1 through 4

2. Page 3, Line 1:
   At the beginning of the line bracket the reinstated language "(5)" and insert "[(6)]"

3. Page 3, Line 2:
After the reinstated language "is limited to" bracket "$100,000" and insert "$300,000"

4. Page 3, Line 4:
Bracket the reinstated language "$300,000" and insert "$900,000"

5. Page 3, Line 5:
Bracket "(6)" and insert "(7)"

6. Page 3, Line 7:
Bracket "(7)" and insert "(8)"

7. Page 3, Line 9:
Bracket "(8)" and insert "(9)"

8. Page 3, Line 18:
Delete "(9)" and insert "(10)"

Senators Hillyard, Steiner, Buhler, Hull, and Stephenson commented. The amendment passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Hull	Mantes	McAllister	Montgomery
Nielsen	C. Peterson	M. Peterson	Steiner
Stephenson	Suazo	Beattie	

Voting in the negative were: Senators

Buhler	Hillyard	Jones	Mansell
Mayne	Muhlestein	Myrin	Poulton
Tanner	Waddoups	Wharton	

Absent or not voting were: Senators

Howell	Steele	Taylor

Senators Hillyard, Buhler, and Mayne commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Myrin	Steele	Taylor

SPECIAL ORDER OF BUSINESS

On motion of Senator Hillyard, S.B. 25 was moved to the top of Second Reading Calendar.

S.B. 25, SENTENCING GUIDELINES, was read the second time. Senator Hillyard explained the bill.

On motion of Senator Hillyard, John T. Nielsen, Utah Sentencing Commission, spoke in Committee of the Whole.

Senators C. Peterson, Hull, and M. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton

Absent or not voting were: Senators

Howell	Myrin	Steele	Taylor
Beattie			

* * *

S.B. 118, VALIDITY OF CREDENTIALS IN PUBLIC EDUCATION, was read the second time. Senator McAllister explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Nielsen	C. Peterson
M. Peterson	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	

Absent or not voting were: Senators

Howell	Myrin	Poulton	Steele
Taylor	Beattie		

* * *

H.B. 158, TRANSPORTATION OF STUDENTS BY SCHOOL DISTRICTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 163, PRISON INMATE EDUCATION AMENDMENTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

S.B. 86, HOUSING AUTHORITY AMENDMENTS, was read the second time. Senator Suazo explained the bill. Senator Tanner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Nielsen	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Wharton		

Absent or not voting were: Senators

Howell	Mantes	Myrin	Steele
Taylor	Waddoups	Beattie	

* * *

S.B. 124, TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING, was read the second time. Senator Mansell explained the bill and it passed on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Tanner
Wharton			

Voting in the negative was: Senator
Nielsen

Absent or not voting were: Senators

Howell	Myrin	Steele	Suazo
Taylor	Waddoups	Beattie	

* * *

H.B. 164, CHILDREN AND YOUTH AT RISK AMENDMENTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

S.B. 26, SALES TAX OPTION FOR COUNTIES, was read the second time. Senator Mansell explained the bill.

Senator Montgomery moved the following amendments:

1. Page 4, Line 12:
   After Line 12, insert:
   "(5)(a) If a decrease in the certified tax rate under Subsection (2)(c)(ii) or (2)(d)(i) results in a reduction in the amount to be paid under Section 17A-2-1247 or 17A-2-1247.5 to a redevelopment agency established under Title 17A, Chapter 2, Part 12, the taxable value for the base year under Subsection 17A-2-1247(2)(a) or 17A-2-1202(2), as the case may be, shall be reduced to the extent necessary to provide the agency with approximately the same amount of money the agency would have

received without a reduction in the certified tax rate.

(b) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c)(ii) or (2)(d)(i), the amount of money allocated and, when collected, paid each year to a redevelopment agency established under Title 17A, Chapter 2, Part 12, for the payment of bonds or other indebtedness, may not be less than that amount would have been without a decrease in the certified tax rate."

Senators Hillyard and Montgomery commented. On motion of Senator Mansell, the bill was circled. The amendment was never acted upon.

* * *

On motion of Senator Muhlestein, 2nd Sub. S.B. 21 was circled.

* * *

S.B. 117, COMMERCIAL VEHICLE REGISTRATION, was read the second time. On motion of Senator Blackham, the bill was circled.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 132, DEFINITION OF LAW ENFORCEMENT OFFICIAL AND JUDGE, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Lyle W. Hillyard, Chair

On motion of Senator C. Peterson, the committee report was adopted. S.B. 132 was placed on Consent Calendar.

* * *

Mr. President: January 30, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 123, WATER CONSERVANCY DISTRICT – BOARD OF DIRECTORS, by Senator M. Dmitrich; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.J.R. 3, RESOLUTION ENCOURAGING SHORTENING DAYLIGHT SAVINGS PERIOD, by Senator E. Mayne.

Alarik Myrin, Chair; and

Mr. President: January 30, 1997

The Judiciary Committee recommends S.B. 134, JUVENILE COURT RECODIFICATION – PHASE 2, by Senator L. Hillyard, be replaced and

favorably recommends Sub. S.B. 134, JUVENILE COURT RECODIFICATION - PHASE 2; and

The Judiciary Committee reports a favorable recommendation on S.B. 141, STATE AND FEDERAL LAW ENFORCEMENT-JOINT JURISDICTION, by Senator D. Steele; and

The Judiciary Committee reports a favorable recommendation on H.B. 34, ASSAULT AMENDMENTS, by Representative P. Knudson.

Lyle W. Hillyard, Chair; and

Mr. President: January 30, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 119, TRANSPORTATION OVERHEAD RATE LIMITATIONS, by Senator J. Holmgren; and

The Transportation and Public Safety Committee recommends S.B. 128, OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS, by Senator J. Holmgren, be replaced and favorably recommends Sub. S.B. 128, OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS; and

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 145, PEDESTRIAN OVERPASS APPROPRIATION, by Senator M. Peterson; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 4, PUBLIC SAFETY - MISSING PERSONS CENTER, by Representative K. Johnson; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 177, POST CERTIFICATION OF YOUTH CORRECTIONS WORKERS, by Representative B. Chard.

Al Mansell, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 119, Sub. S.B. 128, S.B. 145, H.B. 4, H.B. 177, S.B. 123, S.J.R. 3, Sub. S.B. 134, S.B. 141, and H.B. 34 were placed on Second Reading Calendar.

SECOND READING CALENDAR

S.B. 34, AGRICULTURAL AMENDMENTS, was read the second time. Senator Blackham explained the bill. Senators Mansell, Hull, Evans, and McAllister commented. Senator Beattie 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

Blackham	Evans	Hillyard	Holmgren
Hull	Jones	Mansell	Mantes
McAllister	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Beattie			

Absent or not voting were: Senators

Buhler	Dmitrich	Howell	Mayne
Montgomery	Steele	Taylor	Wharton

* * *

S.B. 35, DEPARTMENT OF AGRICULTURE AND FOOD – NAME CHANGE, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Buhler

Absent or not voting were: Senators

Howell	Mayne	Montgomery	Steele
Taylor			

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 1997

The House passed, as amended, S.J.R. 9, JOINT RULES RESOLUTION – CHANGES TO BILL AND APPROPRIATION PROCESS, by Senator L. Beattie, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator C. Peterson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Steele	Taylor

S.J.R. 9 was returned to the House.

* * *

On motion of Senator C. Peterson, the circles were removed from S.B. 24, S.B. 5, S.B. 95, S.B. 106, S.B. 8, H.B. 158, H.B. 163, H.B. 164, S.B. 26, 2nd Sub. S.B. 21, and S.B. 117.

* * *

On motion of Senator C. Peterson and at 12:10 p.m., the Senate adjourned until 10:00 a.m., Friday, January 31, 1997.

TWELFTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Howell, excused.

Prayer – Bishop Dennis Leavitt, Mountain Shadows 5th Ward in West Jordan.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: January 31, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the eleventh day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 1997

The House passed, S.B. 93, NATIVE AMERICAN COORDINATING 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. 113, LEGISLATIVE OVERSIGHT AND SUNSET REVIEW AMENDMENTS, by Senator L. Blackham, 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. 93 and S.B. 113 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, 1997

The House passed H.B. 149, MANUFACTURING OR POSSESSION OF INSTRUMENT FOR THEFT OR BURGLARY AMENDMENTS, by Representative G. Davis, et al, and it is transmitted for consideration; and

The House passed **H.B. 58**, RESENTENCING AMENDMENTS, by Representative D. Gladwell, and it is transmitted for consideration; and

The House passed **H.B. 231**, APPLICATION FOR WATER RIGHTS, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.B. 33**, DESIGNATION OF STATE FRUIT, by Representative F. Hunsaker, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 149, H.B. 58, H.B. 231,** and **H.B. 33** were read the first time and referred to the President of the Senate.

INTRODUCTION OF BILLS

LABOR ORGANIZATION DEDUCTIONS

S.B. 58 *Howard Stephenson*

AN ACT RELATING TO LABOR AND ELECTION LAW; REQUIRING LABOR ORGANIZATIONS TO ESTABLISH A SEPARATE FUND FOR POLITICAL PURPOSES; ESTABLISHING REGISTRATION AND DISCLOSURE REQUIREMENTS FOR THE FUND; ESTABLISHING CERTAIN CRIMINAL PROVISIONS GOVERNING A LABOR ORGANIZATION'S POLITICAL ACTIVITIES; PROHIBITING EMPLOYEES FROM AUTHORIZING AUTOMATIC PAYROLL DEDUCTIONS OF CONTRIBUTIONS TO A LABOR ORGANIZATION'S POLITICAL COMMITTEE OR FUND; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

WINERY LICENSES AMENDMENTS

S.B. 59 *Mike Dmitrich*

AN ACT RELATING TO ALCOHOLIC BEVERAGES; AMENDING MANUFACTURING LICENSE PROVISIONS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

OPEN ENROLLMENT AMENDMENTS

S.B. 60 *George Mantes*

AN ACT RELATING TO INSURANCE; MODIFYING ELIGIBILITY REQUIREMENTS AND PREMIUM RATES FOR COMPREHENSIVE

HEALTH INSURANCE POOL; AUTHORIZING THE ISSUANCE OF CERTIFICATES TO INDIVIDUALS WHOSE HEALTH CONDITION DOES NOT MEET INSURANCE POOL CRITERIA; REQUIRING SPECIFIED INSURANCE CARRIERS TO COVER INDIVIDUALS WHO PRESENT A CERTIFICATE FROM INSURANCE POOL; APPROPRIATING $5,000,000 TO THE POOL FUND FOR FISCAL YEAR 1997-98 AND AUTHORIZING PART OF STATE'S CIGARETTE TAX TO BE CREDITED TO POOL FUND STARTING FISCAL YEAR 1998-99; AMENDING LAW TO REFLECT FEDERAL CHANGES; ALLOWING INSURERS TO IMPOSE A 25% SURCHARGE IF A SMALL GROUP CHANGES CARRIERS; AMENDING DEFINITIONS; MAKING TECHNICAL CHANGES AND CONFORMING AMENDMENTS; REPEALING SECTIONS RELATED TO OPEN ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

REAL ESTATE AGENT BACKGROUND CHECK

S.B. 69 *Michael G. Waddoups*

AN ACT RELATING TO SECURITIES, REAL ESTATE DIVISION; REQUIRING FINGERPRINT CARDS AND THE CONSENT TO A FINGERPRINT BACKGROUND CHECK OF ANY NEW SALES AGENT APPLICANT; PROVIDING THE COSTS TO BE BORNE BY THE APPLICANT; REQUIRING THE DIVISION TO REQUEST A CRIMINAL BACKGROUND CHECK ON ANY NEW SALES AGENCY APPLICANT; PROVIDING FOR CONDITIONAL LICENSURE AND SUBSEQUENT REVOCATION UPON NONDISCLOSURE OF CRIMINAL HISTORY; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

EMINENT DOMAIN VALUATION

S.B. 70 *Pete Suazo*

AN ACT RELATING TO EMINENT DOMAIN; REQUIRING AGENCIES THAT DISPLACE LANDOWNERS REIMBURSE EXPENSES IN AN AMOUNT THE AGENCY AND OWNER CONSIDER REASONABLE; PROVIDING ADDITIONAL EXPENSES TO BE COVERED; BROADENING REPLACEMENT PROVISIONS FROM DWELLING TO PROPERTY; PROVIDING OWNER MUST BE SATISFIED AND PROVIDED WITH REPLACEMENT PROPERTY; ALLOWING INDEPENDENT APPRAISAL IN CASES OF DISAGREEMENT; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

LANDLORD - TENANT AMENDMENTS

S.B. 71 *Robert F. Montgomery*

AN ACT RELATING TO JUDICIAL CODE; FORCIBLE ENTRY AND DETAINER; AMENDING PROVISIONS ON TIME TO VACATE; PROVIDING FOR SERVICE BY MAIL OR POSTING IF NECESSARY; STAYING A RESTITUTION ORDER UPON BOND PAYMENT AND COURT ORDER; PERMITTING DONATION OF TENANT'S PERSONAL PROPERTY; AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the President of the Senate.

DIVISION OF STATE HISTORY DUTIES

S.B. 72 *LeRay McAllister*

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING THE DUTIES OF THE DIVISION OF STATE HISTORY TO INCLUDE THE CREATION OF A COMPUTERIZED RECORD OF BURIAL LOCATIONS IN THE STATE AND GRANTING MATCHING FUNDS TO GATHER RELATED INFORMATION; APPROPRIATING $250,000 FROM THE GENERAL FUND TO THE DIVISION OF STATE HISTORY FOR FISCAL YEAR 1997-98; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

BEER INDUSTRY FAIR DEALING ACT

S.B. 157 *Leonard M. Blackham*

AN ACT RELATING TO ALCOHOLIC BEVERAGES; ENACTING THE BEER INDUSTRY FAIR DEALING ACT; PROVIDING LEGISLATIVE INTENT; ENACTING DEFINITIONS; PROVIDING LIMITS ON AND PROCEDURES FOR TERMINATION OF A DISTRIBUTORSHIP AGREEMENT; PROHIBITING CERTAIN CONDUCT; REQUIRING COMPENSATION BE PAID FOR CERTAIN ACTS; PROVIDING REQUIREMENTS FOR WHOLESALERS; PROVIDING REMEDIES; ADDRESSING APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

ADULT HIGH SCHOOL COMPLETION AMENDMENTS

S.B. 158 *Pete Suazo*

AN ACT RELATING TO PUBLIC EDUCATION; MODIFYING THE BASIS ON WHICH SCHOOL DISTRICTS RECEIVE THEIR PRO RATA

SHARE OF THE ADULT HIGH SCHOOL APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

PROTECTIVE SERVICE OFFICERS AMENDMENTS

S.B. 159 *Lane Beattie*

AN ACT RELATING TO PUBLIC SAFETY; CREATING TRANSITION PROVISIONS FOR THE CHANGE IN CLASSIFICATION OF CERTAIN SECURITY PERSONNEL, was read for the first time and referred to the President of the Senate.

BEER LICENSE AMENDMENTS

S.B. 160 *Leonard M. Blackham*

AN ACT RELATING TO ALCOHOLIC BEVERAGES; AMENDING DEFINITIONS; AMENDING RESTRICTIONS ON LICENSED BEER RETAILERS; AMENDING APPLICATION REQUIREMENTS; AMENDING OPERATIONAL RESTRICTIONS ON BEER WHOLESALING LICENSEES; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the President of the Senate.

MOTOR VEHICLE COMPLIANCE WITH INSURANCE, REGISTRATION, AND SALES TAX REQUIREMENTS

S.B. 161 *Craig A. Peterson*

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN USES OF THE INFORMATION IN THE UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM; PROVIDING FOR AUDITING OF THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION

S.B. 162 *Craig A. Peterson*

AN ACT RELATING TO HIGHER EDUCATION; PROVIDING A $1,000,000 APPROPRIATION TO STRENGTHEN THE INTEGRATION OF ENGINEERING AND PREENGINEERING PROGRAMS AT THE STATE'S NINE INSTITUTIONS OF HIGHER EDUCATION; AND PROVIDING AN

EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

UNIFORM COMMERCIAL CODE ARTICLE 5 - LETTERS OF CREDIT

S.B. 163 *Lyle W. Hillyard*

AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE; REPEALING AND REENACTING CHAPTER 5 PROVISION ON LETTERS OF CREDIT; AMENDING RELATED PROVISIONS; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

RESOLUTION ENCOURAGING ECONOMIC RESETTLEMENT OF RURAL UTAH

S.C.R. 4 *Leonard M. Blackham*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR SUPPORTING EFFORTS TO FUEL THE ECONOMIC RESETTLEMENT OF RURAL UTAH; RECOMMENDING DEVELOPMENT OF POLICIES, INCENTIVES, AND LEGISLATION WHICH WILL ENCOURAGE BUSINESS AND ECONOMIC DEVELOPMENT IN RURAL UTAH; AND RECOMMENDING SUPPORT FOR RURAL ECONOMIC RESETTLEMENT GOALS AND OBJECTIVES, was read for the first time and referred to the President of the Senate.

RESOLUTION AMENDING LEGISLATOR ELIGIBILITY STANDARDS

S.J.R. 1 *Lane Beattie*

A JOINT RESOLUTION OF THE LEGISLATURE AMENDING THE REQUIREMENTS OF ELIGIBILITY AS A STATE LEGISLATOR; MAKING THE RESIDENCY REQUIREMENTS TO BE CONSECUTIVE; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS

S.J.R. 10 *Howard A. Stephenson*

A JOINT RESOLUTION OF THE LEGISLATURE URGING THE UTAH STATE TAX COMMISSION TO CONSIDER ELIMINATING THE HIGHER

VALUATION METHOD APPLIED TO CENTRALLY ASSESSED TELECOMMUNICATIONS PROPERTY IN FAVOR OF THE COST-LESS-DEPRECIATION METHOD; AND REQUESTING A REPORT TO THE LEGISLATURE, was read for the first time and referred to the President of the Senate.

SENATE RULES RESOLUTION - MOTIONS TO CIRCLE

S.R. 2 *Millie M. Peterson*

A RESOLUTION OF THE SENATE REVISING SENATE RULES; MODIFYING REQUIREMENTS GOVERNING MOTIONS TO CIRCLE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the President of the Senate.

THIRD READING CALENDAR

S.B. 24, UTAH FOREST PRACTICES ACT, was before the Senate. On motion of Senator Myrin, the bill was circled.

* * *

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate. On motion of Senator M. Peterson, the bill was circled.

* * *

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, was before the Senate. On motion of Senator Buhler, the bill was circled.

* * *

Sub. S.B. 112, DRAMSHOP LIABILITY AMENDMENTS, was read the third time and explained by Senator Buhler.

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

1. Page 3, Line 2a:
   Goldenrod
   Delete "$300,000" and insert "$500,000"

2. Page 3, Line 3a:
   Goldenrod
   Delete "$900,000" and insert "$1,000,000"

3. Page 3, Line 21:
Goldenrod
Delete "July 1, 1997" and insert "January 1, 1998"

Senator Stephenson commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Howell

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

INTENT LANGUAGE FOR SUB. S.B. 112

On motion of Senator Buhler, the following intent language is printed in the Senate Journal. Senator Mayne commented.

The express inclusion of wrongful death to Section 32A-14-101 does not create a new right but merely clarifies that a person has the right to recover both special and several damages for wrongful death under the Dramshop Act.

The bill does not modify any common law right that exists for injuries or wrongful death resulting from giving, selling, or otherwise providing alcoholic beverages.

This bill expressly extends liability to a private person if:

that person, age 21 or older, directly provides alcoholic beverages to someone under age 21;

the person knows or should have known that the person provided the alcohol is under age 21;

the person provided the alcohol becomes intoxicated; and

the intoxication results in an injury or wrongful death.

This bill is not intended to hold a private person liable if that person unknowingly provided access to an alcoholic beverage in a noncommercial setting (i.e., leaving a liquor cabinet unlocked), because that person did not "directly" provide the alcoholic beverage to the minor.

* * *

On motion of Senator Hillyard, Utah's Mother of the Year, Sybil S. Stewart, and Mother of Young Children, Nancy B. Peterson were honored in Committee of the Whole.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 31, 1997

The President having received the following House bills assigns them to the following committees:

Business, Labor & Economic Development

H.B. 14	Self Insured Premium Assessment (G. Adair)
H.B. 62	Exemptions from Construction Trades Licensing Act (B. Wright)
H.B. 220	Employment Security Amendments (P. Knudson)

Education

H.B. 183	Utah Tomorrow Strategic Planning Committee Amendments (A. Bradshaw)
H.B. 200	Educational Savings Plan Trust Amendments (K. Johnson)
H.B. 212	Education Costs for Nonresident Students (S. Allen)

Health/Environment

H.B. 186	Native American Performance of Marriages (E. Anderson)
H.B. 204	Alcoholic Beverages – Restaurant Regulation (T. Hatch)

Human Services

H.B. 171	Housing Coordination and Planning (F. Hunsaker)
H.B. 172	Children and Youth Task Force Reauthorization (B. Evans)
H.B. 173	Retirement Office Amendments (R. Short)
H.B. 215	Custody Disputes Involving a Parent with a Disability (J. Tanner)

Judiciary

H.B. 60	Post Conviction Remedies – Death Penalty (M. Stephens)

Revenue & Taxation

H.B. 66	Appropriation for Pioneer Display (B. Allen)
H.B. 148	County Option Sales Tax for Botanical and Cultural Organizations (B. Allen)
H.B. 154	Property Tax – Circuit Breaker (R. Short)
H.B. 197	Use of Income Tax Revenues (K. Garn)

State & Local Affairs

H.B. 160	Election Law Technical Amendments (M. Carlson)
H.B. 162	Electronic Meetings (B. Goodfellow)

Transportation & Public Safety

H.B. 40	Renewal of Drivers Licenses Kiosks (P. Arent)
H.B. 192	Vehicle Safety at Railroad Crossings (N. Hendrickson); and

Mr. President: January 31, 1997

The President having received the following Senate bills and resolutions with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 37	Amendments to Workers' Compensation (D. Steele)

Education

S.B. 137	Special Education Dispute Resolution (D. Steele)
S.J.R. 4	Public School Snow Days Resolution (S. Howell)

Energy, Natural Resources & Agriculture

S.B. 142	Coal Reclamation Amendments (M. Dmitrich)
S.B. 151	Bear River Development Act Amendments (J. Holmgren)

Health/Environment

S.B. 149	Chiropractic Practice Amendments (D. Steele)

Judiciary

S.B. 148	Revocation Of Parole – Representation By Counsel (C. Peterson)
S.B. 152	Crime Victims' Rights Amendments (C. Peterson)

Revenue & Taxation

S.B. 50	Sales Tax Refund On Donated Food (H. Stephenson)

Rules

S.J.R. 8	Joint Rules Resolution – Fiscal Prioritization (R. Steiner)

Transportation & Public Safety
S.B. 147 Vehicle Air Bag Amendments (G. Mantes)
Lane Beattie, Senate President

Reports filed.

THIRD READING CALENDAR

S.B. 25, SENTENCING GUIDELINES, 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

Buhler	Dmitrich	Hillyard	Holmgren
Hull	Jones	Mansell	Mantes
Mayne	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Evans	Howell	McAllister
Nielsen	Poulton	Wharton	

S.B. 25 was transmitted to the House.

* * *

S.B. 118, VALIDITY OF CREDENTIALS IN PUBLIC EDUCATION, was read the third time, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Evans	Howell

S.B. 118 was transmitted to the House.

* * *

S.B. 86, HOUSING AUTHORITY AMENDMENTS, 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

Buhler	Hillyard	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Wharton		

S.B. 86 was transmitted to the House.

* * *

S.B. 124, TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Howell

S.B. 124 was transmitted to the House.

* * *

S.B. 34, AGRICULTURAL AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Howell	Mayne	Wharton

S.B. 34 was transmitted to the House.

* * *

S.B. 35, DEPARTMENT OF AGRICULTURE AND FOOD – NAME CHANGE, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Voting in the negative was: Senator

Buhler

Absent or not voting were: Senators

Howell	Mayne	Wharton

S.B. 35 was transmitted to the House.

SECOND READING CALENDAR

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 8, APPROPRIATION FOR SOUND BARRIERS, was before the Senate. On motion of Senator Buhler, S.B. 8, will be considered Tuesday, February 4, 1997 at 11:00 a.m.

* * *

S.B. 26, SALES TAX OPTION FOR COUNTIES, was before the Senate. On motion of Senator Mansell, the bill was circled.

* * *

2nd Sub. S.B. 21, EMISSIONS INSPECTION ON NEWER VEHICLES, was read the second time. Senator Muhlestein explained the bill.

Senator Muhlestein proposed the following amendments:

1. Page 3, Line 15:
   Remove bracket and reinstate "annually"
   Delete "biennially"

2. Page 3, Line 16:
   Delete "annually" and insert "biennially"

Senators Taylor, Hillyard, Muhlestein, and C. Peterson commented. The amendment failed on a standing vote.

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

3. Page 3, Line 16:
   Delete "more" and insert "fewer"

On motion of Senator Nielson, the Senate voted to reconsider its action on amendments number 1 and 2.

On motion of Senator Taylor, the bill was circled.

* * *

S.B. 117, COMMERCIAL VEHICLE REGISTRATION, was before the Senate. Senator Steele explained the bill. Senators Holmgren, Beattie, and Poulton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Howell	McAllister	M. Peterson	Wharton

* * *

S.B. 80, CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP, was read the second time. Senator Taylor 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

Dmitrich	Evans	Hillyard	Holmgren
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Buhler	Howell	Hull
McAllister	M. Peterson		

BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 31, 1997

The President having received the following Senate resolutions, orders them printed and assigned to the following committee:

Rules

S.R. 2	Senate Rules Resolution – Motions To Circle (M. Peterson)
S.J.R. 1	Resolution Amending Legislator Eligibility Standards (L. Beattie)

Lane Beattie, Senate President

Report filed.

STANDING COMMITTEE REPORTS

Mr. President: January 31, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 22, BUDGET REVIEW TASK FORCE, by Senator M. Peterson; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 29, SALES TAX EXEMPTION FOR SCRAP RECYCLERS, by Senator D. Buhler; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 41, COAL TAX CREDIT, by Senator M. Dmitrich; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 153, PROPERTY TAX RELIEF AMENDMENTS, by Representative R. Short, with the following amendments:

1. Page 2, Line 23:
   Lilac 1/21/97:
   Delete Line 23

2. Page 2, Line 31:
   Lilac 1/21/97:After "from" bracket "the federal government or " and insert "<u>any source</u>"

3. Page 3, Line 1:
   Delete "<u>an instrumentality of the federal government</u>"; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 213, REAUTHORIZE ENTERPRISE ZONE ACT, by Representative B. Evans.

Howard Nielson, Chair; and

Mr. President: January 31, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 32, VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS, by Senator R. Evans; and

The State and Local Affairs Committee recommends S.B. 79, ELECTION LAW – ELECTION PROCESS, by Senator R. Evans, be replaced and favorably recommends Sub. S.B. 79, ELECTION LAW – ELECTION PROCESS with the following amendments:

1. Page 15, Line 24:
After "attorney" insert ", or the district attorney in counties with a prosecution district,"; and

The State and Local Affairs Committee reports a favorable recommendation on S.B. 98, COUNTIES – SUBDIVISION DEFINED, by Senator L. McAllister; and

The State and Local Affairs Committee reports a favorable recommendation on S.B. 135, BUILDING CODE AMENDMENTS, by Senator C. Peterson.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 22, S.B. 29, S.B. 41, H.B. 153, H.B. 213, S.B. 32, Sub. S.B. 79, S.B. 98, and S.B. 135 were placed on Second Reading Calendar.

NOTICE OF BILL RETURNED TO THE SECRETARY OF THE SENATE

Mr. President: January 31, 1997

The State and Local Affairs Committee has returned S.B. 97, COSTS FOR UNLAWFUL SUBDIVISION OF LAND, by Senator L. McAllister, to the Secretary of the Senate.

Mont Evans, Chair

On motion of Senator Holmgren, the committee report was adopted. S.B. 97 was returned to the Secretary of the Senate.

* * *

On motion of Senator C. Peterson, the circles were removed from S.B. 24, S.B. 5, S.B. 95, S.B. 106, S.B. 26, and 2nd Sub. S.B. 21.

* * *

On motion of Senator C. Peterson and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Monday, February 3, 1997.

FIFTEENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Senator Nathan Tanner.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 3, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twelfth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 1997

The House passed, S.J.R. 9, JOINT RULES RESOLUTION – CHANGES TO BILL AND APPROPRIATION PROCESS, by Senator L. Beattie, 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 resolution will be enrolled and transmitted to the Governor.

* * *

Mr. President: January 31, 1997

The House passed, as amended, H.B. 23, COUNTY IMPROVEMENT DISTRICTS AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as amended, H.B. 35, ACCELERATED LEARNING AMENDMENTS, by Representative L. Frandsen, and it is transmitted for consideration; and

The House passed, as substituted and amended, Sub. H.B. 55, ALCOHOL AND DRUG TESTING FEE, by Representative D. Bush, and it is transmitted for consideration; and

The House passed H.B. 156, COUNSEL FOR INDIGENT DEFENDANTS IN JUVENILE COURT, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed H.B. 199, COUNTY OFFICERS AMENDMENTS, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as amended, H.B. 185, INDIAN AFFAIRS AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, H.B. 226, DRIVER LICENSE REINSTATEMENT, by Representative G. Adair, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 23, H.B. 35, Sub. H.B. 55, H.B. 156, H.B. 199, H.B. 185, and H.B. 226 were read the first time and referred to the President of the Senate.

INTRODUCTION OF BILLS

SUPPLEMENTAL APPROPRIATIONS ACT

S.B. 1 *LeRay McAllister*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

1997 GENERAL OBLIGATION BOND

S.B. 2 *David Buhler*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

INCOME TAX - EDUCATION TAX CREDIT

S.B. 61 *Howard Stephenson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

DIVISION OF WILDLIFE - MANAGEMENT OF LANDS

S.B. 62 *Alarik Myrin*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

UNLAWFUL SEXUAL CONDUCT RELATING TO MINORS

S.B. 63 *Craig L. Taylor*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

WELFARE REFORM AMENDMENTS TO CHILD SUPPORT

S.B. 64 *Nathan C. Tanner*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROPERTY TAX EXEMPTION FEE

S.B. 65 *George Mantes*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

ATTEMPTED PURCHASE OF TOBACCO BY CHILDREN

S.B. 66 *Lorin V. Jones*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

INCOME TAX - PERSONAL EXEMPTION INCREASE

S.B. 67 *Howard C. Nielson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SCHOOL TRUST LANDS MODIFICATIONS

S.B. 68 *Alarik Myrin*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

UTAH STATE CAPITOL BUILDING CENTENNIAL STUDY

S.B. 164 *Nathan C. Tanner*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

MANAGEMENT OF INSTITUTIONAL FUNDS ACT

S.B. 165 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

WORKFORCE SERVICES IMPLEMENTATION AND AMENDMENTS

S.B. 166 *David L. Buhler*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

EXECUTIVE COMPENSATION

S.B. 167 *Craig A. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROPERTY TAX RESIDENTIAL EXEMPTION

S.B. 168 *David L. Buhler*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING AMENDMENTS

S.B. 169 *Craig L. Taylor*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

COAL MINING RECLAMATION - INSURANCE POOL

S.B. 170 *Mike Dmitrich*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

HOME OWNERS INSURANCE

S.B. 171 *Millie M. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

UTAH TRANSIT AUTHORITY BUDGET APPROVAL

S.B. 172 *Blaze D. Wharton*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

COUNTY ATTORNEY RESPONSIBILITIES

S.B. 173 *Craig A. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

MEDICAL ASSISTANCE ACT - SPOUSAL IMPOVERISHMENT

S.B. 174 *Scott N. Howell*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

STATE TRANSPORTATION INFRASTRUCTURE BANK

S.B. 175 *Michael G. Waddoups*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

UTAH AUTOMOTIVE REPAIR ACT

S.B. 176 *Blaze D. Wharton*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

INCOME TAX - RESEARCH AND DEVELOPMENT CREDIT

S.B. 177 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PENALTIES FOR SALE OF TOBACCO TO YOUTH

S.B. 178 *Robert F. Montgomery*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

OFFENDERS - INCOME WITHHOLDING

S.B. 179 *Pete Suazo*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS

S.B. 180 *John P. Holmgren*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

INSURANCE - MENTAL HEALTH

S.B. 181 *Robert C. Steiner*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

CHILDREN'S JUSTICE CENTER PROGRAM

S.B. 182 *Craig A. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

REVISED UNIFORM PARTNERSHIP AND LIMITED LIABILITY PARTNERSHIP ACT

S.B. 183 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SALES TAX - TELEPHONE EXEMPTION

S.B. 184 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR SECURE YOUTH FACILITIES

S.B. 185 *Scott N. Howell*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROPERTY TAX - REAL AND PERSONAL PROPERTY ASSESSMENT AMENDMENTS

S.B. 186 *Mike Dmitrich*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SERVICES FOR LEGAL ALIENS

S.B. 187 *Pete Suazo*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR

S.B. 188 *Scott N. Howell*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR WILDLAND FIRE SUPPRESSION

S.B. 189 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

VOLUNTARY RELEASE CLEANUP PROGRAM

S.B. 190 *L. Alma Mansell*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

CLASS SIZE REDUCTION OPTIONS

S.B. 191 *Millie M. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

VALUES-ORIENTED TREATMENT PROGRAM

S.B. 192 *R. Mont Evans*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

GOVERNMENT CUSTOMER SATISFACTION SURVEY

S.B. 193 *Scott N. Howell*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SUBSTANCE ABUSE COUNSELOR LICENSURE AMENDMENTS

S.B. 194 *Robert F. Montgomery*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

MIXED WASTE DISPOSAL FEE AMENDMENT

S.B. 195 *John P. Holmgren*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

TRUST FOR DEVELOPMENTALLY DISABLED AMENDMENTS

S.B. 196 *LeRay McAllister*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

JUDICIAL NOMINATING COMMISSION AMENDMENT

S.B. 197 *Craig L. Taylor*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM OF UTAH

S.B. 198 *Pete Suazo*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

IMMUNITY FOR VOLUNTEERS

S.B. 199 *John P. Holmgren*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

NIGHTLY RENTAL PROPERTY MANAGER

S.B. 200 *Alarik Myrin*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR BIOTECH PROGRAM AT UTAH STATE UNIVERSITY

S.B. 201 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROCUREMENT CODE - DESIGN BUILD AMENDMENTS

S.B. 202 *Lane Beattie*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

AGRICULTURAL PROTECTION AREA AMENDMENTS

S.B. 203 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

CENTENNIAL LICENSE PLATE AMENDMENTS

S.B. 204 *Joseph L. Hull*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

UNIFORM GIFT TO MINORS ACT AMENDMENTS

S.B. 205 *Robert F. Montgomery*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SHELTER ADOPTED ANIMALS - PET NEUTERING

S.B. 206 *Robert C. Steiner*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

NEW MOTOR VEHICLE BROKER

S.B. 207 *Craig A. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

MOTOR CARRIER PILOT PROGRAM

S.B. 208 *Michael G. Waddoups*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

STATE PAY PLAN REVISIONS

S.B. 209 *Craig A. Peterson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

GROWTH IMPACT HIGHWAYS

S.B. 210 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SNOWMOBILE USER FEE

S.B. 211 *Lorin V. Jones*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SALES AND USE TAX REVISION

S.B. 212 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

COURT COLLECTIONS

S.B. 213 *LeRay McAllister*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

FEES ON SALE OF FACTORY BUILT HOUSING

S.B. 214 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

LOW INCOME HOUSING TAX CREDIT

S.B. 215 *R. Mont Evans*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

BUSINESS LICENSE FEE

S.B. 216 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

S.B. 217 *Robert M. Muhlestein*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS

S.B. 218 *Alarik Myrin*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PRIVILEGE TAX AMENDMENTS

S.B. 219 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

TRAIL ENHANCEMENTS

S.B. 220 *David L. Buhler*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

COUNTY OFFICERS - OFFICIAL BOND

S.B. 221 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

APPROPRIATION FOR PURCHASE OF PROPERTY ADJACENT TO DIXIE COLLEGE

S.B. 222 *Lorin V. Jones*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

ENVIRONMENTAL LAW AMENDMENTS

S.B. 223 *John P. Holmgren*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

LAND USE, TRANSPORTATION, AND AIR QUALITY TASK FORCE REAUTHORIZATION

S.B. 224 *LeRay McAllister*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

WASTE MANAGEMENT FACILITY

S.B. 225 *Mike Dmitrich*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

DISCLOSURE REQUIRED IN SALE OF HEALTH MAINTENANCE ORGANIZATION PRODUCTS TO SENIOR CITIZENS

S.B. 226 *Joseph L. Hull*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

FUNDING POISON CONTROL CENTER

S.B. 227 *Scott N. Howell*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROCUREMENT CODE REQUIREMENT OF HEALTH CARE BENEFITS FOR CONTRACTORS

S.B. 228 *Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

FEES FOR COMMERCIAL RADIOACTIVE WASTE

S.B. 229 *Howard C. Nielson*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

LOCAL GOVERNMENT FUNDING OPTIONS

S.B. 230 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

WILDLAND FIRE SUPPRESSION AMENDMENTS

S.B. 231 *Leonard M. Blackham*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

DELAY OF AND USE OF TAX BREAKS

S.B. 232 *Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

EMPLOYMENT RELATIONSHIPS IN FILM INDUSTRY

S.B. 233 *Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

EMPLOYMENT OF UTAH WORKERS

S.B. 234 *Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

ATTORNEY GENERAL
POWERS - CONTINGENT FEE ARRANGEMENTS

S.B. 235 *Robert F. Montgomery*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

STATE FISH AMENDMENTS

S.B. 236 *Pete Suazo*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PROPERTY TAX ABATEMENT AGREEMENT

S.B. 237 *David L. Buhler*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

INDEPENDENT HEARING OFFICERS FOR TEACHERS

S.B. 238 *R. Mont Evans*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

AMENDMENTS TO ETHICS LAW

S.B. 239 *David L. Buhler*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

WESTERN STATES PRESIDENTIAL PRIMARY

S.B. 240 *Lane Beattie*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

REPORTING ELECTED OFFICIAL FUNDS

S.B. 241 *Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

CAMPAIGN FINANCE REFORM AMENDMENT

S.B. 242 *Robert C. Steiner*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

BONDS FOR HIGHWAY FUNDING

S.B. 243 *Lyle W. Hillyard*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PUBLIC NUDITY PROHIBITION

S.B. 244 *Craig L. Taylor*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

REGULATION OF OCTANE RATING ON GAS

S.B. 245 *Craig L. Taylor*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

PARENTAL RESPONSIBILITY FOR WRONGFUL CONDUCT OF CHILD

S.B. 246 *Pete Suazo*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

SUPPLEMENTAL APPROPRIATIONS ACT II

S.B. 247 *LeRay McAllister*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

CHANGES TO ENVIRONMENTAL LAW

S.B. 248 *Mike Dmitrich*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

OLYMPIC FACILITIES REPAYMENT RESOLUTION

S.J.R. 11 *Alarik Myrin*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

RESOLUTION ON OZONE AND PARTICULATE MATTER

S.J.R. 12 *Mike Dmitrich*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

RETIREMENT CONVERSION AND CREDIT RESOLUTION

S.J.R. 13 *Ed P. Mayne*

Introduced by Short Title, was read for the first time and referred to the President of the Senate.

THIRD READING CALENDAR

S.B. 24, UTAH FOREST PRACTICES ACT, was before the Senate. On motion of Senator Myrin, the bill was circled.

* * *

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, was before the Senate. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 117, COMMERCIAL VEHICLE REGISTRATION, was read the third time and explained by Senator Steele. Senator Blackham commented. On motion of Senator Steele, the bill was circled.

* * *

S.B. 80, CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP, was read the third time and explained by Senator Taylor. Senator Buhler commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mayne

S.B. 80 was transmitted to the House.

* * *

On motion of Senator Steele, the circle was removed from S.B. 117, COMMERCIAL VEHICLE REGISTRATION. Senator Steele explained the bill. Senator Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 117 was transmitted to the House.

SECOND READING CALENDAR

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 26, SALES TAX OPTION FOR COUNTIES, was before the Senate. On motion of Senator Mansell, the bill was circled.

* * *

2nd Sub. S.B. 21, EMISSIONS INSPECTION ON NEWER VEHICLES, was before the Senate. Senator Muhlestein explained the bill.

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

1. Page 3, Line 15:
   Remove bracket and reinstate "annually"
   Delete "biennially"

2. Page 3, Line 16:
   Delete "annually" and insert "biennially"

Senators C. Peterson and Taylor commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

S.B. 126, APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM, was read the second time. Senator Montgomery explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator Stephenson

Absent or not voting was: Senator Hillyard

* * *

On motion of Senator Mansell, the circle was removed from S.B. 26, SALES TAX OPTION FOR COUNTIES. Senator Mansell explained the bill. Senators Montgomery, M. Peterson, Wharton, Myrin, Hull, and Blackham commented.

Senator Poulton moved the following amendments:

1. Page 5, Line 31:
   After "Procedures" delete the rest of the line and insert a period

2. Page 6, Line 1:
   Delete line 1

Senators Beattie, Hillyard, Wharton, Stephenson, and Blackham commented. The amendments passed on a standing vote.

Senators Mansell and Stephenson commented. Senator Wharton declared a conflict of interest. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielsen	C. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Buhler	Evans	Hull	M. Peterson

* * *

On motion of Senator Buhler, the Senate voted to move to the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buhler, the circle was removed from S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION.

On motion of Senator Buhler, the bill was circled.

SECOND READING CALENDAR

S.B. 127, CONSTITUTIONAL REVISION COMMISSION AMENDMENTS, was read the second time. Senator Dmitrich explained the bill.

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

1. Page 4, Line 6:
   After "All" insert "appointed"

The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

S.B. 31, CELLULAR PHONE FRAUD, was read the second time. Senator Howell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mayne	Stephenson

* * *

Sub. S.B. 129, PRIVILEGED INFORMATION IN CIVIL ACTIONS, was read the second time. Senator Suazo explained the bill.

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

1. Page 2, Line 30:
   After "Supreme Court;" delete "or"
2. Page 2, Line 31:
   After "complaint" delete the period and reinstate"; or"
3. Page 3, Lines 1–2:
   At the beginning of line 1 insert "(c)" and after "[~~(iii)~~]" reinstate the remainder of lines 1 through 2

Senators Taylor, Hillyard, and Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator

Mansell

* * *

S.B. 11, WORKERS' COMPENSATION – EXEMPTION FOR AGRICULTURAL WORKERS, was read the second time. Senator Steiner explained the bill.

Senator Blackham moved the following amendments:

1. Page 2, Lines 19–21:
   Refer to Business, Labor, and Economic Development standing committee report dated January 29, 1997, delete items #2 and #3

2. Page 2, Line 24:
   Refer to Business, Labor, and Economic Development standing committee report dated January 29, 1997, delete item #4 and insert:
   "(c) For purposes of this chapter and Chapter 3a, in any calendar year:
   (i) if for the previous calendar year the agricultural employer's total annual payroll for all employees who are not members of the employer's immediate family was less than $8,000, the agricultural employer is not considered an employer; and
   (ii) if for the previous calendar year the agricultural employer's total annual payroll is equal to or exceeds $8,000 for all employees who are not members of the employer's immediate family, the agricultural employer:
   (A) is considered an employer of all employees who are not members of the employer's immediate family; and
   (B) is not considered an employer of the employer's immediate family."

Senators Hillyard, Steiner, Wharton, Blackham, Mayne, and Hillyard commented. The amendments passed on a voice vote.

Senators Myrin, Montgomery, and Blackham declared conflicts of interest. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mansell	Tanner

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 3, 1997

The President having received the following House bills, assigns them to the following committees:

Energy, Natural Resources & Agriculture

H.B. 33	Designation of State Fruit (F. Hunsaker)
H.B. 231	Application for Water Rights (T. Hatch); and

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Energy, Natural Resources & Agriculture

S.B. 153	Appropriation To Study Centralized Urban Programs For Native Americans (P. Suazo)

Health/Environment

S.B. 51	Medical Advisory Board Waivers (E. Mayne)

Human Services

S.B. 42	Juvenile Curfew (L. Jones)

Lane Beattie, Senate President

Reports filed.

* * *

On motion of Senator C. Peterson, the circles were removed from **S.B. 24, S.B. 5, S.B. 95,** and **S.B. 106.**

* * *

On motion of Senator C. Peterson and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 4, 1997.

SIXTEENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Taylor, excused.
Prayer – Monsignor John Sullivan, Pastor of St. Ann's Church.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 4, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the fifteenth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

* * *

On motion of Senator Nielson, H.B. 197 was lifted from the Revenue and Taxation standing committee and referred to the Judiciary standing committee.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 1997

The House passed, as amended, H.B. 31, MOTOR VEHICLE SAFETY INVESTIGATORS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, H.B. 70, UTAH NATIONAL PARKS HIGHWAY DESIGNATION, by Representative K. Johnson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 161, MUNICIPAL ELECTION AMENDMENTS, by Representative J. Tanner, and it is transmitted for consideration; and

The House passed H.B. 190, SCHOOL BOARD COMPENSATION, by Representative S. Allen, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 214, UTAH SPORTS AUTHORITY AND ADVISORY COMMITTEE AMENDMENTS, by Representative J. Tanner, and it is transmitted for consideration; and

The House passed, as amended, H.B. 222, POWERS OF THE DEPARTMENT OF WORKFORCE SERVICES, by Representative G. Adair, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 31, H.B. 70, H.B. 161, H.B. 190, H.B. 214, and H.B. 222 were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 3, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, by Senator D. Buhler, with the following amendments:

1. Page 2, Line 18:
   After "Fit Premises Act," delete "or"

2. Page 2, Line 19:
   After "building code" insert ", a local health department's authority under Title 26A, Chapter 1, or the Utah Department of Health's authority under Title 26"; and

The Business, Labor, and Economic Development Committee recommends S.B. 121, RECORDING JUDGMENTS ON REAL PROPERTY, by Senator L. Mansell, be replaced and favorably recommends Sub. S.B. 121, RECORDING JUDGMENTS ON REAL PROPERTY with the following amendments:

1. Page 2, Line 11:
   After "means the" delete "searchable"

2. Page 2, Line 12:
   After "recorded" insert "and searchable"

3. Page 2, Line 15:
   After "unless" delete the colon

4. Page 2, Line 16:
At the beginning of the line delete "(a)"

5. Page 2, Line 17:
After "located" delete the remainder of the line and insert a period

6. Page 2, Lines 18–25:
Delete lines 18 through 25

Steven Poulton, Chair; and

Mr. President: February 3, 1997

The Education Committee reports a favorable recommendation on S.B. 137, SPECIAL EDUCATION DISPUTE RESOLUTION, by Senator D. Steele; and

The Education Committee reports a favorable recommendation on H.B. 18, HIGHER EDUCATION REVENUE BONDS, by Representative F. Hunsaker; and

The Education Committee reports a favorable recommendation on H.B. 194, EDUCATION ASSESSMENT PROGRAM, by Representative R. Siddoway; and

The Education Committee reports a favorable recommendation on H.B. 212, EDUCATION COSTS FOR NONRESIDENT STUDENTS, by Representative S. Allen.

Lorin Jones, Chair; and

Mr. President: February 3, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 46, PHYSICIAN ASSISTANT PRACTICE ACT AMENDMENTS, by Senator R. Steiner, with the following amendments:

1. Page 8, Line 3:
After ";" delete "and"

2. Page 8, Line 6:
After "agreement" delete "." and insert "; and"

3. Page 8, Line 6:
After Line 6 insert:
"(c) the supervising physician cosigns any medical chart record of a prescription of a Schedule 2 or Schedule 3 controlled substance made by the physician assistant."; and

The Health and Environment Committee recommends **S.B. 49**, SECOND HAND SMOKE AMENDMENTS, by Senator L. Beattie, be replaced and favorably recommends **Sub. S.B. 49**, SECOND HAND SMOKE AMENDMENTS; and

The Health and Environment Committee reports a favorable recommendation on **S.B. 139**, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, by Senator L. McAllister, with the following amendments:

1. Page 1, Line 16:
   After "beginning" insert "on and after"
   After "ending" insert "on or before"

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 96, Sub. S.B. 121, S.B. 137, H.B. 18, H.B. 194, H.B. 212, S.B. 46, Sub. S.B. 49,** and **S.B. 139** were placed on Second Reading Calendar.

* * *

Mr. President: February 3, 1997

The Health and Environment Committee reports a favorable recommendation on **S.C.R. 3**, RESOLUTION DESIGNATING BONE MARROW REGISTRATION DAY, by Senator M. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee report was adopted. **S.C.R. 3** was placed on Consent Calendar.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 4, 1997

The President having received the following House bills assigns them to the following committees:

Energy, Natural Resources & Agriculture

H.B. 185	Indian Affairs Amendments (J. Gowans)

State & Local Affairs

Sub. H.B. 12	Boards and Commissions Amendments (A. Bradshaw)
H.B. 23	County Improvement Districts Amendments (D. Hogue)
Sub. H.B. 24	Municipal Districts (D. Bush)
H.B. 199	County Officers Amendments (J. Seitz)

Transportation & Public Safety

H.B. 196	Pedestrian Right of Way (J. Swallow)

H.B. 209 Legacy Loop Highway Addition (D. Bowman)
H.B. 226 Driver License Reinstatement (G. Adair); and

Mr. President: February 4, 1997

The President having received the following Senate bill with its fiscal note, orders it printed and assigned to the following committee:

Transportation & Public Safety
S.B. 52 Watercraft – Liability Insurance (N. Tanner)

Lane Beattie, Senate President

Reports filed.

* * *

On motion of Senator Mantes, the Senate authorized the drafting of a bill concerning a fleet study resulting in a restructuring of the Department of Administrative Services.

CONSENT CALENDAR

S.B. 132, DEFINITION OF LAW ENFORCEMENT OFFICIAL AND JUDGE, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	C. Peterson	Steiner	Taylor

S.B. 132 was transmitted to the House.

* * *

On motion of Senator Buhler, the Senate voted to amend the intent language for Sub. S.B. 112 in the Senate Journal Day 12, as follows: In the first paragraph delete the word "several" and insert "general" before "damages for wrongful death..."

THIRD READING CALENDAR

S.B. 24, UTAH FOREST PRACTICES ACT, was before the Senate.

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

1. Page 1, Lines 5–6:
   After "FORESTRY;" delete "REQUIRING NOTIFICATION BY LANDOWNERS AND OPERATORS OF INTENT TO CONDUCT FOREST PRACTICES;"

2. Page 1, Line 8:
   After "ESTABLISH" insert "RECOMMENDED"

3. Page 1, Line 17:
   Delete line 17

4. Page 2, Line 10:
   After "harvesting operation" insert "conducted within a one-year period"

5. Page 2, Line 20:
   After "establish" insert "recommended"

6. Page 2, Line 21:
   After "establish" insert "recommended"

7. Page 2, Line 22:
   After "land," delete "Best" and insert "Recommended best"

8. Page 2, Line 30:
   After "(a)" delete "enable" and insert "help"

9. Page 3, Line 1:
   After "implementing" insert "recommended"

10. Page 3, Lines 19–31:
    Delete lines 19–31

11. Page 4, Lines 1-10:
Delete lines 1-10

Renumber the remaining section.

Senator Howell commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Beattie			

Voting in the negative was: Senator
Wharton

Absent or not voting were: Senators

Montgomery	C. Peterson	Taylor

S.B. 24, as amended, was transmitted to the House.

* * *

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate. On motion of Senator M. Peterson, the bill was circled.

* * *

S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, was before the Senate.

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

AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS

Sub. S.B. 95 *David L. Buhler*

AN ACT RELATING TO PROCUREMENT; DEFINING TERMS; SPECIFYING ALTERNATIVE METHODS OF CONSTRUCTION

CONTRACTING MANAGEMENT; MODIFYING PROCUREMENT REQUIREMENTS RELATING TO ARCHITECT-ENGINEER SERVICE PROVIDERS; AND MAKING TECHNICAL CORRECTIONS.

Senator Mayne commented. On motion of Senator Buhler, the bill was circled.

* * *

2nd Sub. S.B. 21, EMISSIONS INSPECTION ON NEWER VEHICLES, was read the third time, explained by Senator Muhlestein, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mansell	C. Peterson	Taylor

2nd Sub. S.B. 21, as amended, was transmitted to the House.

* * *

S.B. 126, APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators

Hillyard	C. Peterson	Taylor

S.B. 126 was transmitted to the House.

* * *

S.B. 26, SALES TAX OPTION FOR COUNTIES, was read the third time. On motion of Senator Mansell, the bill was circled.

* * *

S.B. 127, CONSTITUTIONAL REVISION COMMISSION AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackburn	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

C. Peterson	Taylor

S.B. 127 was transmitted to the House.

* * *

S.B. 31, CELLULAR PHONE FRAUD, was read the third time, explained by Senator Howell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielsen
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	C. Peterson	Taylor

S.B. 31 was transmitted to the House.

* * *

Sub. S.B. 129, PRIVILEGED INFORMATION IN CIVIL ACTIONS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielsen	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Taylor

Sub. S.B. 129 was transmitted to the House.

* * *

S.B. 11, WORKERS' COMPENSATION – EXEMPTION FOR AGRICULTURAL WORKERS, was read the third time.

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

1. Page 2a, line 24d
Goldenrod

2-3-97:
After "$8,000" delete "." and insert ": (A) except as provided in Subsection (4)(c)(i)(B), for that calendar year"

2. Page 2a, line 24e
Goldenrod

2–3–97:
After line 24e insert:
(B) beginning on the first day of the next month following the day that the agricultural employer's total payroll for that calendar year is equal to or exceeds $8,000 for all employees who are not members of the employer's immediate family, for the remainder of that calendar year the agricultural employer:
(I) is considered an employer of all employees who are not members of the employer's immediate family; and
(II) is not considered an employer of the employer's immediate family; and"

Senator Nielson moved the following amendments:

3. Page 2a, Lines 24d, 24g, and Senator Steiner's amendment made today, Line 24e:
Goldenrod
Delete "$8,000" and insert "$10,000"

Senators Montgomery, Steiner, Mayne, Nielson, Tanner, Blackham, Suazo, Myrin, Howell, Wharton, Hillyard, Steiner, and Nielson commented. The amendment by Senator Nielson failed on a standing vote.

The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Muhlestein	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Montgomery	Nielsen

Absent or not voting was: Senator
Taylor

S.B. 11, as amended, was transmitted to the House.

SPECIAL ORDER OF BUSINESS

On motion of Senator Buhler, S.B. 8 was placed at the top of Second Reading Calendar.

S.B. 8, APPROPRIATION FOR SOUND BARRIERS, was before the Senate. Senator Buhler explained the bill. Senators M. Peterson, Holmgren, Mayne, and C. Peterson commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Hull
Mayne	Montgomery	Muhlestein	M. Peterson
Poulton	Steele	Stephenson	Suazo
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Blackham	Evans	Holmgren	Howell
Mansell	Mantes	McAllister	Myrin
Nielson	C. Peterson	Steiner	Tanner

Absent or not voting were: Senators

Jones	Taylor

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 1997

The House passed H.B. 74, COUNTY SERVICE AREAS AMENDMENTS, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed, as amended, H.B. 50, CHILD RESTRAINT REQUIREMENTS AND PENALTIES, by Representative B. King, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 150**, COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 187**, STATE AND LOCAL PUBLIC SAFETY 800 MEGAHERTZ PROJECT, by Representative B. Chard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, PEACE OFFICER STANDARDS AND TRAINING, by Representative B. Chard, and it is transmitted for consideration; and

The House passed **H.B. 208**, AMENDMENTS TO SPECIAL DISTRICTS, by Representative B. Allen, and it is transmitted for consideration; and

The House passed **H.B. 234**, AMENDMENTS TO SUBDIVISION ACT, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 74, H.B. 50, H.B. 150, H.B. 187, H.B. 202, H.B. 208**, and **H.B. 234** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 1997

The Rules Committee reports a favorable recommendation on **S.R. 2**, SENATE RULES RESOLUTION - MOTIONS TO CIRCLE, by Senator M. Peterson; and

The Rules Committee reports a favorable recommendation on **S.J.R. 1**, RESOLUTION AMENDING LEGISLATOR ELIGIBILITY STANDARDS, by Senator L. Beattie; and

The Rules Committee reports a favorable recommendation on **S.J.R. 8**, JOINT RULES RESOLUTION - FISCAL PRIORITIZATION, by Senator R. Steiner.

John Holmgren, Chair; and

Mr. President: February 4, 1997

The Transportation and Public Safety Committee recommends **S.B. 14**, OUTDOOR ADVERTISING AMENDMENTS, by Senator L. Mansell, be

replaced and favorably recommends Sub. S.B. 14, OUTDOOR ADVERTISING AMENDMENTS.

Al Mansell, Chair; and

Mr. President: February 4, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 151, BEAR RIVER DEVELOPMENT ACT AMENDMENTS, by Senator J. Holmgren; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 8, CAPITOL ART PLACEMENT COMMISSION, by Representative J. Tanner, with the following amendments:

1. Page 2, Line 7:
   Delete "Architects Licensing Board" and insert "American Institute of Architects"; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 25, PUBLIC WATER SUPPLY AGENCIES - APPLICATION AND USE, by Representative D. Iverson; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 174, IMMUNITY TO DAM OWNERS, by Representative B. Johnson.

Alarik Myrin, Chair; and

Mr. President: February 4, 1997

The Judiciary Committee recommends S.B. 74, INDIGENT DEFENSE PROVISIONS, by Senator L. Blackham, be replaced and favorably recommends Sub. S.B. 74, INDIGENT DEFENSE PROVISIONS with the following amendments:

1. Page 14, Line 24:
   After "equal to" delete ".0001" and insert ".00005"

2. Page 17, Line 26:
   After "equal to" delete ".00005" and insert ".000025"; and

The Judiciary Committee recommends S.B. 152, CRIME VICTIMS' RIGHTS AMENDMENTS, by Senator C. Peterson, be replaced and favorably recommends Sub. S.B. 152, CRIME VICTIMS' RIGHTS AMENDMENTS; and

The Judiciary Committee reports a favorable recommendation on **H.B. 60**, POST CONVICTION REMEDIES - DEATH PENALTY, by Representative M. Stephens.

Robert C. Steiner, Acting Committee Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.R. 2, S.J.R. 1, S.J.R. 8, Sub. S.B. 14, S.B. 151, H.B. 8, H.B. 25, H.B. 174, Sub. S.B. 74, Sub. S.B. 152**, and **H.B. 69** were placed on Second Reading Calendar.

* * *

Mr. President: February 4, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 142**, COAL RECLAMATION AMENDMENTS, by Senator M. Dmitrich, and recommends it be considered read for the second time and placed on the Consent Calendar.

Alarik Myrin, Chair; and

Mr. President: February 4, 1997

The Judiciary Committee reports a favorable recommendation on **S.B. 148**, REVOCATION OF PAROLE - REPRESENTATION BY COUNSEL, by Senator C. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Robert C. Steiner, Acting Committee Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 142** and **S.B. 148** were placed on Consent Calendar.

* * *

On motion of Senator Mansell, the Senate voted to move to the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Mansell, the circle was removed from **S.B. 26**, SALES TAX OPTION FOR COUNTIES, and it was before the Senate.

Senator Montgomery moved the following amendments:

1. Page 4, Line 12:
   After Line 12, insert:
   "(5)(a) If a decrease in the certified tax rate under Subsection (2)(c)(ii)

or (2)(d)(i) results in a reduction in the amount to be paid under Section 17A-2-1247 or 17A-2-1247.5 to a redevelopment agency established under Title 17A, Chapter 2, Part 12, the taxable value for the base year under Subsection 17A-2-1247(2)(a) or 17A-2-1202(2), as the case may be, shall be reduced to the extent necessary to provide the agency with approximately the same amount of money the agency would have received without a reduction in the certified tax rate.

(b) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c)(ii) or (2)(d)(i), the amount of money allocated and, when collected, paid each year to a redevelopment agency established under Title 17A, Chapter 2, Part 12, for the payment of bonds or other contract indebtedness, but not for administrative costs, may not be less than that amount would have been without a decrease in the certified tax rate."

Senators Blackham, Stephenson, and Hillyard commented. The amendment passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Jones	Mansell
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Buhler	Hull	Mantes	Mayne
M. Peterson			

Absent or not voting was: Senator
Taylor

S.B. 26, as amended, was transmitted to the House.

* * *

On motion of Senator Buhler, the circle was removed from **Sub. S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION**, and it was before the Senate. Senator Buhler explained the bill and it passed on the following roll call:

Yeas, 20; Nays, 3; Absent, 6.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Hull	Jones	Mansell	Mayne
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Beattie

Voting in the negative were: Senators

Blackham	McAllister	Tanner

Absent or not voting were: Senators

Evans	Howell	Mantes	Taylor
Waddoups	Wharton		

Sub. S.B. 95 was transmitted to the House.

SECOND READING CALENDAR

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 15, PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE, was read the second time. Senator Montgomery explained the bill. Senators Howell, Stephenson, Myrin, Montgomery, and Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Dmitrich	Howell	Hull	Mantes
Nielson	Steiner		

Absent or not voting was: Senator
Taylor

* * *

S.B. 144, ELECTRONIC LAW LIBRARY, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Wharton	Beattie		

Absent or not voting were: Senators

Mansell	Taylor	Waddoups

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 4, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Education

S.B. 150 Conduct Related To School Activities (H. Stephenson)

Revenue & Taxation

S.B. 47 Tax Incentives For Clean Fuels (L. McAllister)

Transportation & Public Safety

S.B. 159 Protective Service Officers Amendments (L. Beattie)

Lane Beattie, Senate President

Report filed.

* * *

On motion of Senator C. Peterson, the circles were removed from S.B. 5 and S.B. 106.

* * *

On motion of Senator C. Peterson and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 5, 1997.

SEVENTEENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Taylor, excused.
Prayer – Bishop Carolyn Tanner Irish, Episcopal Diocese of Utah.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 5, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the sixteenth day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: January 29, 1997

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

COMMISSIONER OF PUBLIC SAFETY

Craig L. Dearden appointed as the Commissioner of Public Safety, filling the unexpired term of Doug Bodrero, a term to expire July 1, 1997. Section 53-1-107, 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 C. Peterson moved to waive the 15 day requirement. The motion passed. Senator Myrin moved to consent to the appointments as read by Sandy D. Tenney. Senator Mansell commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Howell	Mayne	Stephenson
Taylor			

On motion of Senator C. Peterson, Craig L. Dearden spoke in Committee of the Whole.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 1997

The House passed, as substituted and amended, Sub. H.B. 61, PROPERTY TAX NOTIFICATION, ASSESSMENT, COLLECTION, AND APPEAL, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed H.B. 56, PRIVATE ACTIVITY BONDING, by Representative R. Becker, and it is transmitted for consideration; and

The House passed H.B. 76, UTAH BOTANICAL CENTER APPROPRIATION, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed, as amended, H.B. 227, PROPERTY SURVEY - STATUTE OF LIMITATIONS, by Representative G. Adair, and it is transmitted for consideration; and

The House passed H.B. 188, MALPRACTICE AGAINST HEALTH CARE PROVIDERS AMENDMENTS, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.B. 21, CONTROLLED SUBSTANCES AMENDMENTS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed H.B. 52, PROHIBITION OF CONTRABAND IN A CORRECTIONAL FACILITY, by Representative S. Koehn, and it is transmitted for consideration; and

The House passed H.B. 46, FEE FOR BACKGROUND CHECK BEFORE HANDGUN PURCHASE, by Representative S. Koehn, and it is transmitted for consideration; and

The House passed H.B. 205, RECORDING SUBDIVISIONS OF LAND, by Representative S. Koehn, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. Sub. H.B. 61, H.B. 56, H.B. 76, H.B. 227, H.B. 188, Sub. H.B. 21, H.B. 52, H.B. 46, and H.B. 205 were read the first time and referred to the President of the Senate.

* * *

On motion of Senator Evans, S.B. 32, VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS, will be considered Monday, February 10, 1997 at 10:30 a.m.

* * *

On motion of Senator Holmgren, S.B. 99 was returned to the Rules Committee.

THIRD READING CALENDAR

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate. On motion of Senator M. Peterson, the bill was circled.

* * *

S.B. 8, APPROPRIATION FOR SOUND BARRIERS, was before the Senate. On motion of Senator Mansell, the bill was circled.

* * *

S.B. 15, PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Jones	Mansell	Mayne	McAllister

Montgomery	Muhlestein	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Howell	Hull	Mantes	Nielson
Steiner			

Absent or not voting were: Senators

Buhler	Hillyard	Taylor

S.B. 15 was transmitted to the House.

* * *

S.B. 144, ELECTRONIC LAW LIBRARY, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Hillyard	Taylor

S.B. 144 was transmitted to the House.

SECOND READING CALENDAR

H.B. 158, TRANSPORTATION OF STUDENTS BY SCHOOL DISTRICTS, was before the Senate. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mantes

Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Hillyard	Mansell	Steiner
Taylor			

On motion of Senator McAllister, **H.B. 158** was placed on Third Reading Table.

* * *

H.B. 163, PRISON INMATE EDUCATION AMENDMENTS, was before the Senate. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Hull	Jones	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Hillyard	Howell	Mansell
Taylor			

* * *

H.B. 164, CHILDREN AND YOUTH AT RISK AMENDMENTS, was before the Senate. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein

Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Hillyard	Mansell	Taylor

* * *

On motion of Senator C. Peterson, the Senate authorized the drafting and introduction of a bill concerning quorums within meetings and during floor time.

* * *

H.B. 166, JOINT LIAISON COMMITTEE AMENDMENTS, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Holmgren	Howell
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Buhler	Hillyard	Stephenson
Taylor			

* * *

H.B. 167, CHILD SUPPORT – SOCIAL SECURITY CREDIT, was read the second time. Senator C. Peterson explained the bill. Senator Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell

Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton

Absent or not voting were: Senators

Buhler	Hillyard	Stephenson	Taylor
Beattie			

* * *

H.B. 4, PUBLIC SAFETY – MISSING PERSONS CENTER, was read the second time. On motion of Senator Howell, the bill was circled.

* * *

H.B. 177, POST CERTIFICATION OF YOUTH CORRECTIONS WORKERS, was read the second time. On motion of Senator Montgomery, the bill was circled.

* * *

H.B. 34, ASSAULT AMENDMENTS, was read the second time. Senator Montgomery explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	

Absent or not voting were: Senators

Buhler	Hillyard	C. Peterson	Stephenson
Taylor	Beattie		

* * *

On motion of Senator Howell, the circle was removed from H.B. 4, PUBLIC SAFETY – MISSING PERSONS CENTER, and it was before the Senate. Senator Howell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton			

Absent or not voting were: Senators

Hillyard	Stephenson	Taylor	Beattie

On motion of Senator McAllister, **H.B. 4** was placed on Third Reading Table.

* * *

On motion of Senator Montgomery, the circle was removed from **H.B. 177**, POST CERTIFICATION OF YOUTH CORRECTIONS WORKERS, and it was before the Senate. Senator Montgomery explained the bill. Senators McAllister and Tanner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton			

Absent or not voting were: Senators

Hillyard	Stephenson	Taylor	Beattie

* * *

H.B. 153, PROPERTY TAX RELIEF AMENDMENTS, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups

Absent or not voting were: Senators

Hillyard	Stephenson	Taylor	Wharton
Beattie			

* * *

H.B. 213, REAUTHORIZE ENTERPRISE ZONE ACT, was read the second time. Senator Myrin explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Beattie	

Absent or not voting were: Senators

Hillyard	Montgomery	Stephenson	Taylor
Waddoups	Wharton		

* * *

H.B. 18, HIGHER EDUCATION REVENUE BONDS, was read the second time. On motion of Senator Steele, the bill was circled.

* * *

H.B. 194, EDUCATION ASSESSMENT PROGRAM, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mansell

Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Hillyard	Jones	Stephenson	Taylor

On motion of Senator McAllister, H.B. 194, was placed on Third Reading Table.

* * *

H.B. 212, EDUCATION COSTS FOR NONRESIDENT STUDENTS, was read the second time. Senator Steele explained the bill. Senators Stephenson and Hull commented. The bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Buhler	Evans	Holmgren	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Steele	Suazo
Tanner	Wharton	Beattie	

Voting in the negative were: Senators

Blackham	Dmitrich	Nielson	Poulton
Steiner	Stephenson	Waddoups	

Absent or not voting were: Senators

Hillyard	Howell	Taylor

* * *

On motion of Senator Tanner, the circle was removed from H.B. 18, HIGHER EDUCATION REVENUE BONDS, and it was before the Senate. Senator Tanner explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones

Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Hillyard	Mayne	Steiner	Taylor

* * *

H.B. 8, CAPITOL ART PLACEMENT COMMISSION, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 25, PUBLIC WATER SUPPLY AGENCIES – APPLICATION AND USE, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Hillyard	Mayne	Taylor

* * *

H.B. 174, IMMUNITY TO DAM OWNERS, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones

Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Hillyard	Mayne	Taylor

* * *

On motion of Senator C. Peterson, the circle was removed from H.B. 8, CAPITOL ART PLACEMENT COMMISSION, and it was before the Senate. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Tanner
Waddoups	Beattie		

Voting in the negative were: Senators

Suazo	Wharton

Absent or not voting were: Senators

Blackham	Hillyard	Howell	Stephenson
Taylor			

* * *

On motion of Senator C. Peterson, H.B. 60 was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 1997

The House passed, S.B. 20, OPTOMETRY PRACTICE ACT, by Senator L. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 107, MEDICAL SAVINGS ACCOUNT AMENDMENTS, by Senator G. Mantes, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 7, PHARMACY ACT - OPEN DRUG FORMULARY, by Senator J. Holmgren, 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, S.B. 107, and S.B. 7 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, 1997

The House passed H.J.R. 14, ACCEPTANCE OF TRUST LANDS RESOLUTION, by Representative K. Garn, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.J.R. 14 was read the first time and referred to the President of the Senate.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 5, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 70	Eminent Domain Valuation (P. Suazo)
S.B. 115	Insurance Law Amendments (L. Poulton)

Education

S.B. 158	Adult High School Completion Amendments (P. Suazo)
S.B. 162	Appropriation For Statewide Integration Of Engineering Education (C. Peterson)

Energy, Natural Resources & Agriculture

S.C.R. 4	Resolution Encouraging Economic Resettlement Of Rural Utah (L. Blackham)

Human Services

S.B. 19	Prioritization of Child Support Collections (R. Muhlestein)

Judiciary

S.B. 54	Drug Dealer's Liability Act (C. Taylor)

Revenue & Taxation

S.B. 53	Redevelopment Agency Amendments (C. Taylor)

State & Local Affairs

S.B. 55	Publication of Legal Notices by Political Subdivisions (E. Mayne)

S.B. 91 Air Quality, Land Use, And Transportation Planning Provisions (L. McAllister)
Transportation & Public Safety
S.B. 56 School Bus Parking Zones (E. Mayne); and

The President having received the following House bills assigns them to the following committees:

Business, Labor & Economic Development
H.B. 26 Depository Institution Name Amendments (A. Bradshaw)
Education
H.B. 35 Accelerated Learning Amendments (L. Frandsen)
Health/Environment
Sub. H.B. 55 Alcohol and Drug Testing Fee (D. Bush)
Human Services
H.B. 222 Powers of the Department of Workforce Services (G. Adair)
State & Local Affairs
H.B. 74 County Service Areas Amendments (M. Stephens)
H.B. 150 County Improvement District Boundary Adjustment (M. Dillree)
H.B. 234 Amendments to Subdivision Act (D. Ure)
Transportation & Public Safety
H.B. 31 Motor Vehicle Safety Investigators (W. Harper)
H.B. 70 Utah National Parks Highway Designation (K. Johnson)

Lane Beattie, Senate President

Report filed.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.J.R. 5, RESOLUTION ON REPUBLIC OF CHINA ON TAIWAN, by Senator C. Peterson; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on H.B. 221, WORKERS' COMPENSATION - NONCOMPLIANCE OF EMPLOYER, by Representative G. Adair; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on H.B. 224, WORKERS' COMPENSATION - COSTS OF MEDICAL REVIEW, by Representative G. Adair; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 225**, ASSESSMENT ON WORKERS' COMPENSATION, by Representative G. Adair.

Steven Poulton, Chair; and

Mr. President: February 5, 1997

The Human Services Committee reports a favorable recommendation on **H.B. 215**, CUSTODY DISPUTES INVOLVING A PARENT WITH A DISABILITY, by Representative J. Tanner, with the following amendments:

1. Page 2, Lines 2–6:
   Delete lines 2 through 6 and insert: "(4)(a) A court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody."

2. Page 2, Line 7:
   After "if" delete "the" and insert "a" and delete "under Subsection (a)" and insert "in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody"

3. Page 2, Line 8:
   After "evidence" insert ", presumption,"

4. Page 2, Line 10:
   Delete "basic"

5. Page 2, Line 12:
   Delete "basic"; and

The Human Services Committee reports a favorable recommendation on **H.B. 172**, CHILDREN AND YOUTH TASK FORCE REAUTHORIZATION, by Representative B. Evans; and

The Human Services Committee reports a favorable recommendation on **H.B. 173**, RETIREMENT OFFICE AMENDMENTS, by Representative R. Short; and

The Human Services Committee reports a favorable recommendation on **H.B. 171**, HOUSING COORDINATION AND PLANNING, by Representative F. Hunsaker, with the following amendments:

1. Page 2, Line 14:
   After "lands;" delete "or"

2. Page 2, Line 15:
After "programs;" delete "and" and insert "or (G) low income persons living in mobile homes as defined in Section 59-2-601; and"

3. Page 3, Line 10:
After "lands;" delete "and"LILAC COPY
January 24, 1997

4. Page 3, Line 11:
LILAC COPY
January 24, 1997:
After "programs" delete the period and insert ": and (G) low income persons living in mobile homes as defined in Section 59-2-601."

Nathan C. Tanner, Chair; and

Mr. President: February 5, 1997

The State and Local Affairs Committee recommends S.B. 82, ELECTION LAW - CANDIDATE ISSUES, by Senator L. Poulton, be replaced and favorably recommends Sub. S.B. 82, ELECTION LAW - CANDIDATE ISSUES; and

The State and Local Affairs Committee reports a favorable recommendation on H.B. 189, SPECIAL DISTRICTS - DRAINAGE DISTRICT AMENDMENTS, by Representative M. Styler; and

The State and Local Affairs Committee reports a favorable recommendation on H.B. 182, ADMINISTRATIVE RULES REVIEW COMMITTEE AMENDMENTS, by Representative D. Ure.

Mont Evans, Chair; and

Mr. President: February 4, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 36, INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION, by Senator R. Evans, with the following amendments:

1. Page 3, Line 22:
After "$2000" insert "per residential unit"

2. Page 7, Line 16:
After "$2000" insert "per residential unit"

3. Page 8, Line 24:
After "$2000" insert "per residential unit"; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 50, SALES TAX REFUND ON DONATED FOOD, by Senator H. Stephenson, et al; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 154, PROPERTY TAX - CIRCUIT BREAKER, by Representative R. Short, et al.

Howard Nielson, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.J.R. 5, H.B. 221, H.B. 224, H.B. 225, H.B. 171, H.B. 172, H.B. 173, H.B. 215, Sub. S.B. 82, H.B. 182, H.B. 189, S.B. 36, S.B. 50, and H.B. 154 were placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, H.B. 60, POST CONVICTION REMEDIES - DEATH PENALTY, was uncircled and read the second time. Senator Hillyard explained the bill. Senator Holmgren commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Howell	Steele	Taylor

On motion of Senator Hillyard, H.B. 60 was placed on Third Reading Table.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 1997

The Human Services Committee reports a favorable recommendation on H.B. 229, DOMESTIC RELATIONS CASES - NAME DESIGNATION, by Representative J. Valentine, 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. 160**, ELECTION LAW TECHNICAL AMENDMENTS, by Representative M. Carlson, 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. 162**, ELECTRONIC MEETINGS, by Representative B. Goodfellow, 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. 148**, COUNTY OPTION SALES TAX FOR BOTANICAL AND CULTURAL ORGANIZATIONS, by Representative B. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. **H.B. 229, H.B. 160, H.B. 162**, and **H.B. 148** were read the second time and placed on Consent Calendar.

* * *

On motion of Senator C. Peterson, the circles were removed from **S.B. 5** and **S.B. 8**.

* * *

On motion of Senator C. Peterson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 6, 1997.

EIGHTEENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except for Senator Mansell, excused.
Prayer – Tariz Kergaye, Minister of Islam.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 6, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the seventeenth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 1997

The House passed, **S.B. 3**, CONSTRUCTION CONTRACTORS, by Senator L. Poulton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 10**, INCOME TAX CHECKOFF, 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. 17**, COVERING CERTAIN LOAD MATERIALS, by Senator J. Hull, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, as substituted, **Sub. H.B. 240**, UTAH STATEHOOD CENTENNIAL CAPSTONE, by Representative David Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **S.B. 3, S.B. 10,** and **S.B. 17** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Sub. H.B. 240 was read the first time and referred to the President of the Senate.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 6, 1997

The President having received the following Senate resolution along with its fiscal note, orders it printed and placed on the Second Reading Calendar:

S.R. 3	Senate Rules Resolution – Quorum Committee (J. Holmgren); and

Mr. President: February 6, 1997

The President having received the following House bills and resolution, assigns them to the following committees:

Energy, Natural Resources & Agriculture

H.B. 16	Utah Summer Games Appropriation (D. Bowman)
H.B. 76	Utah Botanical Center Appropriation (M. Dillree)
H.B. 214	Utah Sports Authority and Advisory Committee Amendments (J. Tanner)
H.B. 227	Property Survey – Statute of Limitations (G. Adair)
H.J.R. 14	Acceptance Of Trust Lands Resolution (K. Garn)

Health/Environment

Sub. H.B. 21	Controlled Substances Amendments (N. Hendrickson)

Revenue & Taxation

Sub. H.B. 61	Property Tax Notification, Assessment, Collection, and Appeal (E. Anderson)
H.B. 11	Limitation of Landowner Liability Amendments (D. Tuttle); and

Mr. President: February 6, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Energy, Natural Resources & Agriculture

S.B. 45	Air Quality Board Powers (L. McAllister)

Human Services

S.B. 120	Amendments to Divorce Requirements (C. Taylor)

Revenue & Taxation

S.B. 69	Real Estate Agent Background Check (M. Waddoups)

State & Local Affairs
S.B. 154 Changes To Division Of State History (L. McAllister)
Lane Beattie, Senate President

Report filed.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 1997

The Education Committee reports a favorable recommendation on **S.J.R. 4**, PUBLIC SCHOOL SNOW DAYS RESOLUTION, by Senator S. Howell.

Lorin Jones, Chair; and

Mr. President: February 5, 1997

The Health and Environment Committee reports a favorable recommendation on **S.B. 149**, CHIROPRACTIC PRACTICE AMENDMENTS, by Senator D. Steele, with the following amendments:

1. Page 5, Line 21:
   After "surgeons," delete "naturopaths,"; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 204**, ALCOHOLIC BEVERAGES – RESTAURANT REGULATION, by Representative T. Hatch; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 216**, RURAL HEALTH CARE PROVIDER AMENDMENTS, by Representative J. Haymond.

Robert Muhlestein, Chair; and

Mr. President: February 5, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 66**, APPROPRIATION FOR PIONEER DISPLAY, by Representative B. Allen, with the following amendments:

1. Page 1, Lines 12-13:
   After "Management" delete "to be distributed to the Pioneers of Progress Awards Committee"

Howard Nielson, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.J.R. 4, S.B. 149, H.B. 204, H.B. 216**, and **H.B. 66** were placed on Second Reading Calendar.

* * *

Mr. President: February 5, 1997

The Education Committee reports a favorable recommendation on H.B. 183, UTAH TOMORROW STRATEGIC PLANNING COMMITTEE AMENDMENTS, by Representative A. Bradshaw, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on H.B. 200, EDUCATIONAL SAVINGS PLAN TRUST AMENDMENTS, by Representative K. Johnson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Environment Committee reports a favorable recommendation on H.B. 186, NATIVE AMERICAN PERFORMANCE OF MARRIAGES, by Representative E. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee reports were adopted. H.B. 183, H.B. 200, and H.B. 186 were placed on Consent Calendar.

THIRD READING CALENDAR

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate. On motion of Senator M. Peterson, the bill was circled.

* * *

S.B. 8, APPROPRIATION FOR SOUND BARRIERS, was before the Senate. On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator Steele, H.B. 222 was lifted from the Human Services standing committee and referred to the Business and Labor standing committee.

* * *

H.B. 163, PRISON INMATE EDUCATION AMENDMENTS, 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Mansell	Stephenson

H.B. 163 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, **H.B. 33** was lifted from the the Natural Resources standing committee and referred to the Judiciary standing committee.

* * *

On motion of Senator Howell, Representative Trisha Beck spoke in Committee of the Whole.

* * *

H.B. 164, CHILDREN AND YOUTH AT RISK AMENDMENTS, 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mayne	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Mansell	Mantes	McAllister
C. Peterson	Stephenson		

H.B. 164 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 166, JOINT LIAISON COMMITTEE AMENDMENTS, 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Mansell	C. Peterson

H.B. 166 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 167, CHILD SUPPORT – SOCIAL SECURITY CREDIT, was read the third time, explained by Senator Taylor, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Mansell	C. Peterson

H.B. 167 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 34, ASSAULT AMENDMENTS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Mansell

H.B. 34 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 177, POST CERTIFICATION OF YOUTH CORRECTIONS WORKERS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Mansell

H.B. 177 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 153, PROPERTY TAX RELIEF AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Mansell

H.B. 153, as amended, was returned to the House.

* * *

H.B. 213, REAUTHORIZE ENTERPRISE ZONE ACT, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Mansell

H.B. 213 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 212, EDUCATION COSTS FOR NONRESIDENT STUDENTS, was read the third time. On motion of Senator Steele, the bill was circled.

* * *

H.B. 18, HIGHER EDUCATION REVENUE BONDS, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Mansell	Steele

H.B. 18 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 25, PUBLIC WATER SUPPLY AGENCIES – APPLICATION AND USE, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Mansell	Steele

H.B. 25 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 174, IMMUNITY TO DAM OWNERS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Mansell	Steele

H.B. 174 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 8, CAPITOL ART PLACEMENT COMMISSION, was read the third time and explained by Senator C. Peterson. Senator Evans commented. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Myrin
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Tanner	Waddoups	Beattie

Voting in the negative were: Senators

Evans	Muhlestein	Nielson	Suazo
Taylor	Wharton		

Absent or not voting were: Senators

Buhler	Mansell	Steele

H.B. 8, as amended, was returned to the House.

SECOND READING CALENDAR

On motion of Senator Holmgren, the Senate voted to place **S.R. 2** and **S.R. 3** at the top of Second Reading Calendar.

On motion of Senator M. Peterson, **S.R. 2**, SENATE RULES RESOLUTION – MOTIONS TO CIRCLE, under suspension of the rules, was read the second and third times. Senator M. Peterson explained the bill. Senators Blackham and C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Hull	Jones	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Voting in the negative were: Senators

Blackham	C. Peterson	Poulton	Beattie

Absent or not voting were: Senators

Buhler	Howell	Mansell

S.R. 2 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Lt. Governor.

* * *

S.R. 3, SENATE RULES RESOLUTION – QUORUM COMMITTEE, was read the second time. Senator Holmgren explained the bill. On motion of Senator Holmgren, the bill was circled.

* * *

H.B. 221, WORKERS' COMPENSATION – NONCOMPLIANCE OF EMPLOYER, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Tanner
Taylor	Waddoups	Wharton	

Voting in the negative were: Senators

Poulton	Stephenson

Absent or not voting were: Senators

Buhler	Mansell	Suazo	Beattie

* * *

On motion of Senator C. Peterson, S.J.R. 5 will be considered Tuesday, February 11, 1997 at 11:00 a.m.

* * *

H.B. 224, WORKERS' COMPENSATION – COSTS OF MEDICAL REVIEW, was read the second time. Senator Steele explained the bill. Senator Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Buhler	Mansell	Beattie

* * *

H.B. 225, ASSESSMENT ON WORKERS' COMPENSATION, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Dmitrich	Mansell	Beattie

* * *

On motion of Senator C. Peterson, a citation honoring Arthur K. Smith, outgoing President of the University of Utah, was read in Committee of the Whole. Senators Nielson, M. Peterson, Tanner, Montgomery, Steele, Stephenson, Mantes, Hillyard, Howell, and Beattie commented. President Smith spoke in Committee of the Whole.

* * *

H.B. 171, HOUSING COORDINATING AND PLANNING, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Dmitrich	Mansell

* * *

On motion of Senator Blackham, the circle was removed from **S.R. 3, SENATE RULES RESOLUTION - QUORUM COMMITTEE.** On motion of

Senator Holmgren, S.R. 3 was read for the third time, under suspension of the rules. Senators Beattie, Montgomery, and Waddoups commented. The resolution passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Myrin	Wharton

Absent or not voting were: Senators

Buhler	Dmitrich	Mansell

S.R. 3 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Lt. Governor.

* * *

On motion of Senator C. Peterson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Friday, February 7, 1997.

NINETEENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – The Reverend Joan Stewart, Pastor of the First Baptist Church of Bountiful.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 7, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the eighteenth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 1997

The House passed, **S.B. 102**, WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION 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, as substituted and amended, **Sub. H.J.R. 9**, SUNDANCE WILDERNESS AREA RESOLUTION, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 57**, PENALTY FOR THEFT OF ANIMAL, by Representative Craig W. Buttars, and it is transmitted for consideration; and

The House passed **H.B. 242**, HIGHWAY PATROL - COMPUTER PURCHASE, by Representative G. Adair, et al, and it is transmitted for consideration; and

The House passed H.B. 243, APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS, by Representative G. Adair, et al, and it is transmitted for consideration; and

The House has rejected S.B. 101, CORPORAL PUNISHMENT IN PUBLIC SCHOOLS AMENDMENTS, by Senator D. Steele, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

S.B. 102 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Sub. H.J.R. 9, 3rd Sub. H.B. 57, H.B. 242, and H.B. 243 were read the first time and referred to the President of the Senate.

S.B. 101 was filed.

STANDING COMMITTEE REPORTS

Mr. President: February 6, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 52, WATERCRAFT - LIABILITY INSURANCE, by Senator N. Tanner, with the following amendments:

1. Page 5, Line 24:
   After "Section 73-18c-301" insert "at the time of the accident"

2. Page 8, Line 16:
   After line 16 insert the following:
   "(12) "Waters of the state" means any waters within the territorial limits of this state."; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 40, RENEWAL OF DRIVERS LICENSES KIOSKS, by Representative P. Arent; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 226, DRIVER LICENSE REINSTATEMENT, by Representative G. Adair, with the following amendments:

1. Page 1, Line 7:
   Delete "AND"

2. Page 1, Line 8:
   After "REINSTATEMENT" insert "; AND MAKING TECHNICAL CORRECTIONS"

3. Page 1, Line 12:
After 12 insert:
"62A-8-103, as last amended by Chapter 181, Laws of Utah 1990
62A-8-302, as last amended by Chapter 268, Laws of Utah 1991"

4. Page 7, Line 9:
Lilac 1-30-97:
After line 9 insert:
"Section 3. Section 62A-8-103 is amended to read:
62A-8-103Division — Creation — Responsibilities.
(1) There is created the Division of Substance Abuse within the department, under the administration and general supervision of the executive director, and, with regard to its programs, under the policy direction of the board. The division is the substance abuse authority for this state.
(2) The division shall:
(a) educate the general public regarding the nature and consequences of substance abuse by promoting school and community-based prevention programs;
(b) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance abuse;
(c) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;
(d) promote or establish cooperative relationships with courts, hospitals, clinics, medical and social agencies, public health authorities, law enforcement agencies, education and research organizations, and other related groups;
(e) provide consultation and other assistance to public and private agencies and groups;
(f) cooperate and assist other organizations and private treatment centers for substance abusers, by providing them with essential materials for furthering programs of prevention and rehabilitation of actual and potential substance abusers;
(g) promote or conduct research on substance abuse issues, and submit to the governor and the Legislature recommendations for changes in policy and legislation;
(h) receive and disburse state and federal funds for substance abuse services;
(i) promote or establish programs for education and certification of instructors to educate persons convicted of driving under the influence

of [~~intoxicating liquor~~] alcohol or drugs or driving with any measurable controlled substance in the body;
(j) monitor and evaluate programs provided by local substance abuse authorities, and examine expenditures of any local, state, and federal funds;
(k) contract with local substance abuse authorities to provide a comprehensive continuum of services in accordance with board policy and the local plan;
(l) contract with private and public entities for special statewide or nonclinical services according to board policy;
(m) review and approve plans submitted by local substance abuse authorities in order to assure a statewide comprehensive continuum of substance abuse services;
(n) monitor and assure compliance with board policy; and
(o) withhold funds from local substance abuse authorities and public and private providers for contract noncompliance.
(3) In carrying out its duties and responsibilities, the division may not duplicate treatment or educational facilities that exist in other divisions or departments of the state, but shall work in conjunction with those divisions and departments in rendering the treatment or educational services that those divisions and departments are competent and able to provide.
(4) (a) The division may accept in the name of and on behalf of the state donations, gifts, devises, or bequests of real or personal property or services to be used as specified by the donor.
(b) Those donations, gifts, devises, or bequests shall be used by the division in performing its powers and duties. Any money so obtained shall be considered private nonlapsing funds and shall be deposited into an interest-bearing expendable trust fund to be used by the division for substance abuse services. The state treasurer may invest the fund and all interest shall remain with the fund.

Section 4. Section 62A-8-302 is amended to read:
62A-8-302 Penalty for DUI conviction — Amounts.
(1) Courts of record and not of record may at sentencing assess against the defendant, in addition to any fine, an amount that will fully compensate agencies that treat the defendant for their costs in each case where a defendant is convicted of violating:
(a) Section 41-6-44 or 41-6-44.6;
(b) a criminal prohibition resulting from a plea bargain after an original charge of violating Section 41-6-44; or
(c) an ordinance that complies with the requirements of Subsection

41-6-43 (1).
(2) The fee assessed shall be collected by the court or an entity appointed by the court."

Michael G. Waddoups, Chair; and

Mr. President: February 6, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 153, APPROPRIATION TO STUDY CENTRALIZED URBAN PROGRAMS FOR NATIVE AMERICANS, by Senator P. Suazo; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 185, INDIAN AFFAIRS AMENDMENTS, by Representative J. Gowans.

Alarik Myrin, Chair; and

Mr. President: February 6, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 130, NONCONTRIBUTORY RETIREMENT SYSTEM FOR FIREFIGHTERS, by Senator P. Suazo; and

The Judiciary Committee reports a favorable recommendation on H.B. 22, UNLAWFUL ACTIVITY AMENDMENTS, by Representative S. Barth.

Lyle W. Hillyard, Acting Committee Chair; and

Mr. President: February 6, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 147, VEHICLE AIR BAG AMENDMENTS, by Senator G. Mantes, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 192, VEHICLE SAFETY AT RAILROAD CROSSINGS, by Representative N. Hendrickson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 209, LEGACY LOOP HIGHWAY ADDITION, by

Representative D. Bowman, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups, Acting Committee Chair; and

Mr. President: February 6, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 231, APPLICATION FOR WATER RIGHTS, by Representative T. Hatch, and recommends it be considered read for the second time and placed on the Consent Calendar.

Alarik Myrin, Chair; and

Mr. President: February 6, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 143, PENALTY FOR JOY RIDING, by Senator P. Suazo, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Line 6:
   After "person" insert ", or an agent of the person,"

Lyle W. Hillyard, Acting Committee Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 52, H.B. 40, H.B. 226, S.B. 153, H.B. 185, S.B. 130, and H.B. 22 were placed on Second Reading Calendar.

On motion of Senator Holmgren, the committee reports were adopted. S.B. 147, H.B. 192, H.B. 209, H.B. 231, and S.B. 143, were placed on Consent Calendar.

CONSENT CALENDAR

S.C.R. 3, RESOLUTION DESIGNATING BONE MARROW REGISTRATION DAY, was read the third time.

On motion of Senator M. Peterson, students from Kathleen Rider's class at Douglas Orchard Elementary School spoke in Committee of the Whole about the importance of Bone Marrow Registration.

The resolution passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mayne	McAllister	Montgomery	Muhlestein
Myrin	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Mansell	Mantes	Nielson
C. Peterson	Steiner		

S.C.R. 3 was transmitted to the House.

* * *

S.B. 142, COAL RECLAMATION AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mansell	Mantes	Poulton

S.B. 142 was transmitted to the House.

* * *

S.B. 148, REVOCATION OF PAROLE - REPRESENTATION BY COUNSEL, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Mansell

S.R. 148 was transmitted to the House.

* * *

On motion of Senator Holmgren, the Senate voted to reconsider its action on S.R. 3 and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Holmgren, S.R. 3, SENATE RULES RESOLUTION – QUORUM COMMITTEE, under suspension of the rules, was read the first, second and third times. Senator Holmgren explained the resolution and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Nielson	C. Peterson
Poulton	Steele	Steiner	Suazo
Wharton	Beattie		

Voting in the negative were: Senators

Myrin	Stephenson	Tanner	Taylor
Waddoups			

Absent or not voting were: Senators

Mansell	M. Peterson

S.R. 3 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Lt. Governor.

THIRD READING CALENDAR

On motion of Senator Steele, the circle was removed from H.B. 212, EDUCATION COSTS FOR NONRESIDENT STUDENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Suazo	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Steiner	Stephenson	Tanner

Absent or not voting were: Senators

Blackham	Mansell	M. Peterson

H.B. 212 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 221, WORKERS' COMPENSATION – NONCOMPLIANCE OF EMPLOYER, was read the third time, explained by Senator Steele, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Poulton	Taylor

Absent or not voting were: Senators

Mansell	C. Peterson

H.B. 221 was signed by the President of the Senate in open session and returned to the House.

SECOND READING CALENDAR

S.B. 106, CLASS B AND C ROAD BID LIMIT, was before the Senate. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 105, ECCLES COMMUNITY ART CENTER GRANT, was read the second time. Senator Tanner explained the bill.

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

ECCLES COMMUNITY ART CENTER GRANT

Sub. S.B. 105 *Nathan Tanner*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING $500,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE ECCLES COMMUNITY ART CENTER TO USE IN CONSTRUCTING A NEW BUILDING; AND PROVIDING AN EFFECTIVE DATE.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Steiner	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Buhler	Stephenson	Taylor

Absent or not voting were: Senators

Hillyard	Mansell	M. Peterson	Steele

* * *

S.B. 43, PROHIBITION OF ULTIMATE FIGHTING, was read the second time. Senator Poulton explained the bill.

Senator Suazo moved the following amendments:

1. Page 1, Line 7:
After the semicolon insert:
"AUTHORIZING THE DIVISION TO ADOPT RULES ON TOUGH MAN CONTESTS; DEFINING TERMS;"

2. Page 3, Line 10:
After line 10 insert:
"(15) "Tough Man Contest" means a contest in which tough man contestants compete.
(16) "Tough Man Contestant" means a person who:
(a) participates in a contest for a cash purse in any amount or for a noncash purse with more than nominal value as defined by rule; and
(b) is not licensed as a professional contestant in any state."

Renumber remaining subsections accordingly.

3. Page 4, Line 10:
After "contests" insert "and tough man contests"

Senators Wharton, Beattie, and Suazo commented. The amendment failed on a voice vote.

Senators Howell and Buhler commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Dmitrich	Mayne

Absent or not voting were: Senators

Mansell	Mantes	C. Peterson

* * *

S.B. 122, HEALTH POLICY COMMISSION AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senators Hillyard, Holmgren,

Tanner, Mantes, Nielson, and Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative was: Senator
Wharton

Absent or not voting was: Senator
Mansell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 1997

The House passed **H.J.R. 12**, JOINT RULES RESOLUTION - LEGISLATIVE EXPENSES AND MILEAGE, by Representative J. Hickman, et al, and it is transmitted for consideration; and

The House passed **H.J.R. 21**, JOINT RULES RESOLUTION - QUORUM REQUIREMENTS, by Representative J. Hickman, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 12** and **H.J.R. 21** were read the first time. On motion of Senator Holmgren, **H.J.R. 12** and **H.J.R. 21** were placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Holmgren, **H.J.R. 12**, JOINT RULES RESOLUTION - LEGISLATIVE EXPENSES AND MILEAGE, under suspension of the rules, was read the second and third times, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mansell	Mantes

H.J.R. 12 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Holmgren, H.J.R. 21, JOINT RULES RESOLUTION QUORUM REQUIREMENTS, under suspension of the rules, was read the second and third times, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mansell	Mantes

H.J.R. 21 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. S.B. 138, USED OIL ACT AMENDMENTS, was read the second time. Senator McAllister explained the bill. Senator Blackham commented. On motion of Senator McAllister, the bill was circled.

* * *

Sub. S.B. 78, ELECTION LAW - POLITICAL PARTIES, was read the second time. Senator Suazo explained the bill.

Senator Evans moved the following amendments:

1. Page 2, Line 24:
   Refer to standing committee report dated January 29, 1997
   Delete "5,000" and insert "2,000"

Senators Buhler, C. Peterson, and Suazo commented. The amendment failed on a voice vote.

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

1. Page 2, Line 28:
   Delete "five" and insert "four"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielsen	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mansell	Mantes	Steele

* * *

On motion of Senator McAllister, the circle was removed from Sub. S.B. 138, USED OIL ACT AMENDMENTS, and it was before the Senate. Senator McAllister explained the bill. Senators Buhler, Blackham, Hillyard, Blackham, C. Peterson, Howell, Hull, Hillyard, and Dmitrich commented.

Senator Hillyard moved the following amendment:

1. Page 3, Lines 6, 7, and 8:
Reinstate subsection (vii) and after "oil" insert "unless waived by the board"

Senators Howell, Steiner, and McAllister commented. The amendment failed on a standing vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Jones	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Hillyard	Howell	Hull	Mantes
Steiner			

Absent or not voting was: Senator
Mansell

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 7, 1997

The President having received the following House bills, assigns them to the following committees:

Health/Environment

H.B. 188	Malpractice Against Health Care Providers Amendments (J. Valentine)

Judiciary

H.B. 20	Citation Procedure (N. Hendrickson)
H.B. 43	County and Municipality Judgeships (W. Harper)
H.B. 44	Concurrent and Consecutive Sentencing Limitations (N. Hendrickson)
H.B. 51	Tolling a Criminal Sentence (G. Curtis)
H.B. 58	Resentencing Amendments (D. Gladwell)
H.B. 149	Manufacturing or Possession of Instrument for Theft or Burglary Amendments (G. Davis)

H.B. 156 Counsel for Indigent Defendants in Juvenile Court (T. Hatch); and

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 58 Labor Organization Deductions (H. Stephenson)
S.B. 71 Landlord – Tenant Amendments (R. Montgomery)
S.B. 163 Uniform Commercial Code Article 5 – Letters Of Credit (L. Hillyard)

Judiciary

S.B. 155 Court Reporter Amendments (C. Peterson)

State & Local Affairs

S.B. 6 Municipal And County Land Use Development and Management (L. McAllister)
S.B. 157 Beer Industry Fair Dealing Act (L. Blackham)
S.B. 160 Beer License Amendments (L. Blackham)

Transportation & Public Safety

S.B. 161 Motor Vehicle Compliance With Insurance, Registration, And Sales Tax Requirements (C. Peterson)

Lane Beattie, Senate President

Reports filed.

* * *

On motion of Senator C. Peterson and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 10, 1997.

TWENTY-SECOND DAY

MORNING SESSION

The Senate was called to order at 10:25 a.m., with Senator Craig A. Peterson presiding.

Roll Call– All Senators present, except President Beattie, excused.
Prayer – Frank Budd, President of Salt Lake Community College.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 10, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the nineteenth day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

On motion of Senator Steele, S.B. 37 was lifted from the Business and Labor standing committee and referred to the Secretary of the Senate.

COMMUNICATION FROM THE GOVERNOR

Mr. President: February 7, 1997

This is to inform you that on February 7, 1997, I have signed the following bill of the 1997 General Session of the Fifty–Second Legislature and have forwarded it to the Lieutenant Governor for filing.

H.C.R. 5 RESOLUTION RECOGNIZING LIFE AND CONTRIBUTIONS OF REPRESENTATIVE KURT E. OSCARSON

Michael O. Leavitt, Governor

Communication filed.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 1997

The House concurred in the Senate amendments and passed H.B. 8, CAPITOL ART PLACEMENT COMMISSION, by Representative J. Tanner, and it is transmitted for the signature of the President; and

The House passed, as amended, **H.B. 153**, PROPERTY TAX RELIEF AMENDMENTS, by Representative R. Short, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

H.B. 8 and **H.B. 153** were signed by the President of the Senate and returned to the House.

* * *

Mr. President: February 7, 1997

The House passed, as substituted, **Sub. H.B. 45**, TRAFFIC CHECKPOINT AMENDMENTS, by Representative N. Stephens, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 75**, AMENDMENTS TO STATUTE OF LIMITATIONS, by Representative P. Buckner, and it is transmitted for consideration; and

The House passed **H.B. 147**, LIGHTS ON VEHICLES, by Representative P. Buckner, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 170**, DOMESTIC ABUSE INSURANCE PRACTICES, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 178**, FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS, by Representative N. Stephens, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 198**, AMENDMENTS TO HOMESTEAD EXEMPTIONS, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 219**, POWERS OF MAYORS, by Representative P. Knudson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 45, Sub. H.B. 75, H.B. 147, H.B. 170, 2nd Sub. H.B. 178, 2nd Sub. H.B. 198**, and **2nd Sub. H.B. 219** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 7, 1997

The State and Local Affairs Committee recommends **S.B. 136**, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS, by Senator C.

Peterson, be replaced and favorably recommends Sub. S.B. 136, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS; and

The State and Local Affairs Committee reports a favorable recommendation on Sub. H.B. 12, BOARDS AND COMMISSIONS AMENDMENTS, by Representative A. Bradshaw; and

The State and Local Affairs Committee reports a favorable recommendation on H.B. 23, COUNTY IMPROVEMENT DISTRICTS AMENDMENTS, by Representative D. Hogue; and

The State and Local Affairs Committee reports a favorable recommendation on Sub. H.B. 24, MUNICIPAL DISTRICTS, by Representative D. Bush; and

The State and Local Affairs Committee reports a favorable recommendation on H.B. 199, COUNTY OFFICERS AMENDMENTS, by Representative J. Seitz.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. Sub. S.B. 136, Sub. H.B. 12, H.B. 23, Sub. H.B. 24, and H.B. 199 were placed on Second Reading Calendar.

CONSENT CALENDAR

H.B. 229, DOMESTIC RELATIONS CASES – NAME DESIGNATION, was read the third time, explained by Senator Muhlestein, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Mantes	Stephenson	Beattie

H.B. 229 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 160, ELECTION LAW TECHNICAL AMENDMENTS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Mantes	Stephenson	Beattie

H.B. 160 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 162, ELECTRONIC MEETINGS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Mantes	Stephenson	Beattie

H.B. 162 signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 148, COUNTY OPTION SALES TAX FOR BOTANICAL AND CULTURAL ORGANIZATIONS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Mantes	Stephenson	Beattie

H.B. 148 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

Sub. S.B. 105, ECCLES COMMUNITY ART CENTER GRANT, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	

Voting in the negative were: Senators

Stephenson	Taylor

Absent or not voting were: Senators

Buhler	Mantes	Mayne	Beattie

Sub. S.B. 105 was transmitted to the House.

* * *

On motion of Senator M. Peterson, the circle was removed from S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT.

SPECIAL ORDER OF BUSINESS

S.B. 32, VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS, was read the second time and explained by Senator Evans. Senators Hillyard and Blackham commented.

Senator Blackham moved the following amendment:

1. Page 2, Lines 3 and 4:
   Delete "; and (b) collect and forward completed by-mail voter registration forms to the county clerk"

Senators Howell, C. Peterson, and Steele commented. The amendment passed on a standing vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Dmitrich	Beattie

THIRD READING CALENDAR

S.B. 5, CREATING A PUBLIC SCHOOL DISTRICT, was before the Senate and explained by Senator M. Peterson.

Senator M. Peterson moved the following amendments:

1. Page 2, Line 14:
After line 14 insert:
"(5) An election may not be held under this section if the existing school district has unused voter authorization for bonds."

Senator Waddoups commented. The amendment passed on a voice vote.

Senators Hillyard, M. Peterson, Steele, Waddoups, Buhler, Mayne, Stephenson, Nielson, and Poulton commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Muhlestein	M. Peterson	Poulton
Steiner	Stephenson	Tanner	

Voting in the negative were: Senators

Dmitrich	Hillyard	Mayne	McAllister
Montgomery	Myrin	Nielson	Steele
Suazo	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

C. Peterson Beattie

S.B. 5, as amended, was transmitted to the House.

* * *

On motion of Senator Howell, S.J.R. 4 will be considered Tuesday, February 11, 1997 at 3:45 p.m.

* * *

S.B. 43, PROHIBITION OF ULTIMATE FIGHTING, was read the third time.

Senator Suazo moved the following amendments:

1. Page 1, Line 7:
After the semicolon insert:
"AUTHORIZING THE DIVISION TO ADOPT RULES ON TOUGH MAN CONTESTS; DEFINING TERMS;"

2. Page 3, Line 10:
After line 10 insert:
"(15) "Tough man contest" means a contest in which tough man contestants compete.
(16) "Tough man contestant" means a person who:
(a) participates in a contest for a cash purse in any amount or for a noncash purse with more than nominal value as defined by rule; and
(b) is not licensed as a professional contestant in any state."

Renumber remaining subsections accordingly.

3. Page 4, Line 10:
After "contests" insert "and tough man contests"

Senators Poulton and Wharton commented. The amendments passed on a voice vote.

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

4. Page 1, Line 13:
After line 13 insert:
"76-5-104, as last amended by Chapter 170, Laws of Utah 1989"

5. Page 3, Line 13:
After "(b)" insert "match rules permit" and delete "strive to win or inflict bodily injury upon an opponent through" and insert "to use"

6. Page 4, Line 19:
After line 19 insert:
"Section 4. Section 76-5-104 is amended to read:
76-5-104. Consensual altercation no defense to homicide or assault if dangerous weapon used or participants are engaged in an ultimate fighting match.

In any prosecution for criminal homicide under Part 2 of this chapter or assault, it is no defense to the prosecution that the defendant was a party to any duel, mutual combat, or other consensual altercation if during the course of the duel, combat, or altercation any dangerous weapon as defined in Section 76-1-601 was used or if the defendant was engaged in an ultimate fighting match as defined in Section 76-9-705."

7. Page 4, Line 24:
After "(b)" insert "match rules permit" and delete "strive to win or inflict bodily injury upon an opponent through" and insert "to use"
Renumber remaining sections accordingly.

Senators Mayne and Poulton commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Voting in the negative was: Senator
Mayne

Absent or not voting were: Senators
Steele Beattie

S.B. 43, as amended, was transmitted to the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 10, 1997

The President having received the following House bills assigns them to the following committees:

Energy, Natural Resources & Agriculture
3rd Sub. H.B. 57 Penalty for Theft of Animal (C. Butters)
State & Local Affairs
H.B. 205 Recording Subdivisions of Land (S. Koehn)
H.B. 208 Amendments to Special Districts (B. Allen); and

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Health/Environment
S.B. 60 Open Enrollment Amendments (G. Mantes)

Human Services
S.B. 164 Utah State Capitol Building Centennial Study (N. Tanner)
Revenue & Taxation
S.B. 240 Rocky Mountain Presidential Primary Task Force Appointments (L. Beattie)

Lane Beattie, Senate President

Report filed.

* * *

On motion of Senator Blackham and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 10, 1997.

TWENTY-THIRD DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Steele, excused.

Prayer – Clifford LeFevre, Member of the State Board of Regents and former member of the House of Representatives.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 11, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–second day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 1997

The House passed, as substituted and amended, **Sub. H.B. 42**, JUVENILE COURT HEARINGS AND RECORDS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 63**, APPROPRIATION FOR OLENE WALKER HOUSING TRUST FUND, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 69**, SERIOUS HABITUAL YOUTH OFFENDER PROGRAM, by Representative B. Chard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 81**, APPROPRIATION FOR CLASSROOM SUPPLIES, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.B. 91, COHABITANT ABUSE ACT AMENDMENTS, by Representative P. Larson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. Sub. H.B. 42, H.B. 63, H.B. 69, H.B. 81, and Sub. H.B. 91 were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 115, INSURANCE LAW AMENDMENTS, by Senator L. Poulton, with the following amendments:

1. Page 19, Line 25:
   After "(7)" delete "(a)"

2. Page 19, Lines 27-29:
   Delete lines 27 through 29; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on 2nd Sub. H.B. 5, AUTOMATED TELLER MACHINE AMENDMENTS, by Representative F. Hunsaker, with the following amendments:

1. Page 14, Line 31:
   After line 31 insert "(4) For purposes of this section, "discontinue" or "discontinuing" means an interruption in the operation of an automated teller machine of 30 days or more."; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on H.B. 62, EXEMPTIONS FROM CONSTRUCTION TRADES LICENSING ACT, by Representative B. Wright.

Steven Poulton, Chair; and

Mr. President: February 10, 1997

The Education Committee reports a favorable recommendation on S.B. 150, CONDUCT RELATED TO SCHOOL ACTIVITIES, by Senator H. Stephenson, with the following amendments:

1. Page 2, Line 13:
   After "language" insert "while engaged in school related activities"; and

The Education Committee reports a favorable recommendation on S.B. 162, APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION, by Senator C. Peterson; and

The Education Committee reports a favorable recommendation on H.B. 35, ACCELERATED LEARNING AMENDMENTS, by Representative L. Frandsen.

Lorin Jones, Chair; and

Mr. President: February 10, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 51, MEDICAL ADVISORY BOARD WAIVERS, by Senator E. Mayne, with the following amendments:

1. Page 1, Line 7:
   After "LICENSES;" insert "REQUIRING THAT LICENSE WAIVER APPLICANTS BEAR ANY ADDITIONAL COSTS OF LICENSES;"

2. Page 2, Line 1:
   After Line 1 insert:
   "(4)(a) If the applicant for an intrastate commercial driver license under Subsection (2) applies for the license under a waiver program, the applicant shall bear any costs directly associated with the cost of administration of the waiver program, with respect to the applicant's application, in addition to any fees required under Section 53-3-105.
   (b) The division shall establish any additional fee necessary to administer license under this Subsection (4) in accordance with Section 63-38-3.2.; and

The Health and Environment Committee reports a favorable recommendation on Sub. H.B. 21, CONTROLLED SUBSTANCES AMENDMENTS, by Representative N. Hendrickson; and

The Health and Environment Committee reports a favorable recommendation on Sub. H.B. 55, ALCOHOL AND DRUG TESTING FEE, by Representative D. Bush, with the following amendments:

1. Page 4, Line 14:
   Lilac copy
   After "subdivisions" delete remainder of line.

2. Page 4, Line 15:
   Lilac copy
   Delete "equipment used" and after "offenses" delete remainder of line.

3. Page 4, Line 16:
Lilac copy
Delete "content in a person's body"

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 115, 2nd Sub. H.B. 5, H.B. 62, S.B. 150, S.B. 162, H.B. 35, S.B. 51, Sub. H.B. 21,** and **Sub. H.B. 55,** as amended, were placed on Second Reading Calendar.

* * *

Mr. President: February 10, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 26,** DEPOSITORY INSTITUTION NAME AMENDMENTS, by Representative A. Bradshaw, and recommends it be considered read for the second time and placed on the Consent Calendar.

Steven Poulton, Chair

On motion of Senator Holmgren, the committee report was adopted. **H.B. 26** was read the second time and placed on Consent Calendar.

* * *

Mr. President: February 10, 1997

The Education Committee has tabled **S.B. 158,** ADULT HIGH SCHOOL COMPLETION AMENDMENTS, by Senator P. Suazo, and has returned it to the Secretary of the Senate and recommends the bill be sent to interim study.

Lorin Jones, Chair

On motion of Senator Holmgren, the committee report was adopted. **S.B. 158** was tabled and returned to the Secretary of the Senate.

CONSENT CALENDAR

H.B. 183, UTAH TOMORROW STRATEGIC PLANNING COMMITTEE AMENDMENTS, was read the third time, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister

Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Steele	Taylor	Waddoups

H.B. 183 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 200, EDUCATIONAL SAVINGS PLAN TRUST 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	C. Peterson	Steele	Taylor

H.B. 200 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 186, NATIVE AMERICAN PERFORMANCE OF MARRIAGES, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Steele	Taylor

H.B. 186 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

S.B. 122, HEALTH POLICY COMMISSION AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Waddoups	Beattie		

Voting in the negative was: Senator

Wharton

Absent or not voting were: Senators

Steele	Taylor

S.B. 122 was transmitted to the House.

* * *

Sub. S.B. 78, ELECTION LAW - POLITICAL PARTIES, was read the third time, explained by Senator Suazo, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Waddoups	Beattie		

Absent or not voting were: Senators

Steele	Taylor	Wharton

Sub. S.B. 78 was transmitted to the House.

* * *

Sub. S.B. 138, USED OIL ACT AMENDMENTS, was read the third time and explained by Senator McAllister.

Senator Hillyard moved the following amendment:

1. Page 3, Lines 6, 7, & 8:
   Reinstate subsection (vii) and after "oil" insert "<u>, unless waived by the board</u>"

Senators Steiner and Hillyard commented. The amendment passed on a voice vote.

Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steele

Sub. S.B. 138, as amended, was transmitted to the House.

* * *

S.B. 32, VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS, was read the third time and explained by Senator Evans.

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

1. Page 2, Line 3
   Goldenrod 2-10-97:
   After "packet" reinstate ";and"

2. Page 2, Line 4
   Goldenrod 2-10-97:
   Reinstate line 4

Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Steele

S.B. 32, as amended, was transmitted to the House.

SECOND READING CALENDAR

Sub. S.B. 81, ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS, was read the second time. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 119, TRANSPORTATION OVERHEAD RATE LIMITATIONS, was read the second time. Senator Holmgren explained the bill. Senators C. Peterson, Hillyard, and Mayne commented. Senator C. Peterson declared a conflict of interest. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Hillyard	Holmgren	Hull
Jones	Mansell	Mantes	Mayne

McAllister	Montgomery	Muhlestein	Myrin
M. Peterson	Steiner	Stephenson	Suazo
Taylor	Waddoups	Wharton	

Voting in the negative were: Senators

Dmitrich	Evans	Howell	Nielson
C. Peterson	Poulton	Tanner	Beattie

Absent or not voting were: Senators

Buhler	Steele

SPECIAL ORDER OF BUSINESS

On motion of Senator C. Peterson, S.J.R. 5 was placed at the top of the Second Reading Calendar.

On motion of Senator C. Peterson, S.J.R. 5, RESOLUTION ON REPUBLIC OF CHINA ON TAIWAN, under suspension of the rules, was read the second and third times. Senator C. Peterson explained the bill.

On motion of Senator C. Peterson, Benjamin T. Y. Lo, Director General, Taipei Economic and Cultural Office in San Francisco spoke in Committee of the Whole. Senators Buhler and C. Peterson commented.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator

Steele

S.J.R. 5 was transmitted to the House.

SECOND READING CALENDAR

Sub. S.B. 128, OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS, was read the second time. Senator Holmgren explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Steele

* * *

S.B. 145, PEDESTRIAN OVERPASS APPROPRIATION, was read the second time. Senator M. Peterson explained the bill. Senators Blackham, Mayne, Waddoups, and C. Petersoncommented. The bill passed on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Muhlestein	Nielson
M. Peterson	Steiner	Stephenson	Suazo
Waddoups	Wharton		

Voting in the negative were: Senators

Hillyard	McAllister	Montgomery	Myrin
Tanner	Taylor	Beattie	

Absent or not voting were: Senators

Blackham	C. Peterson	Poulton	Steele

* * *

On motion of Senator Hillyard, a citation honoring Doug Bates, Coordinator of the Division of School Law and Legislation, was presented in Committee of the Whole. Senators Hull, Stephenson, M. Peterson, Taylor, C. Peterson, and Beattie commented.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 1997

The House passed, S.J.R. 5, RESOLUTION ON REPUBLIC OF CHINA ON TAIWAN, by Senator C. Peterson, 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. 5 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 11, 1997

The House passed, as amended, H.B. 90, ELK FARMING, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed H.B. 262, STATUTE OF LIMITATIONS AMENDMENTS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed H.B. 271, DIVORCE EDUCATION PROGRAM TECHNICAL CORRECTION, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed H.B. 159, CHILD SUPPORT ALTERNATIVE DISPUTE RESOLUTION AND ORDER MODIFICATION TASK FORCE, by Representative B. Harward, and it is transmitted for consideration; and

The House passed, as amended, H.B. 13, CHILD SUPPORT REDUCTION FOR EXTENDED VISITATION, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.C.R. 2, RESOLUTION OPPOSING GOVERNMENTAL REGULATIONS, by Representative D. Iverson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 90, H.B. 262, H.B. 271, H.B. 159, H.B. 13, and Sub. H.C.R. 2 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 11, 1997

The House passed, as amended, S.B. 75, SAFE DRINKING WATER ACT AMENDMENTS, by Senator J. Holmgren, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Holmgren, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Howell	McAllister	Steele

S.B. 75 was returned to the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 11, 1997

The President having received the following House bills assigns them to the following committees:

Education

H.B. 190 School Board Compensation (S. Allen)

Revenue & Taxation

Sub. H.B. 240 Utah Statehood Centennial Capstone (D. Urie)

State & Local Affairs

H.B. 161 Municipal Election Amendments (J. Tanner)

Transportation & Public Safety

H.B. 50 Child Restraint Requirements and Penalties (B. King)

H.B. 169 Transit District Collections and Budget (R. Short)

H.B. 202 Peace Officer Standards and Training (B. Chard); and

The President having received the following Senate bill and resolution with their fiscal notes, orders them printed and assigned to the following committees:

Health/Environment

S.J.R. 12 Resolution On Ozone And Particulate Matter (M. Dmitrich)

Transportation & Public Safety

S.B. 208 Motor Carrier Pilot Program (M. Waddoups)

Lane Beattie, Senate President

Reports filed.

STANDING COMMITTEE REPORTS

Mr. President: February 11, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 56**, SCHOOL BUS PARKING ZONES, by Senator E. Mayne; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 159**, PROTECTIVE SERVICE OFFICERS AMENDMENTS, by Senator L. Beattie, with the following amendments:

1. Page 1, Line 24:
   Delete "four" and insert "five"

2. Page 1, Line 26:
   After "peace officers" insert ": (a)"

3. Page 1, Line 27:
   After "examinations" insert " if they have completed the entire peace officer training of the Peace Officers Standards and Training Division; or
   (b) upon completing only the academic portion of the peace officer training of the Peace Officers Standards and Training Division"

4. Page 2, Lines 1-4:
   Delete all of lines 1 through 4; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 31**, MOTOR VEHICLE SAFETY INVESTIGATORS, by Representative W. Harper; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 70**, UTAH NATIONAL PARKS HIGHWAY DESIGNATION, by Representative K. Johnson, with the following amendments:

1. Page 1, Line 14:
Lilac 2-3-97:
Delete "9 at the entrance of Zion National Park near Springdale easterly" and insert "89 at the Utah-Arizona border near Big Water westerly on Route 89 to Route 9 near Mount Carmel Junction then westerly"; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 196, PEDESTRIAN RIGHT OF WAY, by Representative J. Swallow.

Al Mansell, Chair; and

Mr. President: February 11, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.C.R. 4, RESOLUTION ENCOURAGING ECONOMIC RESETTLEMENT OF RURAL UTAH, by Senator L. Blackham; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 16, UTAH SUMMER GAMES APPROPRIATION, by Representative D. Bowman; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 76, UTAH BOTANICAL CENTER APPROPRIATION, by Representative M. Dillree; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 214, UTAH SPORTS AUTHORITY AND ADVISORY COMMITTEE AMENDMENTS, by Representative J. Tanner, with the following amendments:

1. Page 6, Line 11:
After line 11 insert
"(d)(i) When a vacancy occurs or a term expires in the membership of an individual appointed under Subsection (2)(a) or (b), the appointing authority shall reappoint the individual or appoint a replacement within 90 days of the date the vacancy occurs or member's term expires.
(ii) If the appointing authority fails to appoint a member within the 90

days required by Subsection (5)(d)(i), the president of the Senate and the speaker of the House shall jointly make the appointment."; and

Alarik Myrin, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 56, S.B. 159, H.B. 31, H.B. 70, H.B. 196, S.C.R. 4, H.B. 16, H.B. 76, and H.B. 214 were placed on Second Reading Calendar.

* * *

Mr. President: February 11, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 54, DRUG DEALER'S LIABILITY ACT, by Senator C. Taylor, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on S.B. 155, COURT REPORTER AMENDMENTS, by Senator C. Peterson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Line 22:
   After "National" delete "Shorthand" and insert "Court"

2. Page 3, Line 25:
   After "and 58-74-501" insert "and as may be further defined by rule"

3. Page 4, Line 27:
   After "National" delete "Shorthand" and insert "Court"

4. Page 5, Line 4:
   After line 4, insert:
   "(2) Each licensee shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by the division in collaboration with the board."

5. Page 5, Line 5:
   At the beginning of the line, delete "(2)" and insert "(3)"

6. Page 6, Lines 3 through 7:
   Delete lines 3 through 7 and renumber the remaining subsections accordingly

7. Page 6, Line 11:
   Delete line 11 and renumber the remaining subsections accordingly

8. Page 16, Line 8:
After line 8, insert:
"Section 25. Effective Date.
This act takes effect on January 1, 1998."; and

The Judiciary Committee reports a favorable recommendation on H.B. 51, TOLLING A CRIMINAL SENTENCE, by Representative G. Curtis, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on H.B. 156, COUNSEL FOR INDIGENT DEFENDANTS IN JUVENILE COURT, by Representative T. Hatch, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on H.B. 197, USE OF INCOME TAX REVENUES, by Representative K. Garn, and recommends it be considered read for the second time and placed on the Consent Calendar.

Craig L. Taylor, Chair; and

Mr. President: February 11, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.J.R. 14, ACCEPTANCE OF TRUST LANDS RESOLUTION, by Representative K. Garn, and recommends it be considered read for the second time and placed on the Consent Calendar.

Alarik Myrin, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 54, S.B. 155, as amended, H.B. 51, H.B. 156, H.B. 197, and H.J.R. 14 were read the second time and placed on Consent Calendar.

SECOND READING CALENDAR

On motion of Senator Buhler, the circle was removed from Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, and it was before the Senate. Senator Buhler explained the bill. Senators Wharton, Blackham, C. Peterson, Suazo, Buhler, and Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton

Voting in the negative were: Senators

Mansell	Beattie

Absent or not voting were: Senators

Mantes	McAllister	Steele

* * *

S.B. 123, WATER CONSERVANCY DISTRICT - BOARD OF DIRECTORS, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Mantes	McAllister	Steele

* * *

S.J.R. 3, RESOLUTION ENCOURAGING SHORTENING DAYLIGHT SAVINGS, was read the second time. Senator Mayne explained the bill. Senator Poulton commented. The bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Dmitrich	Evans	Holmgren	Hull
Jones	Mansell	Mayne	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Voting in the negative were: Senators

Blackham	Buhler	Hillyard	Howell
Montgomery	Poulton	Beattie	

Absent or not voting were: Senators

Mantes	McAllister	Steele

* * *

Sub. S.B. 134, JUVENILE COURT RECODIFICATION – PHASE 2, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Dmitrich	Mantes	McAllister	Steele

* * *

S.B. 141, STATE AND FEDERAL LAW ENFORCEMENT – JOINT JURISDICTION, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators
Mantes McAllister Steele Steiner

COMMUNICATION FROM THE HOUSE

Mr. President: February 11, 1997

The House passed, as substituted and amended, Sub. H.C.R. 1, ESCALANTE NATIONAL MONUMENT RESOLUTION, by Representative T. Hatch, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. Sub. H.C.R. 1 was read the first time. On motion of Senator Blackham, under suspension of the rules, Sub. H.C.R. 1 was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, Sub. H.C.R. 1, ESCALANTE NATIONAL MONUMENT RESOLUTION, under suspension of the rules, was read the second and third times. Senator Blackham explained the bill. Senators C. Peterson, Hull, Dmitrich, Howell, Myrin, Nielson, and Mayne commented.

Senator Hull moved the following amendment:

1. Page 1, Line 19:
   Delete "abused" and insert "misused"

Senator Blackham commented. Senator Howell moved a substitute motion to amend as follows:

1. Page 1, Line 19:
   Delete "abused the purpose" and insert "exceeded the authorization"

Senators M. Peterson, Tanner, and Jones commented. Senator Howell withdrew the substitute motion and moved the following substitute motion:

1. Page 1, Line 19:
   Delete "abused" and insert "ignored"

Senators C. Peterson and Mayne commented. Senator Howell's amendment failed on a voice vote.

Senator Hull's motion to amend failed on a voice vote.

Senator Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Stephenson	Tanner	Taylor	Waddoups
Beattie			

Voting in the negative were: Senators

Hull	M. Peterson	Steiner	Suazo
Wharton			

Absent or not voting were: Senators

Mantes	McAllister	Steele

Sub. H.C.R. 1 was signed by the President of the Senate in open session and returned to the House.

SPECIAL ORDER OF BUSINESS

On motion of Senator Howell, **S.J.R. 4, PUBLIC SCHOOL SNOW DAYS RESOLUTION**, under suspension of the rules, was read the second and third times. Senator Howell explained the bill.

On motion of Senator Howell, Alyssa Webb spoke in Committee of the Whole.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators
Mantes McAllister Steele

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

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 11, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Health/Environment
S.B. 229 Fees For Commercial Radioactive Waste (H. Nielson)
Human Services
S.B. 182 Children's Justice Center Program (C. Peterson); and

The President having received the following Senate bills, which are waiting fiscal notes, assigns them to the following committees. The bills are to be printed as soon as they receive a fiscal note.

Human Services
S.B. 64 Welfare Reform Amendments To Child Support (N. Tanner)
S.B. 116 Extension of Child Visitation Pilot Program (M. Peterson)
Transportation & Public Safety
S.B. 57 State Motor Vehicle Fleet Operations Amendments (G. Mantes)
S.B. 125 Hardship Driver Permit for Youth (L. Blackham); and

The President having received the following House bills assigns them to the following committees:

Business, Labor & Economic Development
2nd Sub.H.B. 198 Amendments to Homestead Exemptions (J. Valentine)
Human Services
2nd Sub.H.B. 178 Foster Care Citizen Review Board Amendments (N. Stephens)
Judiciary
Sub.H.B. 42 Juvenile Court Hearings and Records (P. Arent)

Lane Beattie, Senate President

Reports filed.

* * *

On motion of Senator C. Peterson and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 12, 1997.

TWENTY-FOURTH DAY

MORNING SESSION

The Senate was called to order at 10:15 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Reverend Jeff Sillimon, Pastor of Mt. Olympus Presbyterian Church.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 12, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–third day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATION FROM THE HOUSE

Mr. President: February 11, 1997

The House passed, as substituted, **Sub. H.B. 72**, PROCUREMENT OF ARCHITECT, ENGINEER, OR SURVEYOR SERVICES BY POLITICAL SUBDIVISIONS, by Representative A. Lamont Tyler, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **Sub. H.B. 72** was read the first time and referred to the President of the Senate.

CONSENT CALENDAR

S.B. 147, VEHICLE AIR BAG AMENDMENTS, was read the third time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 192, VEHICLE SAFETY AT RAILROAD CROSSINGS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Howell	Mantes	Myrin	Poulton
Taylor			

H.B. 192 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 209, LEGACY LOOP HIGHWAY ADDITION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Evans	Mantes	Poulton
Taylor			

H.B. 209 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 231, APPLICATION FOR WATER RIGHTS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Evans	Mantes	Poulton

H.B. 231 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 143, PENALTY FOR JOY RIDING, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Mantes	Mayne	Poulton

S.B. 143 was transmitted to the House.

* * *

On motion of Senator Mantes, the circle was removed from **S.B. 147, VEHICLE AIR BAG AMENDMENTS,** and it was before the Senate. Senator Mantes explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Poulton	Stephenson

S.B. 147 was transmitted to the House.

THIRD READING CALENDAR

H.B. 224, WORKERS' COMPENSATION - COSTS OF MEDICAL REVIEW, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

H.B. 224 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 225, ASSESSMENT ON WORKERS' COMPENSATION, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Waddoups

H.B. 225 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 171, HOUSING COORDINATION AND PLANNING, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

H.B. 171, as amended, was returned to the House.

* * *

S.B. 119, TRANSPORTATION OVERHEAD RATE LIMITATIONS, was read the third time and explained by Senator Holmgren. Senator Hillyard commented. Senator C. Peterson declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Jones	Mansell	Mantes

Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Stephenson	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Hull	C. Peterson	Steiner
Suazo	Tanner	Taylor	Wharton

Absent or not voting was: Senator
Blackham

S.B. 119 was transmitted to the House.

* * *

Sub. S.B. 128, OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS, was read the third time and explained by Senator Holmgren. Senator Taylor commented.

On motion of Senator Holmgren, Bob Morris, Department of Natural Resources, spoke in Committee of the Whole. Senators Holmgren, Taylor, McAllister, and Beattie commented.

Senator Taylor moved the following amendment:

1. Page 2, Line 4:
   Before "sand" insert "Coral Pink and Jericho"

Senators Holmgren and Beattie commented. The amendment 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

Sub. S.B. 128, as amended, was transmitted to the House.

* * *

S.B. 145, PEDESTRIAN OVERPASS APPROPRIATION, was read the third time and explained by Senator M. Peterson.

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

1. Page 1, Lines 7–8:
Delete "CERTAIN PEDESTRIAN OVERPASS STRUCTURES" and insert "PEDESTRIAN SAFETY MEASURES"

2. Page 1, Lines 15:
Delete all of lines 15 through 17 and insert "construction of pedestrian safety measures as prioritized by the Transportation Commission."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Taylor	Waddoups	

Voting in the negative was: Senator
Beattie

Absent or not voting were: Senators

Blackham	Hillyard	McAllister	Tanner
Wharton			

S.B. 145, as amended, was transmitted to the House.

* * *

Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, was read the third time.

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

ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS

2nd Sub. S.B. 81 *David L. Buhler*

AN ACT RELATING TO ELECTION LAW; MODIFYING DEFINITIONS; MODIFYING CAMPAIGN CONTRIBUTION AND REPORTING REQUIREMENTS; CLARIFYING REQUIREMENTS CONNECTED WITH CAMPAIGN ACCOUNTS AND REPORTING REQUIREMENTS; MODIFYING PENALTIES AND PROCEDURES RELATING TO FAILURE TO FILE TIMELY CAMPAIGN FINANCIAL REPORTS; ESTABLISHING CERTAIN PENALTIES; AND MAKING TECHNICAL CORRECTIONS.

On motion of Senator Buhler, the bill was circled.

* * *

S.B. 123, WATER CONSERVANCY DISTRICT - BOARD OF DIRECTORS, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Poulton

S.B. 123 was transmitted to the House.

* * *

S.J.R. 3, RESOLUTION ENCOURAGING SHORTENING DAYLIGHT SAVINGS PERIOD, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Poulton

S.J.R. 3 was transmitted to the House.

* * *

Sub. S.B. 134, JUVENILE COURT RECODIFICATION - PHASE 2, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Myrin	C. Peterson

Sub. S.B. 134 was transmitted to the House.

* * *

S.B. 141, STATE AND FEDERAL LAW ENFORCEMENT - JOINT JURISDICTION, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

C. Peterson Tanner

S.B. 141 was transmitted to the House.

SECOND READING CALENDAR

H.B. 172, CHILDREN AND YOUTH TASK FORCE REAUTHORIZATION, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator

C. Peterson

On motion of Senator McAllister, H.B. 172 was placed on Third Reading Table.

* * *

H.B. 173, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Montgomery explained the bill. Senator Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	McAllister	Montgomery	Muhlestein
Myrin	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Dmitrich	Mansell	Mayne	Nielson
Tanner			

* * *

H.B. 215, CUSTODY DISPUTES INVOLVING A PARENT WITH A DISABILITY, was read the second time. Senator Hillyard explained the bill. Senator Taylor commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Hull	Jones	Mansell	Mantes
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Dmitrich	Howell	Mayne
Nielson	Beattie		

* * *

On motion of Senator Poulton, Jonas Kage, newly appointed Artistic Director of Ballet West, spoke in Committee of the Whole. Senator C. Peterson commented.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 12, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Education

S.B. 222	Appropriation For Purchase Of Property Adjacent To Dixie College (L. Jones)

Revenue & Taxation

S.B. 184	Sales Tax – Telephone Exemption (L. Hillyard)
S.B. 186	Property Tax – Real And Personal Property Assessment Amendments (M. Dmitrich)

State & Local Affairs

S.B. 72	Division Of State History Duties (L. McAllister): and

The President having received the following House bills assigns them to the following committees:

Education

H.B. 81	Appropriation for Classroom Supplies (R. Bigelow)
H.B. 271	Divorce Education Program Technical Correction (J. Haymond)

Energy, Natural Resources & Agriculture

H.B. 90	Elk Farming (B. Johnson)

Judiciary

H.B. 52	Prohibition of Contraband in a Correctional Facility (S. Koehn)
H.B. 56	Private Activity Bonding (R. Becker)
H.B. 69	Serious Habitual Youth Offender Program (B. Chard)
Sub. H.B. 75	Amendments to Statute of Limitations (P. Buckner)
Sub. H.B. 91	Cohabitant Abuse Act Amendments (P. Larson)
H.B. 262	Statute Of Limitations Amendments (S. Barth)

Lane Beattie, Senate President

Reports filed.

STANDING COMMITTEE REPORTS

Mr. President: February 12, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 14**, SELF INSURED PREMIUM ASSESSMENT, by Representative G. Adair; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 29**, MOBILE HOME TENANT AMENDMENTS, by Representative L. Frandsen; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 211**, USE OF UTAH INDUSTRIAL ASSISTANCE, by Representative J. Haymond; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 220**, EMPLOYMENT SECURITY AMENDMENTS, by Representative P. Knudson.

Steven Poulton, Chair; and

Mr. President: February 12, 1997

The Health and Environment Committee reports a favorable recommendation on **H.B. 188**, MALPRACTICE AGAINST HEALTH CARE PROVIDERS AMENDMENTS, by Representative J. Valentine.

Robert Muhlestein, Chair; and

Mr. President: February 12, 1997

The Human Services Committee reports a favorable recommendation on **S.B. 120**, AMENDMENTS TO DIVORCE REQUIREMENTS, by Senator C. Taylor; and

The Human Services Committee reports a favorable recommendation on **S.B. 140**, APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS, by Senator R. Evans; and

The Human Services Committee reports a favorable recommendation on **S.B. 164**, UTAH STATE CAPITOL BUILDING CENTENNIAL STUDY, by Senator N. Tanner; and

Nathan C. Tanner, Chair

Mr. President: February 12, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 69**, REAL ESTATE AGENT BACKGROUND CHECK, by Senator M. Waddoups, with the following amendments:

1. Page 2, Line 16:
   After "(e)" insert "(i)"

2. Page 2, Line 19:
   After line 19, insert "(ii) Any person whose conditional license has been revoked under this subsection (1) shall be entitled to a

post-revocation hearing to challenge the revocation. The hearing shall be conducted in accordance with Title 63, Chapter 46b, Administrative Procedures Act."

3. Page 6, Line 2:
At the beginning of line 2 delete "criminal offense" and insert "felony or class A misdemeanor within five years of the most recent application"

4. Page 6, Line 3:
After "abeyance to" delete "a criminal offense" and insert "the felony or class A misdemeanor"; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 11, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, by Representative D. Tuttle.

Howard Nielson, Chair; and

Mr. President: February 12, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 40, STATE SCHOOL BOARD ELECTION PROCEDURES, by Senator H. Nielson, et al; and

The State and Local Affairs Committee recommends S.B. 55, PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS, by Senator E. Mayne, be replaced and favorably recommends Sub. S.B. 55, PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS; and

The State and Local Affairs Committee reports a favorable recommendation on S.B. 154, CHANGES TO DIVISION OF STATE HISTORY, by Senator L. McAllister.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. H.B. 14, H.B. 29, H.B. 211, H.B. 220, H.B. 188, S.B. 120, S.B. 140, S.B. 164, S.B. 69, H.B. 11, S.B. 40, Sub. S.B. 55, and S.B. 154 were placed on Second Reading Calendar.

* * *

Mr. President: February 12, 1997

The State and Local Affairs Committee reports a favorable recommendation on H.B. 74, COUNTY SERVICE AREAS AMENDMENTS, by Representative

M. Stephens, 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. 150**, COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT, by Representative M. Dillree, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Line 20:
   Lilac 2-4-97
   After "adjustment;" delete "and"

2. Page 1, Line 25:
   Lilac 2-4-97
   After "hearing" delete the period and insert: "; and
   (iii) mail written notice containing the information set forth in Subsection (2)(a)(ii) to all owners of real property located within that part of the district that is proposed to be transferred to another district due to the proposed boundary adjustment.
   (b) Notwithstanding Subsection (2)(a)(iii), the board of trustees is not required to mail notice to an owner of real property located outside the board of trustees' district."; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 234**, AMENDMENTS TO SUBDIVISION ACT, by Representative D. Ure, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Line 5:
   After "TOWNS" insert "AND COUNTIES"

2. Page 1, Line 9:
   After line 9 insert:
   "17-27-809, as last amended by Chapter 179, Laws of Utah 1995"

3. Page 2, Line 10:
   After line 10 insert:
   "Section 2. Section 17-27-809 is amended to read:
   17-27-809Notice of hearing for plat change.
   (1) (a) The responsible body or officer shall give notice of the proposed plat change by mailing the notice to [~~all owners referred to in Section 10-9-808~~] each owner of property located within 300 feet of the

property that is the subject of the proposed plat change, addressed to [~~their~~] the owner's mailing addresses appearing on the rolls of the county assessor of the county in which the land is located.

(b) The responsible body or officer shall ensure that the notice includes:

(i) a statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;

(ii) a statement that if no written objections are received by the legislative body within the time limit, no public hearing will be held; and

(iii) the date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners as required by Section 17-27-808.

(2) If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

(a) mailing notice as required in Subsection (1); and

[~~(b) either:~~] (b) (i) publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the county in which the land subject to the petition is located; or

(ii) if there is no newspaper of general circulation in the county, [~~post~~] posting the notice for four consecutive weeks before the hearing in three public places in that county."

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. **H.B. 74, H.B. 150,** and **H.B. 234** were read the second time and placed on the Consent Calendar.

* * *

On motion of Senator C. Peterson and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 13, 1997.

TWENTY-FIFTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Michael Jensen, First Counselor in the Bishopric of the Oxford Ward of West Valley City.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 13, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–fourth day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

COMMUNICATION FROM THE GOVERNOR

Mr. President: February 7, 1997

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 B. Winder appointed as the Executive Director of the Department of Community and Economic Development. Section 9–1–204, Utah Code Annotated 1953, as amended.

COMMISSIONER OF INSURANCE

Merwin U. Stewart appointed as the Commissioner of Insurance. Section 31A–2–102, 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 Blackham, the Senate voted to waive the 15–day requirement for the purpose of acting on his nominees.

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

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Mansell	Mantes	Mayne
McAllister	Steiner	Suazo	

On motion of Senator C. Peterson, David B. Winder and Merwin U. Stewart spoke in Committee of the Whole. Senators Beattie, Howell, and Mayne commented.

* * *

On motion of Senator C. Peterson, Representatives Buckner, Walsh, and King were introduced and spoke in Committee of the Whole.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 1997

The House passed, S.B. 4, CAPITAL HOMICIDE AMENDMENTS, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 12, UNDERGROUND COAL MINING – WATER REPLACEMENT REQUIREMENTS, 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. 21, EMISSIONS INSPECTION ON NEWER VEHICLES, by Senator R. Muhlestein, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 23, DRIVER LICENSE 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. 73, CONTRACTOR'S DUTIES TO SUBCONTRACTORS, by Senator L. Mansell, 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. 75, SAFE DRINKING WATER ACT AMENDMENTS, by Senator J. Holmgren, and it is transmitted for the signature of the President; and

The House passed, S.B. 77, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Senator D. Steele, 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. 85, PUBLIC SAFETY ELIGIBILITY AMENDMENTS, by Senator R. Montgomery, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 87, ADJUSTMENT IN CERTIFIED RATE ON PROPERTY TAX, by Senator H. Stephenson, 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. 88, BUDGETARY PROCESS - REVENUE REPORTING, by Senator H. Stephenson, 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. 92, TELECOMMUNICATIONS DEREGULATION 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. 104, STATE RISK MANAGEMENT COVERAGE OF TEACHERS, by Senator L. Poulton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 132, DEFINITION OF LAW ENFORCEMENT OFFICIAL AND JUDGE, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.C.R. 1, RESOLUTION INTEGRATING UTAH TOMORROW PRINCIPLES, by Senator L. McAllister, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 2, RESOLUTION URGING CONGRESSIONAL FACILITATION OF HEALTH CARE PRODUCTS, by Senator L. Beattie, 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. 4, S.B. 12, 2nd Sub. S.B. 21, S.B. 23, S.B. 73, S.B. 75, S.B. 77, S.B. 85, S.B. 87, S.B. 88, S.B. 92, S.B. 104, S.B. 132, S.C.R. 1, and S.J.R. 2 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 12, 1997

The House passed, as substituted and amended, 2nd Sub. H.B. 27, CIGARETTES - TAX INCREASE AND REGULATION, by Representative J. Tanner, and it is transmitted for consideration; and

The House passed, as amended, H.B. 272, HEALTH FACILITY LICENSURE AMENDMENTS, by Representative M. Carlson, and it is transmitted for consideration; and

The House passed H.C.R. 3, RESOLUTION CALLING FOR END TO FEDERAL SUBSIDIES OF TOBACCO, by Representative R. Killpack, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. 2nd Sub. H.B. 27, H.B. 272, and H.C.R. 3 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 12, 1997

The House passed, as amended, S.C.R. 2, UTAH TOMORROW RESOLUTION, by Senator L. McAllister, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator McAllister, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Absent or not voting was: Senator
Waddoups

S.C.R. 2 was returned to the House.

* * *

Mr. President: February 12, 1997

The House passed, as amended, S.B. 94, INFORMATION TECHNOLOGY AMENDMENTS, by Senator D. Steele, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Steele, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Absent or not voting was: Senator
Waddoups

S.B. 94 was returned to the House.

THIRD READING CALENDAR

H.B. 173, RETIREMENT OFFICE AMENDMENTS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Beattie	

Absent or not voting were: Senators

Waddoups	Wharton

H.B. 173 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 215, CUSTODY DISPUTES INVOLVING A PARENT WITH A DISABILITY, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Beattie

Absent or not voting were: Senators

Jones	Mansell	Taylor	Waddoups
Wharton			

H.B. 215, as amended, was returned to the House.

SECOND READING CALENDAR

H.B. 182, ADMINISTRATIVE RULES REVIEW COMMITTEE AMENDMENTS, was read the second time. Senator McAllister explained the bill. Senators Buhler commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Wharton	Beattie	

Absent or not voting were: Senators

Poulton	Waddoups	

* * *

H.B. 189, SPECIAL DISTRICTS – DRAINAGE DISTRICT AMENDMENTS, was read the second time. Senator Tanner explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Tanner	Taylor
Wharton	Beattie		

Absent or not voting were: Senators

Poulton	Suazo	Waddoups

* * *

H.B. 154, PROPERTY TAX – CIRCUIT BREAKER, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Poulton Suazo

On motion of Senator Hillyard, H.B. 154 was placed on Third Reading Table.

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H.B. 204, ALCOHOLIC BEVERAGES – RESTAURANT REGULATION, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Suazo

* * *

H.B. 216, RURAL HEALTH CARE PROVIDER AMENDMENTS, was read the second time. Senator Blackham explained the bill. Senator Nielson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Dmitrich

* * *

H.B. 66, APPROPRIATION FOR PIONEER DISPLAY, was read the second time. Senator Tanner explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

On motion of Senator McAllister, **H.B. 66** was placed on Third Reading Table.

* * *

H.B. 40, RENEWAL OF DRIVERS LICENSES KIOSKS, was read the second time. Senator Buhler explained the bill. Senator Tanner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

On motion of Senator McAllister, **H.B. 40** was placed on Third Reading Table.

* * *

H.B. 226, DRIVER LICENSE REINSTATEMENT, was read the second time. Senator Montgomery explained the bill. Senator Suazo commented.

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

1. Page 1, Line 5:
   After "VEHICLES;" insert "AMENDING CERTAIN DUI PENALTIES;"

2. Page 2, Line 26,
   Lilac 1-30-97:
   Delete "nor more than 240 hours"

3. Page 2, Line 28,
   Lilac 1-30-97:
   Delete "nor more than 50 hours"

4. Page 3, Line 1,
   Lilac 1-30-97:
   Delete ", but not more than $1,000"

5. Page 3, Line 8,
   Lilac 1-30-97:
   Delete "nor more than 720 hours"

6. Page 3, Line 10,
   Lilac 1-30-97:
   Delete "nor more than 240 hours"

7. Page 3, Line 14,
   Lilac 1-30-97:
   Delete ", but not more than $1,000"

8. Page 3, Line 24,
   Lilac 1-30-97:
   Delete ", but not more than $5,000"

9. Page 3, Line 25,
   Lilac 1-30-97:
   Delete "nor more than 2,160 hours"

10. Page 3, Line 27,
    Lilac 1-30-97:
    Delete "nor more than 720"

Senators Wharton and Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Stephenson

* * *

H.B. 185, INDIAN AFFAIRS AMENDMENTS, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mansell	Mayne	Stephenson

* * *

H.B. 22, UNLAWFUL ACTIVITY AMENDMENTS, was read the second time. Senator Dmitrich explained the bill.

On motion of Senator Dmitrich, the bill was circled.

* * *

Sub. H.B. 12, BOARDS AND COMMISSIONS AMENDMENTS, was read the second time. Senator Montgomery explained the bill. Senator Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steiner

* * *

H.B. 23, COUNTY IMPROVEMENT DISTRICTS AMENDMENTS, was read the second time. Senator Evans explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

* * *

Sub. H.B. 24, MUNICIPAL DISTRICTS, was read the second time. Senator Poulton explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Mantes

* * *

H.B. 199, COUNTY OFFICERS AMENDMENTS, was read the second time. Senator Myrin explained the bill.

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

1. Page 3, Line 30:
   After "elected at the" insert "regular"

2. Page 3, Line 31:
   After "or any" insert "regular"

3. Page 6, Line 8:
   After "before the" insert "regular"

4. Page 6, Line 21:
   After "before the" insert "regular"

5. Page 6, Line 24:
   After "before the" insert "regular" and after "primary" insert "election"

6. Page 6, Line 29:
   After "the" insert "regular"

7. Page 8, Line 29:
   After "before the" insert "regular"

8. Page 9, Line 11:
   After "before the" insert "regular"

9. Page 9, Line 15:
   After "or less remain before the" insert "regular" and after "primary" insert "election"

10. Page 9, Line 19:
After "placement on the" insert "regular"

11. Page 13, Line 13:
After "selected in a" insert "regular"

12. Page 13, Line 14:
After "votes in the" insert "regular"

13. Page 13, Line 17:
At the beginning of the line insert "regular"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Beattie		

Absent or not voting were: Senators

Dmitrich	Taylor	Wharton

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 13, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 200	Nightly Rental Property Managers (A. Myrin)

Education

S.B. 201	Appropriation For Biotech Program At Utah State University (L. Blackham)

Human Services

S.B. 217	Residential Facilities For Persons With A Disability (R. Muhlestein)

Judiciary

S.B. 183	Revised Uniform Partnership And Limited Liability Partnership Act (L. Hillyard)

S.B. 244 Public Nudity Prohibition (C. Taylor)
Revenue & Taxation
S.B. 165 Management Of Institutional Funds Act (L. Hillyard); and

The President having received the following House bills assigns them to the following committees:

Human Services
H.B. 13 Child Support Reduction for Extended Visitation (M. Dayton)
State & Local Affairs
2nd Sub. H.B. 219 Powers of Mayors (P. Knudson)
Transportation & Public Safety
H.B. 147 Lights on Vehicles (P. Buckner)
H.B. 242 Highway Patrol – Computer Purchase (G. Adair)
H.B. 243 Appropriation for Additional Highway Patrol Troopers (G. Adair)

Lane Beattie, Senate President

Reports filed.

SECOND READING CALENDAR

2nd Sub. H.B. 5, AUTOMATED TELLER MACHINE AMENDMENTS, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator C. Peterson, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 1997

The House passed, S.B. 18, HEALTH CARE PROVIDER PRACTICE AND CONDUCT AMENDMENTS, by Senator R. Montgomery, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 148, REVOCATION OF PAROLE – REPRESENTATION BY COUNSEL, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 171**, HOUSING COORDINATION AND PLANNING, by Representative F. Hunsaker, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 18 and **S.B. 148** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

H.B. 171 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 13, 1997

The House passed, as substituted and amended, **Sub. H.B. 68**, DISPOSAL FEE FOR CONSTRUCTION AND DEMOLITION WASTE, by Representative D. Tuttle, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 239**, SECURITIES ISSUANCE BY ELECTRICAL CORPORATIONS, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed **H.B. 276**, CONTROLLED SUBSTANCES CONTAINERS AMENDMENTS, by Representative P. Arent, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 68, H.B. 239**, and **H.B. 276** were read the first time and referred to the President of the Senate.

REVISED COMMITTEE REPORT

Mr. President: February 12, 1997

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 150**, COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT, by Representative M. Dillree, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Line 20:
   After "adjustment;" delete "and"

2. Page 1, Line 25:
   Lilac 2-4-97

After "hearing" delete the period and insert:
"; and
(iii) mail written notice containing the information set forth in Subsection (2)(a)(ii) to all owners of real property located within that part of the district that is proposed to be transferred to another district due to the proposed boundary adjustment.
(b) Notwithstanding Subsection (2)(a)(iii), the board of trustees is not required to mail notice to an owner of real property located outside the board of trustees' district."

Mont Evans, Chair

On motion of Senator Holmgren, the committee report was adopted. H.B. 150 retains its position on the Consent Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from 2nd Sub. H.B. 5, AUTOMATED TELLER MACHINE, and it was before the Senate. Senator Hillyard explained the bill. Senator Mansell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Beattie	

Absent or not voting were: Senators

Dmitrich	Mayne	C. Peterson	Poulton
Taylor	Wharton		

* * *

H.B. 62, EXEMPTIONS FROM CONSTRUCTION TRADES LICENSING ACT, was read the second time. Senator Mansell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Wharton	Waddoups
Beattie			

Absent or not voting were: Senators

Dmitrich	Mayne	C. Peterson	Taylor

* * *

H.B. 35, ACCELERATED LEARNING AMENDMENTS, was read the second time. Senator Steele explained the bill. Senator McAllister commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Wharton
Waddoups	Beattie		

Absent or not voting were: Senators

Dmitrich	C. Peterson	Taylor

On motion of Senator McAllister, H.B. 35 was placed on Third Reading Table.

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Sub. H.B. 21, CONTROLLED SUBSTANCES AMENDMENTS, was read the second time. On motion of Senator Blackham, Sub. H.B. 21 was tabled.

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Sub. H.B. 55, ALCOHOL AND DRUG TESTING FEE, was read the second time. Senator Waddoups explained the bill. Senators Waddoups and Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Wharton	Waddoups	Beattie

Absent or not voting was: Senator
Taylor

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H.B. 31, MOTOR VEHICLE SAFETY INVESTIGATORS, was read the second time. Senator Waddoups explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Wharton	Waddoups	Beattie	

Absent or not voting were: Senators

Poulton	Taylor

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H.B. 70, UTAH NATIONAL PARKS HIGHWAY DESIGNATION, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister

Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Wharton	Waddoups	Beattie	

Absent or not voting were: Senators

Mansell	Taylor

* * *

H.B. 196, PEDESTRIAN RIGHT OF WAY, was read the second time. Senator Nielson explained the bill. Senators Steele, Hull, and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Wharton	Waddoups
Beattie			

Absent or not voting were: Senators

Buhler	Howell	Steele	Taylor

* * *

On motion of Senator Dmitrich, the circle was removed from **H.B. 22**, UNLAWFUL ACTIVITY AMENDMENTS, and it was before the Senate. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Wharton	Waddoups
Beattie			

Absent or not voting were: Senators

Howell	Myrin	Steele	Taylor

* * *

H.B. 16, UTAH SUMMER GAMES APPROPRIATION, was read the second time. Senator Jones explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Wharton
Waddoups	Beattie		

Absent or not voting were: Senators

Howell	M. Peterson	Steele

On motion of Senator McAllister, H.B. 16 was placed on Third Reading Table.

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On motion of Senator C. Peterson, the Senate voted to lift Sub. H.B. 21, CONTROLLED SUBSTANCES AMENDMENTS, from the table and place it at the top of the Second Reading Calendar.

Sub. H.B. 21, MEDICAL ADVISORY BOARD WAIVERS, was before the Senate. Senator C. Peterson explained the bill. Senators Montgomery and Jones commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steiner	Suazo
Tanner	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Howell	M. Peterson	Steele	Beattie

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H.B. 76, UTAH BOTANICAL CENTER APPROPRIATION, was read the second time. Senator Taylor explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

C. Peterson	M. Peterson	Steele	Beattie

On motion of Senator McAllister, H.B. 76 was placed on Third Reading Table.

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On motion of Senator Nielson, H.B. 196, PEDESTRIAN RIGHT OF WAY, will be considered Friday, February 14, 1997 at 10:30 a.m.

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H.B. 214, UTAH SPORTS AUTHORITY AND ADVISORY COMMITTEE AMENDMENTS, was read the second time. Senator Myrin explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups		

Absent or not voting were: Senators

Evans	Jones	C. Peterson	M. Peterson
Poulton	Wharton	Beattie	

* * *

H.B. 14, SELF INSURED PREMIUM ASSESSMENT, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups		

Absent or not voting were: Senators

Evans	C. Peterson	M. Peterson	Poulton
Taylor	Wharton	Beattie	

* * *

H.B. 29, MOBILE HOME TENANT AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups		

Absent or not voting were: Senators

Mayne	C. Peterson	M. Peterson	Poulton
Steele	Wharton	Beattie	

* * *

H.B. 211, USE OF UTAH INDUSTRIAL ASSISTANCE, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	

Absent or not voting were: Senators

Mayne	C. Peterson	Poulton	Steele
Wharton	Beattie		

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H.B. 220, EMPLOYMENT SECURITY AMENDMENTS, was read the second time. Senator Stephenson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Evans	Howell	Mayne	C. Peterson
Poulton	Steele	Beattie	

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H.B. 188, MALPRACTICE AGAINST HEALTH CARE PROVIDERS AMENDMENTS, was read the second time. Senator Montgomery explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	

Absent or not voting were: Senators

Howell	C. Peterson	Poulton	Steele
Wharton	Beattie		

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H.B. 11, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, was read the second time. Senator Mantes explained the bill. Senators Hillyard, Myrin, and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

C. Peterson	Poulton	Steele	Beattie

* * *

S.B. 22, BUDGET REVIEW TASK FORCE, was read the second time. Senator M. Peterson explained the bill. Senator Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Evans	Mayne	C. Peterson	Poulton
Steele	Tanner	Beattie	

* * *

S.B. 29, SALES TAX EXEMPTION FOR SCRAP RECYCLERS, was read the second time. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 41, COAL TAX CREDIT, was read the second time. On motion of Senator Dmitrich, the bill was circled.

* * *

Sub. S.B. 79, ELECTION LAW – ELECTION PROCESS, was read the second time. Senator Evans explained the bill. Senators Hull, Montgomery, and Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Wharton	Waddoups		

Absent or not voting were: Senators

C. Peterson	Poulton	Beattie

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 13, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Health/Environment

S.B. 66	Attempted Purchase Of Tobacco By Children (L. Jones)

Human Services

S.B. 196	Trust For Developmentally Disabled Amendments (L. McAllister)
S.B. 198	Appropriation For Study Of Facility For Children's Museum Of Utah (P. Suazo); and

The President having received the following House bills and resolution assigns them to the following committees:

Health/Environment

H.B. 272	Health Facility Licensure Amendments (M. Carlson)
H.C.R. 3	Resolution Calling For End To Federal Subsidies Of Tobacco (R. Killpack)

Human Services

H.B. 159	Child Support Alternative Dispute Resolution and Order Modification Task Force (B. Harward)
H.B. 170	Domestic Abuse Insurance Practices (S. Allen)

Lane Beattie, Senate President

Reports filed.

* * *

On motion of Senator C. Peterson and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 14, 1997.

TWENTY-SIXTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with Senator Craig A. Peterson presiding.

Roll Call– All Senators present, except President Beattie, excused.
Prayer – Dennis E. Stowell, Iron County Commissioner.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 14, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–fifth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 1997

The Speaker of the House has signed S.B. 94, INFORMATION TECHNOLOGY AMENDMENTS, by Senator D. Steele, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 94 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 13, 1997

The House passed, as amended, H.B. 15, TRANSIT DISTRICT AUTHORITY, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed H.B. 77, OUTSIDE EMPLOYMENT FOR MENTAL HEALTH ADVISOR, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed **H.B. 140**, HUNTING PERMITS FOR PERSONS WITH DISABILITIES, by Representative B. Allen, and it is transmitted for consideration; and

The House passed **H.B. 201**, PROFESSIONAL CORPORATION ACT AMENDMENTS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 230**, OLENE WALKER HOUSING TRUST FUND AMENDMENTS, by Representative G. Adair, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 15, H.B. 77, H.B. 140, H.B. 201**, and **H.B. 230** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 13, 1997

The Transportation and Public Safety Committee recommends **S.B. 161**, MOTOR VEHICLE COMPLIANCE WITH INSURANCE, REGISTRATION, AND SALES TAX REQUIREMENTS, by Senator C. Peterson, be replaced and favorably recommends **Sub. S.B. 161**, MOTOR VEHICLE COMPLIANCE WITH INSURANCE, REGISTRATION, AND SALES TAX REQUIREMENTS; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 50**, CHILD RESTRAINT REQUIREMENTS AND PENALTIES, by Representative B. King; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 202**, PEACE OFFICER STANDARDS AND TRAINING, by Representative B. Chard.

Al Mansell, Chair; and

Mr. President: February 13, 1997

The Judiciary Committee reports a favorable recommendation on **Sub. H.B. 42**, JUVENILE COURT HEARINGS AND RECORDS, by Representative P. Arent; and

The Judiciary Committee reports a favorable recommendation on **H.B. 58**, RESENTENCING AMENDMENTS, by Representative D. Gladwell.

Craig L. Taylor, Chair

On motion of Senator Holmgren, the committee reports were adopted. **Sub. S.B. 161, H.B. 50, H.B. 202, Sub. H.B. 42,** and **H.B. 58** were placed on Second Reading Calendar.

* * *

Mr. President: February 13, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 208**, MOTOR CARRIER PILOT PROGRAM, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 169**, TRANSIT DISTRICT COLLECTIONS AND BUDGET, by Representative R. Short, and recommends it be considered read for the second time and placed on the Consent Calendar.

Craig L. Taylor, Chair; and

Mr. President: February 13, 1997

The Judiciary Committee recommends **H.B. 20**, CITATION PROCEDURE, by Representative N. Hendrickson, be replaced and favorably recommends **Sub. H.B. 20**, CITATION PROCEDURE and that it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on **H.B. 33**, DESIGNATION OF STATE FRUIT, by Representative F. Hunsaker, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on **H.B. 43**, COUNTY AND MUNICIPALITY JUDGESHIPS, by Representative W. Harper, et al, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on **H.B. 44**, CONCURRENT AND CONSECUTIVE SENTENCING LIMITATIONS, by Representative N. Hendrickson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Line 20:
At the beginning of line 20, delete "new" and insert "later"

Craig L. Taylor, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 208, H.B. 169, Sub. H.B. 20, H.B. 33, H.B. 43,** and **H.B. 44,** as amended, were read the second time and placed on Consent Calendar.

CONSENT CALENDAR

H.B. 26, DEPOSITORY INSTITUTION NAME AMENDMENTS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Howell	Mantes	McAllister	Montgomery
Poulton	Steiner	Stephenson	Beattie

H.B. 26 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 54, DRUG DEALER'S LIABILITY ACT, was read the third time, explained by Senator Taylor, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Hull	Jones	Mansell
Mayne	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Hillyard	Howell	Mantes	McAllister
Montgomery	Poulton	Steele	Steiner
Stephenson	Beattie		

S.B. 54 was transmitted to the House.

* * *

S.B. 155, COURT REPORTER AMENDMENTS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mayne	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Suazo
Tanner	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Hillyard	Mansell	Mantes	McAllister
Montgomery	Poulton	Steiner	Stephenson
Beattie			

S.B. 155 was transmitted to the House.

* * *

H.B. 51, TOLLING A CRIMINAL SENTENCE, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Mansell	McAllister	Poulton	Steiner
Stephenson	Beattie		

H.B. 51 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 156, COUNSEL FOR INDIGENT DEFENDANTS IN JUVENILE COURT, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Mansell	Poulton	Stephenson	Beattie

H.B. 156 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 197, USE OF INCOME TAX REVENUES, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Tanner	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Buhler	Mansell	Poulton	Stephenson
Beattie			

H.B. 197 was signed by the President of the Senate in open session and returned to the House.

* * *

H.J.R. 14, ACCEPTANCE OF TRUST LANDS RESOLUTION, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Buhler	Mansell	Mayne	McAllister
Montgomery	Stephenson	Beattie	

H.J.R. 14 was signed by the President of the Senate in open session and returned to the House.

SPECIAL ORDER OF BUSINESS

H.B. 196, PEDESTRIAN RIGHT OF WAY, was read the third time, explained by Senator Nielson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Montgomery	Stephenson	Beattie

H.B. 196 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

H.B. 182, ADMINISTRATIVE RULES REVIEW COMMITTEE AMENDMENTS, was read the third time, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton			

Absent or not voting were: Senators

C. Peterson	Stephenson	Taylor	Beattie

H.B. 182 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 189, SPECIAL DISTRICTS - DRAINAGE DISTRICT AMENDMENTS, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Wharton	

Absent or not voting were: Senators

Nielson	C. Peterson	Stephenson	Taylor
Waddoups	Beattie		

H.B. 189 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 204, ALCOHOLIC BEVERAGES – RESTAURANT REGULATION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Wharton

Absent or not voting were: Senators

C. Peterson	Stephenson	Taylor	Waddoups
Beattie			

H.B. 204 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 216, RURAL HEALTH CARE PROVIDER AMENDMENTS, was read the third time. On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 226, DRIVER LICENSE REINSTATEMENT, was read the third time and explained by Senator Montgomery. Senators Wharton, Howell, and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Suazo
Tanner	Waddoups		

Voting in the negative were: Senators

Dmitrich	Steiner	Wharton

Absent or not voting were: Senators

Poulton	Stephenson	Taylor	Beattie

H.B. 226, as amended, was returned to the House.

* * *

H.B. 185, INDIAN AFFAIRS AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	

Absent or not voting were: Senators

Howell	Hull	Poulton	Stephenson
Taylor	Beattie		

H.B. 185 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 12, BOARDS AND COMMISSIONS AMENDMENTS, was read the third time and explained by Senator Montgomery.

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

1. Page 13, Line 13:
   After "~~Board~~}" delete "School and Institutional Trust"

2. Page 13, Line 14:
   Delete "Lands Board of Trustees, the" and insert "the director of the Division of" and after "Lands" delete "Advisory Council"

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

3. Page 15, Line 18:
Delete "four" and insert "two"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Jones	Myrin	Poulton	Stephenson
Tanner	Beattie		

Sub. H.B. 12, as amended, was returned to the House.

* * *

On motion of Senator Blackham, the circle was removed from **H.B. 216, RURAL HEALTH CARE PROVIDER AMENDMENTS**, and it was before the Senate. Senator Blackham explained the bill. Senators Mayne and Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups			

Absent or not voting were: Senators

Hillyard	Stephenson	Wharton	Beattie

H.B. 216 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 23, COUNTY IMPROVEMENT DISTRICTS AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Taylor	Waddoups	

Voting in the negative was: Senator
Tanner

Absent or not voting were: Senators

Hillyard	Hull	Stephenson	Wharton
Beattie			

H.B. 23 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 22, BUDGET REVIEW TASK FORCE, was read the third time, explained by Senator M. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Howell	Stephenson	Beattie

S.B. 22 was transmitted to the House.

* * *

Sub. S.B. 79, ELECTION LAW – ELECTION PROCESS, was read the third time. On motion of Senator Evans, the bill was circled.

* * *

On motion of Senator Blackham, the Senate moved to the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 98, COUNTIES – SUBDIVISION DEFINED, was read the second time. Senator McAllister 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Howell	Stephenson	Beattie

* * *

S.B. 135, BUILDING CODE AMENDMENTS, was read the second time. Senator C. Peterson explained the bill.

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

BUILDING CODE AMENDMENTS

Sub. S.B. 135 *Craig A. Peterson*

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING THE UNIFORM BUILDING STANDARDS ACT TO BE

CALLED THE UTAH BUILDING STANDARDS ACT; PROVIDING DEFINITIONS; CREATING REQUIREMENTS OF QUALIFICATION FOR ANY PLANS EXAMINER AND ANY BUILDING OFFICIAL; AND MAKING TECHNICAL CORRECTIONS.

Senators Hull, Poulton, Holmgren, and Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Wharton			

Voting in the negative was: Senator
Waddoups

Absent or not voting were: Senators

Mansell	Stephenson	Beattie

* * *

On motion of Senator Evans, the Senate moved to the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Evans, the circle was removed from Sub. S.B. 79, ELECTION LAW – ELECTION PROCESS, and it was before the Senate.

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

1. Page 21, Line 1:
   After "two" insert " or three" and after "one" insert "or two"

2. Page 21, Line 4:
   After "two" insert " or three" and after "one" insert "or two"

3. Page 21, Line 6:
   After "two" insert " or three" and after "one" insert "or two"

4. Page 21, Line 10:
After "two" insert "_or three" and after "one" insert "or two"

5. Page 21, Line 16:
After "two" insert "_or three" and after "one" insert "or two"

6. Page 21, Line 21:
After "for" insert "the regular primary election and"

7. Page 22, Line 11:
After "regular" insert "primary" and after "election" insert "_when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election"

8. Page 22, Line 15:
After "election." insert "when the county legislative body is using two receiving, counting, and canvassing judges."

Senator Evans explained the bill. Senator McAllister commented.

On motion of Senator Evans, the bill was circled.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 14, 1997

The President having received the following Senate bills, which are waiting fiscal notes, assigns them to the following committees. The bills are to be printed as soon as they receive a fiscal note.

Energy, Natural Resources & Agriculture

S.B. 203 Agricultural Protection Area Amendments (L. Blackham)

State & Local Affairs

S.B. 202 Procurement Code – Design Build Amendments (L. Beattie); and

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 188 Insurance Deductible For Motor Vehicle Repair (S. Howell)

S.B. 207 New Motor Vehicle Broker (C. Peterson); and

The President having received the following House bills, assigns them to the following committees:

Energy, Natural Resources & Agriculture

H.B. 140	Hunting Permits For Persons With Disabilities (B. Allen)

Health/Environment

H.B. 77	Outside Employment for Mental Health Advisor (M. Dayton)

State & Local Affairs

Sub. H.B. 72	Procurement of Architect, Engineer, or Surveyor Services by Political Subdivisions (A. Tyler)

Transportation & Public Safety

Sub. H.B. 45	Traffic Checkpoint Amendments (N. Stephens)
H.B. 187	State and Local Public Safety 800 Megahertz Project (B. Chard)

Lane Beattie, Senate President

Reports filed.

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On motion of Senator C. Peterson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, February 17, 1997.

TWENTY-NINTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Roald Peterson, Stake President, West Point Stake, and Member, Hill Air Force Base Museum Committee.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 17, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–sixth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 1997

The House passed, **S.B. 86**, HOUSING AUTHORITY AMENDMENTS, by Senator P. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 215**, CUSTODY DISPUTES INVOLVING A PARENT WITH A DISABILITY, by Representative J. Tanner, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 86 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

H.B. 215 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 14, 1997

The House passed, as amended, **H.B. 48**, AMENDMENTS TO CAPITAL SENTENCING, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 80**, REAL PROPERTY – PRESUMPTION OF TITLE, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 82**, PUBLIC TRANSIT DISTRICT ETHICS, by Representative R. Short, and it is transmitted for consideration; and

The House passed **H.B. 143**, UNLAWFUL DETAINER OF TENANT, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 175**, WORKERS' COMPENSATION FUND OF UTAH, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 264**, AGGRAVATED ASSAULT BY A PRISONER AMENDMENTS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed **H.B. 280**, SPECIAL DISTRICTS ANNEXATION AMENDMENTS, by Representative J. Arrington, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 48, Sub. H.B. 80, H.B. 82, H.B. 143, H.B. 175, H.B. 264,** and **H.B. 280** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 1997

The Education Committee reports a favorable recommendation on **S.B. 222**, APPROPRIATION FOR PURCHASE OF PROPERTY ADJACENT TO DIXIE COLLEGE, by Senator L. Jones; and

The Education Committee reports a favorable recommendation on H.B. 81, APPROPRIATION FOR CLASSROOM SUPPLIES, by Representative R. Bigelow.

Lorin Jones, Chair; and

Mr. President: February 14, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 229, FEES FOR COMMERCIAL RADIOACTIVE WASTE, by Senator H. Nielson, with the following amendments:

1. Page 1, Line 23:
Delete "$50" and insert "$3.25"

Robert Muhlestein, Chair; and

Mr. President: February 14, 1997

The Human Services Committee reports a favorable recommendation on S.B. 64, WELFARE REFORM AMENDMENTS TO CHILD SUPPORT, by Senator N. Tanner, with the following amendments:

1. Page 20, Line 21:
After "child" insert "support"

2. Page 22, Line 24:
Delete "commission" and insert "department"

3. Page 24, Line 28:
Bracket "a hearing" and insert "an adjudicative proceeding"

4. Page 42, Line 13:
Delete "(A)" and insert "(i)"

5. Page 42, Line 14:
Delete "(B)" and insert "(ii)"

6. Page 103, Line 20:
Bracket "77-31a-312" and insert "78-45f-312"

7. Page 107, Line 12:
Bracket "77-31a-305" and insert "78-45f-305"

Nathan C. Tanner, Chair; and

Mr. President: February 14, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 184, SALES TAX - TELEPHONE EXEMPTION, by Senator L. Hillyard; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 186, PROPERTY TAX - REAL AND PERSONAL PROPERTY ASSESSMENT AMENDMENTS, by Senator M. Dmitrich, with the following amendments:

1. Page 2, Line 25:
After "is" reinstate "600 basis points" and bracket "6%"

2. Page 3, Line 15:
After "Section 59-2-201;" insert "and"

3. Page 3, Line 17:
After ";" bracket "or"

4. Page 3, Line 19:
At the beginning of Line 19 delete "(iii) the taxpayer does" and insert "(C) doing"; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 240, ROCKY MOUNTAIN PRESIDENTIAL PRIMARY TASK FORCE APPOINTMENTS, by Senator L. Beattie.

Howard Nielson, Chair; and

Mr. President: February 13, 1997

The State and Local Affairs Committee recommends S.B. 157, BEER INDUSTRY FAIR DEALING ACT, by Senator L. Blackham, be replaced and favorably recommends Sub. S.B. 157, BEER INDUSTRY FAIR DEALING ACT.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 222, H.B. 81, S.B. 229, S.B. 64, S.B. 184, S.B. 186, S.B. 240, and Sub. S.B. 157 were placed on Second Reading Calendar.

* * *

Mr. President: February 14, 1997

The Education Committee reports a favorable recommendation on **H.B. 190**, SCHOOL BOARD COMPENSATION, by Representative S. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 271**, DIVORCE EDUCATION PROGRAM TECHNICAL CORRECTION, by Representative J. Haymond, and recommends it be considered read for the second time and placed on the Consent Calendar.

Lorin Jones, Chair; and

Mr. President: February 14, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **Sub. H.B. 61**, PROPERTY TAX NOTIFICATION, ASSESSMENT, COLLECTION, AND APPEAL, by Representative E. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard Nielson, Chair

On motion of Senator Holmgren, the committee reports were adopted. **H.B. 190, H.B. 271, and Sub. H.B. 61** were read the second time and placed on Consent Calendar.

NOTICE OF BILL TABLED

Mr. President: February 14, 1997

The State and Local Affairs Committee has tabled **S.B. 160**, BEER LICENSE AMENDMENTS, by Senator L. Blackham, and has returned it to the Secretary of the Senate.

Mont Evans, Chair

On motion of Senator Holmgren, **S.B. 160** was tabled and returned to the Secretary of the Senate.

REVISED COMMITTEE REPORT

Mr. President: February 14, 1997

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 150**, COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT, by Representative M. Dillree, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 25a–25d:
Lilac 2–4–97:
Delete lines 25a through 25d and insert:"(iii) mail written notice containing the information set forth in Subsection (2)(a)(ii) to all owners of real property located within that part of the district that is proposed to be transferred to another district due to the proposed boundary adjustment.
(b) Notwithstanding Subsection (2)(a)(iii), the board of trustees is not required to mail notice to an owner of real property located outside the board of trustees' district."

Mont Evans, Chair

Report filed.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 17, 1997

The President having received the following House bills, assigns them to the following committees:

Business, Labor & Economic Development

H.B. 201	Professional Corporation Act Amendments (P. Arent)
H.B. 239	Securities Issuance by Electrical Corporations (J. Haymond)

Judiciary

H.B. 276	Controlled Substances Containers Amendments (P. Arent)

Revenue & Tax

2nd Sub. H.B. 27	Cigarettes – Tax Increase and Regulation (J. Tanner); and

The President recommends that S.B. 227, CIGARETTE TAX, be considered read for the first time and having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Education

S.B. 191	Class Size Reduction Options (M. Peterson)

Health/Environment

S.B. 194	Substance Abuse Counselor Licensure Amendments (R. Montgomery)

Judiciary

S.B. 197	Judicial Nominating Commission Amendment (C. Taylor)

Revenue & Tax

S.B. 227 Cigarette Tax (S. Howell)

Lane Beattie, Senate President

Report filed.

On motion of Senator C. Peterson, U.S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Waddoups, Myrin, Montgomery, Holmgren, Mayne, Nielson, and Beattie commented.

CONSENT CALENDAR

H.B. 74, COUNTY SERVICE AREAS AMENDMENTS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Hull	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Dmitrich	Evans	Howell	Jones
Mayne	Nielson	Poulton	Suazo

H.B. 74 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 150, COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT, 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

Blackham	Buhler	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Muhlestein
Myrin	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Howell	Montgomery	Nielson
Poulton	Suazo		

H.B. 150, as amended, was returned to the House.

* * *

H.B. 234, AMENDMENTS TO SUBDIVISION ACT, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Muhlestein	Myrin	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Montgomery	Nielson	C. Peterson

H.B. 234, as amended, was returned to the House.

* * *

On motion of Senator Blackham, U.S. Senator Bob Bennett spoke in Committee of the Whole. Senators Holmgren, Tanner, and C. Peterson commented.

THIRD READING CALENDAR

S.B. 98, COUNTIES – SUBDIVISION DEFINED, was read the third time and explained by Senator McAllister. Senator Wharton commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Beattie		

Voting in the negative was: Senator Wharton

Absent or not voting were: Senators

Howell	Tanner

S.B. 98 was transmitted to the House.

* * *

Sub. S.B. 135, BUILDING CODE AMENDMENTS, was read the third time and explained by Senator C. Peterson.

Senator C. Peterson moved the following amendments:

1. Page 8, Line 7:
   After "(1)" insert "(a)"

2. Page 8, Line 9:
   After "codes." insert "(b) If a compliance agency employs an individual qualified for inspection and plans review as provided in this chapter, the division may not require a compliance agency to contract for the services of a qualified inspector or plans examiner not regularly employed by the agency."

Senators Taylor, Poulton, Beattie, and Myrin commented. The amendments passed on a voice vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Hull	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Suazo	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Holmgren	Poulton	Stephenson	Tanner

Absent or not voting were: Senators

Howell	Jones

Sub. S.B. 135, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, was read the second time. On motion of Senator Buhler, the bill was circled.

* * *

Sub. S.B. 121, RECORDING JUDGMENTS ON REAL PROPERTY, was read the second time. Senator Mansell 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	C. Peterson	Poulton

* * *

S.B. 137, SPECIAL EDUCATION DISPUTE RESOLUTION, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Mantes	Poulton

* * *

S.B. 46, PHYSICIAN ASSISTANT PRACTICE ACT AMENDMENTS, was read the second time. Senator Steiner explained the bill. Senators Blackham and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hull	Poulton

* * *

Sub. S.B. 49, SECOND HAND SMOKE AMENDMENTS, was read the second time. On motion of Senator Blackham, the bill was circled.

* * *

S.B. 139, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, was read the second time. On motion of Senator McAllister, the bill was circled.

* * *

S.J.R. 1, RESOLUTION AMENDING LEGISLATOR ELIGIBILITY STANDARDS, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mayne	Poulton

* * *

On motion of Senator C. Peterson, the Senate resolved itself into a Committee of the Whole for the purpose of honoring the 100th anniversary of the PTA. Linda Parkinson, President of State PTA, spoke.

* * *

On motion of Senator C. Peterson and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 18, 1997.

THIRTIETH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Eugene Bridges, Former Secretary of the Senate.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 18, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the twenty–ninth day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

On motion of Senator C. Peterson, Leo Memmott, Legislative Fiscal Analyst, spoke in Committee of the Whole. Senator C. Peterson commented.

On motion of Senator Holmgren, the Senate authorized the opening of a bill file concerning an environmental issue.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 1997

The House concurred in the Senate amendments and passed **Sub. H.B. 12**, BOARDS AND COMMISSIONS 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. 226**, DRIVER LICENSE REINSTATEMENT, by Representative G. Adair, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Sub. H.B. 12 and **H.B. 226** were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 17, 1997

The House passed, as amended, **H.B. 41**, RESTRICTIONS ON WEAPONS IN AIRPORTS, by Representative J. Arrington, and it is transmitted for consideration; and

The House passed **H.B. 132**, FUGITIVE BAIL AMENDMENTS, by Representative B. Holladay, and it is transmitted for consideration; and

The House passed **H.B. 203**, STATE COOKING POT, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed **H.B. 296**, ANNEXATION TRANSITION FOR SCHOOL DISTRICTS, by Representative R. Killpack, and it is transmitted for consideration; and

The House passed **H.B. 343**, OFFENDER EXPENSES AMENDMENTS, by Representative P. Buckner, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 342**, GANG PREVENTION AND INTERVENTION, by Representative R. Short, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 41, H.B. 132, H.B. 203, H.B. 296, H.B. 343,** and **H.B. 342** were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 13, 1997

The House requests the return of **S.C.R. 1**, RESOLUTION INTEGRATING UTAH TOMORROW PRINCIPLES, by Senator L. McAllister, for reconsideration.

Carole E. Peterson, Chief Clerk

Communication filed. On motion of Senator McAllister, **S.C.R. 1** was returned to the House.

CORRECTED COMMITTEE REPORT

Mr. President: February 13, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **Sub. H.B. 61**, PROPERTY TAX NOTIFICATION, ASSESSMENT,

COLLECTION, AND APPEAL, by Representative E. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard Nielson, Chair

On motion of Senator Holmgren, the committee report was adopted. **Sub. H.B. 61** was read the second time and retained its place on Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 1997

The Business, Labor, and Economic Development Committee recommends **S.B. 70**, EMINENT DOMAIN VALUATION, by Senator P. Suazo, be replaced and favorably recommends **Sub. S.B. 70**, EMINENT DOMAIN VALUATION with the following amendments:

1. Page 1, Line 5:
   After "AGENCIES" insert "AND POLITICAL SUBDIVISIONS"

2. Page 1, Line 6:
   After "AGENCY" insert "OR POLITICAL SUBDIVISION"

3. Page 1, Line 11:
   After "REQUIRING" delete "ARBITRATION" and insert "MEDIATION"

4. Page 1, Line 12:
   After "FROM" delete "ARBITRATION" and insert "MEDIATION"

5. Page 1, Line 20:
   After "agency" insert "or political subdivision"

6. Page 1, Line 23:
   After "agency" insert "or political subdivision"

7. Page 1, Line 26:
   After "agency" insert "or political subdivision"

8. Page 2, Line 3:
   After "agency" insert "or political subdivision"

9. Page 2, Line 4:
   After "agency" insert "or political subdivision"

10. Page 2, Line 6:
After "agency" insert "or political subdivision"

11. Page 2, Line 9:
After "agency" insert "or political subdivision"

12. Page 2, Line 10:
After "agency" insert "or political subdivision"

13. Page 2, Line 20:
After "agency" insert "or political subdivision"

14. Page 2, Line 25:
After "agency" insert "or political subdivision"

15. Page 2, Line 28:
After "the agency" insert "or political subdivision"

16. Page 2, Line 29:
After "submitted for" delete "arbitration" and insert "mediation" and after "independent" delete "arbitrator" and insert "mediator"

17. Page 2, Line 30:
After "the agency" insert "or political subdivision"

18. Page 2, Line 31:
After "If" delete "arbitration" and insert "mediation"

19. Page 3, Line 2:
After "interaction with" delete "arbitration" and insert "mediation"

20. Page 3, Line 3:
After "the agency" insert "or political subdivision"

21. Page 3, Line 5:
After "If" delete "arbitration" and insert "mediation" and after "a finding of" delete "arbitration" and insert "mediation" and after "made by the" delete "arbitrator" and insert "mediator"

22. Page 3, Line 7:
After "made by the" delete "arbitrator" and insert "mediator"

23. Page 3, Line 8:
After "independent" delete "arbitrator" and insert "mediator" and after "the agency" insert "or political subdivision"

24. Page 3, Line 10:
After "record of the" delete "arbitration" and insert "mediation" and after "independent" delete "arbitrator" and insert "mediator"

Steven Poulton, Chair; and

Mr. President: February 17, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on 3rd Sub. H.B. 57, PENALTY FOR THEFT OF ANIMAL, by Representative C. Buttars; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 90, ELK FARMING, by Representative B. Johnson; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 227, PROPERTY SURVEY - STATUTE OF LIMITATIONS, by Representative G. Adair, with the following amendments:

1. Page 1, Line 8:
Delete line 8

2. Page 1, Line 20:
After "improvement" delete the comma and delete "except as provided in Subsection (3)(c)(ii),"

3. Page 1, Line 23:
At the end of line 23 bracket "or"

4. Page 1, Line 24:
At the end of line 24 delete the period and insert:
"; or (iv) the date the map of the survey is filed under Section 17-23-17 with respect to real property."

5. Page 2, Lines 29-31:
Lilac 2-4-97:
Delete lines 29 through 31

6. Page 3, Lines 1-2:
Delete lines 1 through 2

7. Page 3, Line 6:
After "in the" insert "first through the"

8. Page 3, Line 6:
After "has" bracket "two" and insert "five"

9. Page 3, Line 10:
After "in the" insert "seventh through the"

10. Page 3, Line 11:
After "have" bracket "two" and insert "five"

Alarik Myrin, Chair; and

Mr. President: February 17, 1997

The Transportation and Public Safety Committee recommends S.B. 57, STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS, by Senator G. Mantes, be replaced and favorably recommends Sub. S.B. 57, STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 147, LIGHTS ON VEHICLES, by Representative P. Buckner; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 242, HIGHWAY PATROL - COMPUTER PURCHASE, by Representative G. Adair; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 243, APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS, by Representative G. Adair.

Al Mansell, Chair

Mr. President: February 17, 1997

The Judiciary Committee reports a favorable recommendation S.B. 183, REVISED UNIFORM PARTNERSHIP AND LIMITED LIABILITY PARTNERSHIP ACT, by Senator L. Hillyard.

Craig L. Taylor, Chair

On motion of Senator Holmgren, the committee reports were adopted. Sub. S.B. 70, 3rd Sub. H.B. 57, H.B. 90, H.B. 227, Sub. S.B. 57, H.B. 147, H.B. 242, H.B. 243, and S.B. 183 were placed on Second Reading Calendar.

* * *

Mr. President: February 17, 1997

The Judiciary Committee reports a favorable recommendation on H.B. 262, STATUTE OF LIMITATIONS AMENDMENTS, by Representative S. Barth, and

recommends it be considered read for the second time and placed on the Consent Calendar.

Craig L. Taylor, Chair

On motion of Senator Holmgren, the committee report was adopted. **H.B. 262** was read the second time and placed on Consent Calendar.

THIRD READING CALENDAR

On motion of Senator Evans, the circle was removed from **Sub. S.B. 79**, ELECTION LAW – ELECTION PROCESS, and it was before the Senate. On motion of Senator Evans, the Senate receded from the amendments made previously on the floor, refer to Senate Journal Day 26.

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

1. Page 21, Line 1:
   After "two" insert ", or three" and after "or one" insert "or two"

2. Page 21, Line 4:
   After "two" insert ", or three" and after "or one" insert "or two"

3. Page 21, Line 6:
   After "two" insert ", or three" and after "or one" insert "or two"

4. Page 21, Line 10:
   After "two" insert ", or three" and after "or one" insert "or two"

5. Page 21, Line 16:
   After "two" insert ", or three" and after "or one" insert "or two"

6. Page 21, Line 21:
   After "for" insert "the regular primary election and"

7. Page 22, Line 11:
   After "regular" insert "primary" and after "election" insert ", when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election"

8. Page 22, Line 15:
   After "election." insert "when the county legislative body is using two receiving, counting, and canvassing judges."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Hillyard

Sub. S.B. 79, as amended, was transmitted to the House.

* * *

Sub. S.B. 121, RECORDING JUDGMENTS ON REAL PROPERTY, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Hillyard

Sub. S.B. 121 was transmitted to the House.

* * *

S.B. 137, SPECIAL EDUCATION DISPUTE RESOLUTION, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 137 was transmitted to the House.

* * *

S.B. 46, PHYSICIAN ASSISTANT PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Steiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mayne

S.B. 46 was transmitted to the House.

* * *

S.J.R. 1, RESOLUTION AMENDING LEGISLATOR ELIGIBILITY STANDARDS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Mayne

S.J.R. 1 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Blackham, S.C.R. 4 will be considered Wednesday, February 19, 1997 at 11:00 a.m.

* * *

On motion of Senator Buhler, the circle was removed from S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, and it was before the Senate.

Senator Buhler moved the following amendments:

1. Page 2, Line 10:
   After "(2)" insert "(a)"

2. Page 2, Line 12:
   Delete "(a)" and insert "(i)"

3. Page 2, Line 13:
   Delete "(b)" and insert "(ii)"

4. Page 2, Line 14:
   After line 14 insert:
   "(b) A municipality may not require an owner of multiple rental dwellings or multiple buildings containing rental dwellings to obtain more than one regulatory business license for the operation and maintenance of those rental dwellings.
   (c) Notwithstanding Subsection (2)(b), a municipality may impose upon an owner subject to Subsection (2)(a) a reasonable inspection fee for the inspection of each rental dwelling owned by that owner.
   (d) If a municipality's inspection of a rental dwelling, allowed under Subsection (2)(a)(ii), approves the rental dwelling for purposes of a regulatory business license, a municipality may not inspect that rental

dwelling during the next 36 months, unless the municipality has reasonable cause to believe that a condition in the rental dwelling is in violation of an applicable law or ordinance."

5. Page 2, Line 15:
After "Subsection (2)" insert "(a)"

6. Page 2, Line 18
Committee Report Item #1,
dated Feb. 3, 1997
Senate Business, Labor and
Economic Development
Standing Committee:
Delete committee amendment

Senators Blackham, Howell, Mayne, Hillyard, Beattie, Wharton, and Steiner commented. The amendment passed on a standing vote.

Senator Buhler explained the bill. Senators Wharton, Waddoups, Mayne, Mansell, Beattie, Suazo, and Poulton commented.

* * *

On motion of Senator Nielson, an Official Citation commending Coach Lavell Edwards and the Brigham Young University football team was read in Committee of the Whole. Senator Nielson introduced Lavell and Patti Edwards; Bryan Mitchell, Defensive Back Coach; Chad Lewis, Tight End; Henry Bloomfield, Defensive Lineman; Ed Kehl, Defensive Lineman; Tim McTyer, Defensive Back and Shay Muirbrook, Linebacker. Senator Beattie commented.

* * *

Senators Beattie, Howell, Mansell, Montgomery, and Steiner declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Dmitrich	Howell	Hull	Mantes
Mayne	M. Peterson	Steiner	Suazo
Tanner	Wharton		

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 18, 1997

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Health/Environment

S.B. 195 Mixed Waste Disposal Fee Amendment (J. Holmgren)

Human Services

S.B. 190 Voluntary Release Cleanup Program (L. Mansell)

State & Local Affairs

S.B. 221 County Officers – Official Bond (L. Hillyard)

Transportation & Public Safety

S.B. 30 Accountability and Oversight of Utah Transit Authority (M. Peterson)

S.B. 84 Public Transit District Boards (L. Mansell)

S.B. 172 Utah Transit Authority Budget Approval (B. Wharton); and

The President having received the following House bills assigns them to the following committees:

Business, Labor & Economic Development

Sub. H.B. 80 Real Property – Presumption of Title (J. Swallow)

H.B. 175 Workers' Compensation Fund of Utah (J. Alexander)

Health/Environment

Sub. H.B. 68 Disposal Fee for Construction and Demolition Waste (D. Tuttle)

Judiciary

H.B. 48 Amendments to Capital Sentencing (D. Ure)

H.B. 264 Aggravated Assault By A Prisoner Amendments (S. Barth)

State & Local Affairs

H.B. 280 Special Districts Annexation Amendments (J. Arrington)

Transportation & Public Safety

H.B. 15 Transit District Authority (R. Bigelow)

Lane Beattie, Senate President

Reports filed.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

On motion of Senator Blackham, LaMar Farnsworth was honored with a Citation in Committee of the Whole. LaMar Farnsworth, Retiring Director of the Hogle Zoo, and Craig Dinsmore, Director of the Hogle Zoo, spoke in Committee of the Whole. Senators Beattie and Myrin commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 1997

The House passed, **S.B. 34**, AGRICULTURAL 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. 110**, WORKERS' COMPENSATION EXCLUSIVE REMEDY, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 127**, CONSTITUTIONAL REVISION COMMISSION 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. 142**, COAL 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 concurred in the Senate amendments and passed **H.B. 234**, AMENDMENTS TO SUBDIVISION ACT, by Representative D. Ure, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 150**, COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT, by Representative M. Dillree, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 34, S.B. 110, S.B. 127, 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.

H.B. 234 and H.B. 150 were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 18, 1997

The House passed, as substituted and amended, Sub. H.B. 78, WITNESS IMMUNITY AMENDMENTS, by Representative D. Gladwell, and it is transmitted for consideration; and

The House passed H.C.R. 4, RESOLUTION SUPPORTING REALIGNMENT OF AIR FORCE BASE WORKLOAD, by Representative B. Chard, and it is transmitted for consideration; and

The House passed, as amended, H.B. 295, LIMITED LIABILITY COMPANY ACT AMENDMENTS, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed H.J.R. 17, RESOLUTION REGARDING FUTURE OPERATION AND DEVELOPMENT OF THIS IS THE PLACE STATE PARK, by Representative J. Tanner, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. Sub. H.B. 78, H.C.R. 4, H.B. 295, H.J.R. 17 were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 18, 1997

The Human Services Committee recommends S.B. 33, CHILD VISITATION GUIDELINES, by Senator R. Evans, be replaced and favorably recommends Sub. S.B. 33, CHILD VISITATION GUIDELINES with the following amendments:

1. Page 4, Lines 7-8:
   Delete lines 7 and 8. Renumber the remaining sections accordingly; and

The Human Services Committee reports a favorable recommendation on S.B. 116, EXTENSION OF CHILD VISITATION PILOT PROGRAM, by Senator M. Peterson, with the following amendments:

1. Page 1, Line 7:
   Delete "AND"

2. Page 1, Line 8:
After "USED" insert "; AND PROVIDING A COORDINATION CLAUSE"

3. Page 3, Line 26:
After "one" insert "or"

4. Page 4, Line 18:
After line 18 insert:
"(7) If a parent fails to cooperate in good faith in mediation or services to facilitate visitation, a court may order, in subsequent proceedings, a temporary change in custody or visitation."
Renumber remaining subsections accordingly.

5. Page 6, Line 23:
After line 23 insert:
"Section 3. Coordination clause.
If this bill and H.B. 180, Sunset Reauthorizations, both pass, it is the intent of the Legislature that the amendments to Section 30-3-38 and Section 63-63a-8 in this bill supercede the repeal of Section 30-3-38 and Section 63-63a-8 in H.B. 180."; and

The Human Services Committee reports a favorable recommendation on **H.B. 159**, CHILD SUPPORT ALTERNATIVE DISPUTE RESOLUTION AND ORDER MODIFICATION TASK FORCE, by Representative B. Harward; and

The Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 178**, FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS, by Representative N. Stephens.

Nathan C. Tanner, Chair; and

Mr. President: February 18, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 165**, MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Senator L. Hillyard, with the following amendments:

1. Page 3, Lines 18-21:
After "assets," delete the rest of lines 18 through 21; and

The Revenue and Taxation Committee reports a favorable recommendation on **Sub. H.B. 240**, UTAH STATEHOOD CENTENNIAL CAPSTONE, by Representative D. Ure.

Howard Nielson, Chair; and

Mr. President: February 18, 1997

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 72**, DIVISION OF STATE HISTORY DUTIES, by Senator L. McAllister; and

The State and Local Affairs Committee recommends **S.B. 91**, AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING PROVISIONS, by Senator L. McAllister, be replaced and favorably recommends **Sub. S.B. 91**, AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING PROVISIONS with the following amendments:

1. Page 7, Line 4:
   Remove brackets and reinstate existing language on Lines 4, 5, 6, and 7.

2. Page 7, Line 6:
   Insert, in the reinstated language, after "(f)," the following: "provided the district has complied with the notice and discussion requirements of Section 53A-20-108,"

3. Page 11, Line 20:
   Remove the brackets from language on Lines 20, 21, and 22 and reinstate the existing language.

4. Page 11, Line 23:
   Delete "(6)" and insert "(7)"

5. Page 11, Line 24:
   Delete "general plan and the"

6. Page 18, Line 13:
   After "authorization is" insert "not"

7. Page 18, Line 14:
   After "plan" but before "." insert ", but a written statement is not required if the proposed permit or authorization is compatible,"

8. Page 22, Line 24:
   Remove brackets and reinstate existing language on Lines 24, 25, 26, and 27.

9. Page 22, Line 26:
Insert, in the reinstated language, after "(f)," the following: "provided the district has complied with the notice and discussion requirements of Section 53A-20-108."

10. Page 28, Line 5:
Remove the brackets from language on Lines 5, 6, and 7 and reinstate the existing language.

11. Page 28, Line 8:
Delete "(6)" and insert "(7)"

12. Page 28, Line 9:
Delete "general plan and the"; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 161**, MUNICIPAL ELECTION AMENDMENTS, by Representative J. Tanner; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 205**, RECORDING SUBDIVISIONS OF LAND, by Representative S. Koehn.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. **Sub. S.B. 33, S.B. 116, H.B. 159, 2nd Sub. H.B. 178, S.B. 165, Sub. H.B. 240, S.B. 72, Sub. S.B. 91, H.B. 161**, and **H.B. 205** were placed on Second Reading Calendar.

* * *

Mr. President: February 18, 1997

The Human Services Committee reports a favorable recommendation on **H.B. 170**, DOMESTIC ABUSE INSURANCE PRACTICES, by Representative S. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Nathan C. Tanner, Chair; and

Mr. President: February 18, 1997

The State and Local Affairs Committee recommends **S.B. 6**, MUNICIPAL AND COUNTY LAND USE DEVELOPMENT AND MANAGEMENT, by Senator L. McAllister , be replaced and favorably recommends **Sub. S.B. 6**, MUNICIPAL AND COUNTY LAND USE DEVELOPMENT AND MANAGEMENT, and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.

1. Page 4, Line 17:
After "hearing if" bracket "he" and insert "the member"

2. Page 5, Line 23:
After "ordinance;" insert "and"

3. Page 5, Line 26:
Delete line 26

4. Page 5, Line 31:
After line 31 insert:
"(3) Unless the zoning ordinance designates the county legislative body or another body to hear conditional use permit appeals, the board of adjustment shall hear and decide appeals from planning commission decisions regarding conditional use permits."; and

The State and Local Affairs Committee reports a favorable recommendation on H.B. 208, AMENDMENTS TO SPECIAL DISTRICTS, by Representative B. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. H.B. 170, Sub. S.B. 6, and H.B. 208 were read the second time and placed on Consent Calendar.

SECOND READING CALENDAR

On motion of Senator McAllister, the circle was removed from S.B. 139, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, and it was before the Senate.

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

CLEAN BURNING STOVE TAX CREDIT AMENDMENTS

Sub. S.B. 139 *LeRay McAllister*

AN ACT RELATING TO HEALTH AND ENVIRONMENT; EXTENDING THE NUMBER OF YEARS FOR WHICH A TAX CREDIT IS ALLOWED REGARDING PURCHASE OF WOOD OR PELLET BURNING STOVE.

Senator Blackham commented. On motion of Senator McAllister, the bill was circled.

* * *

S.J.R. 8, JOINT RULES RESOLUTION - FISCAL PRIORITIZATION, was read the second time. Senator Steiner explained the bill.

Senator Blackham moved to return **S.J.R. 8** to the Rules Committee for study during the interim. Senators Blackham, Hillyard, and Suazo commented.

* * *

On motion of Senator McAllister, the circle was removed from **Sub. S.B. 139**, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, and it was before the Senate. Senator McAllister explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Tanner

Absent or not voting was: Senator
Poulton

* * *

Sub. S.B. 14, OUTDOOR ADVERTISING AMENDMENTS, was read the second time.

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

OUTDOOR ADVERTISING AMENDMENTS

2nd Sub. S.B. 14 *L. Alma Mansell*

AN ACT RELATING TO HIGHWAYS; AMENDING THE REGULATION OF OUTDOOR ADVERTISING; LIMITING THE AUTHORITY OF LOCAL

GOVERNMENTS RELATING TO EXISTING OUTDOOR ADVERTISING USES; AMENDING DEFINITIONS; PROVIDING FOR THE RELOCATION OF CERTAIN OUTDOOR ADVERTISING; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A LANDSCAPE CONTROL PROGRAM RELATED TO OUTDOOR ADVERTISING; AND MAKING TECHNICAL CORRECTIONS.

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

1. Page 5, Lines 16 and 17:
Reinstate "and ramps"

Senator Mansell explained the bill. On motion of Senator Mansell, the bill was amended as follows:

2. Page 6, Line 24:
Delete "one"

3. Page 14, Lines 15–16:
Delete "of an interstate or state highway." and insert "along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway."

4. Page 14, Line 23:
Delete "(2)" and insert "(3)"

5. Page 14, Lines 27–28:
Delete "an interstate, federal aid primary highway existing as of June 1, 1991, national highway system highway, or" and insert "a"

6. Page 15, Line 1:
Delete "17–27–407 or 10–9–408" and insert "27–12–136.11"

Senators Waddoups, Holmgren, Montgomery, Hillyard, Steiner, Beattie, Steele, Mansell, and Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson

C. Peterson	M. Peterson	Steele	Stephenson
Suazo	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Mantes	Poulton	Steiner	Tanner

* * *

S.B. 151, BEAR RIVER DEVELOPMENT ACT AMENDMENTS, was read the second time. Senator Holmgren explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mansell	M. Peterson

* * *

Sub. S.B. 74, INDIGENT DEFENSE PROVISIONS, was read the second time. Senator Blackham explained the bill. Senator Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Buhler Mansell

* * *

Sub. S.B. 152, CRIME VICTIMS' RIGHTS AMENDMENTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

Sub. S.B. 82, ELECTION LAW – CANDIDATE ISSUES, was read the second time. Senator Poulton explained the bill. Senators Beattie and Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Mansell

Absent or not voting was: Senator
Buhler

* * *

On motion of Senator C. Peterson, the circle was removed from **Sub. S.B. 152, CRIME VICTIMS' RIGHTS AMENDMENTS**, and it was before the Senate. Senator C. Peterson explained the bill. Senators Montgomery and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery

Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Buhler	Steiner

* * *

S.B. 36, INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION, was read the second time. Senator Evans explained the bill. Senator Hillyard commented. On motion of Senator Evans, the bill was circled.

COMMUNICATION FROM THE GOVERNOR

Mr. President: February 18, 1997

This is to inform you that on February 18, 1997, I have signed the following bills of the 1997 General Session of the Fifty-Second Legislature and have forwarded it to the Lieutenant Governor for filing.

H.B. 186 NATIVE AMERICAN PERFORMANCE OF MARRIAGES

Michael O. Leavitt, Governor

Communication filed.

* * *

On motion of Senator C. Peterson and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Wednesday, February 19, 1997.

THIRTY-FIRST DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Pastor Bruce Johnson, Our Savior's Lutheran Church in Roy, Utah.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 19, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirtieth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

* * *

On motion of Senator C. Peterson, **S.B. 207**, NEW MOTOR VEHICLE BROKER, was lifted from the Business and Labor standing committee and referred to the Energy and Natural Resources standing committee.

* * *

On motion of Senator Hillyard, Sandra Merrill, Teacher; and Lindy Stauffer, Derek Labrum, Courtney Ferrin, Austin Rounds, and Jaicee Kuresa, students from the Millville school spoke in Committee of the Whole promoting the cherry as the state fruit. President Beattie commented.

CONSENT CALENDAR

On motion of Senator Hillyard, **H.B. 33** was moved to the top of the Consent Calendar.

H.B. 33, DESIGNATION OF STATE FRUIT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Mantes	Mayne	Poulton
Steiner	Taylor		

H.B. 33 was signed by the President of the Senate in open session and returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 1997

The House passed, as amended, **H.B. 39**, HIGHER EDUCATION PARKING ENFORCEMENT, by Representative A. Tyler, and it is transmitted for consideration; and

The House passed **H.B. 84**, SALES TAX - EXEMPTION FOR EMPLOYEE TRANSPORTATION, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed **H.B. 93**, APPROPRIATION FOR CHILDREN'S ART FACILITY EXPANSION, by Representative J. Haymond, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 39, H.B. 84,** and **H.B. 93** were read the first time and referred to the President of the Senate.

CONSENT CALENDAR

S.B. 208, MOTOR CARRIER PILOT PROGRAM, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	McAllister	Montgomery	Muhlestein
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Howell	Mantes	Mayne	Myrin
Poulton			

S.B. 208 was transmitted to the House.

* * *

On motion of Senator C. Peterson, Gay Taylor, Legal Counsel for the Legislature, spoke in Committee of the Whole. Senators Montgomery and Beattie commented.

* * *

H.B. 169, TRANSIT DISTRICT COLLECTIONS AND BUDGET, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mantes	Taylor

H.B. 169 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 20, CITATION PROCEDURES, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Howell	Mantes	Suazo
Tanner	Taylor		

Sub. H.B. 20, as amended, was returned to the House.

* * *

H.B. 43, COUNTY MUNICIPALITY JUDGESHIPS, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Mantes	M. Peterson	Suazo

H.B. 43 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 44, CONCURRENT AND CONSECUTIVE SENTENCING LIMITATIONS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Howell	Mantes

H.B. 44, as amended, was returned to the House.

THIRD READING CALENDAR

Sub. H.B. 24, MUNICIPAL DISTRICTS, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

Sub. H.B. 24 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 199, COUNTY OFFICERS AMENDMENTS, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

H.B. 199, as amended, was returned to the House.

* * *

2nd Sub. H.B. 5, AUTOMATED TELLER MACHINE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

2nd Sub. H.B. 5, as amended, was returned to the House.

* * *

H.B. 62, EXEMPTIONS FROM CONSTRUCTION TRADES LICENSING ACT, was read the third time. On motion of Senator Howell, the bill was circled.

* * *

Sub. H.B. 55, ALCOHOL AND DRUG TESTING FEE, 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Buhler	Mantes	Mayne	Suazo
Beattie			

Sub. H.B. 55, as amended, was returned to the House.

* * *

H.B. 31, MOTOR VEHICLE SAFETY INVESTIGATORS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Mantes	Mayne	Beattie

H.B. 31 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 70, UTAH NATIONAL PARKS HIGHWAY DESIGNATION, 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

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Blackham	Mantes	Tanner	Beattie

H.B. 70, as amended, was returned to the House.

* * *

H.B. 22, UNLAWFUL ACTIVITY AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Blackham	Mantes	Beattie

H.B. 22 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 21, CONTROLLED SUBSTANCES 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

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Blackham	Mantes	Beattie

Sub. H.B. 21 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 214, UTAH SPORTS AUTHORITY AND ADVISORY COMMITTEE AMENDMENTS, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Blackham	Dmitrich	Mantes	Steiner
Beattie			

H.B. 214, as amended, was returned to the House.

* * *

H.B. 14, SELF INSURED PREMIUM ASSESSMENT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Mantes	Stephenson	Beattie

H.B. 14 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 29, MOBILE HOME TENANT AMENDMENTS, 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Mantes

H.B. 29 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 211, USE OF UTAH INDUSTRIAL ASSISTANCE, was read the third time and explained by Senator Blackham. Senators Hull, Dmitrich, and Blackham commented. The bill failed on the following roll call:

Yeas, 12; Nays, 14; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Evans	Holmgren	Jones
Mansell	McAllister	Montgomery	Poulton
Steele	Stephenson	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Hillyard	Howell	Hull
Mayne	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steiner	Suazo
Tanner	Wharton		

Absent or not voting were: Senators

Buhler	Mantes	Taylor

H.B. 211 was returned to the House for filing.

SPECIAL ORDER OF BUSINESS

On motion of Senator Blackham, **S.C.R. 4**, RESOLUTION ENCOURAGING ECONOMIC RESETTLEMENT OF RURAL UTAH, under suspension of the rules, was 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 27:
   After line 27 insert "WHEREAS rural communities are experiencing shortages of affordable housing;"

2. Page 3, line 8:
   After line 8 insert "BE IT FURTHER RESOLVED that the Legislature and the Governor encourage development of affordable housing to accommodate population growth and meet the housing needs of employees of new and expanding businesses in rural Utah."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steiner

S.C.R. 4, as amended, was transmitted to the House.

THIRD READING CALENDAR

H.B. 220, EMPLOYMENT SECURITY AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Steiner

H.B. 220 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 188, MALPRACTICE AGAINST HEALTH CARE PROVIDERS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

H.B. 188 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 11, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, was read the third time and explained by Senator Mantes. Senator Beattie commented. On motion of Senator Mantes, the bill was circled.

* * *

S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, was read the third time. On motion of Senator Buhler, the bill was circled.

* * *

Sub. S.B. 139, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, was read the third time and explained by Senator McAllister. Senators Waddoups and Hillyard commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative was: Senator
Tanner

Absent or not voting were: Senators
Blackham Steele

Sub. S.B. 139 was transmitted to the House.

* * *

On motion of Senator Buhler, the circle was removed from **S.B. 96**, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, and it was before the Senate.

Senator Myrin moved the following amendments:

1. Page 2a, Line 16:
   Goldenrod
   Delete "four" and insert "three"

Senators Mayne, Mansell, and Montgomery commented. The amendment failed on a standing vote.

The bill failed on the following roll call:

Yeas, 14; Nays, 15; Absent, 0.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Jones	Mansell	Muhlestein	C. Peterson
Poulton	Steele	Stephenson	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Dmitrich	Holmgren	Howell	Hull
Mantes	Mayne	McAllister	Montgomery
Myrin	Nielson	M. Peterson	Steiner
Suazo	Tanner	Wharton	

S.B. 96 was filed.

* * *

On motion of Senator Mantes, the circle was removed from **H.B. 11**, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, and it was before the Senate. Senator Mantes explained the bill.

Senator Mantes moved the following amendment:

1. Page 2, Lines 21and 21a:
Lilac copy
Reinstate "or for a nominal fee"

Senator Hull commented. The amendment passed on a voice vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Myrin	Nielson

H.B. 11, as amended, was returned to the House.

* * *

2nd Sub. S.B. 14, OUTDOOR ADVERTISING AMENDMENTS, was read the third time. Senators Suazo and Holmgren commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Steiner

Absent or not voting was: Senator
C. Peterson

2nd Sub. S.B. 14 was transmitted to the House.

* * *

On motion of Senator Howell, **S.B. 188** was lifted from the Business and Labor standing committee and referred to the Transportation and Public Safety standing committee.

* * *

On motion of Senator Montgomery, the Senate voted to reconsider its action on **S.B. 96** and place it at the bottom of Third Reading Calendar.

* * *

On motion of Senator Evans, **S.B. 140**, APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS, will be considered Thursday, February 20, 1997 at 2:30 p.m.

* * *

S.B. 151, BEAR RIVER DEVELOPMENT ACT AMENDMENTS, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting was: Senator
Wharton

S.B. 151 was transmitted to the House.

* * *

On motion of Senator Buhler, the Senate voted to place **S.B. 96** at the top of the Third Reading Calendar.

S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, was before the Senate.

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

1. Page 2a, Line 16:
   Delete "four" and insert "two"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Howell	Hull	Mantes
Mayne	M. Peterson	Steiner	Suazo
Wharton			

S.B. 96 was transmitted to the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 19, 1997

The President having received the following House bills and resolutions assigns them to the following committees:

Business, Labor & Economic Development

H.B. 295 Limited Liability Company Act Amendments (J. Valentine)

Education

H.B. 296 Annexation Transition For School Districts (R. Killpack)

Energy, Natural Resources & Agriculture

H.B. 203 State Cooking Pot (C. Buttars)

H.J.R. 17	Resolution Regarding Future Operation And Development Of This Is The Place State Park (J. Tanner)
Human Services	
H.B. 342	Gang Prevention And Intervention (R. Short)
H.B. 343	Offender Expenses Amendments (P. Buckner)
Sub. H.C.R. 2	Resolution Opposing Governmental Regulations (D. Iverson)
H.C.R. 4	Resolution Supporting Realignment Of Air Force Base Workload (B. Chard)
Transportation & Public Safety	
H.B. 82	Public Transit District Ethics (R. Short); and

Mr. President: February 19, 1997

The President having received the following Senate bills and resolution with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development	
S.B. 169	Professional Engineers And Land Surveyors Licensing Amendments (C. Taylor)
Energy, Natural Resources & Agriculture	
S.B. 220	Trail Enhancements (D. Buhler)
S.B. 236	State Fish Amendments (P. Suazo)
Human Services	
S.B. 166	Workforce Services Implementation And Amendments (D. Buhler)
Judiciary	
S.B. 199	Immunity For Volunteers (J. Holmgren)
Revenue & Taxation	
S.J.R. 10	Resolution Urging Reevaluation of Centrally Assessed Telecommunications Providers (H. Stephenson)
State & Local Affairs	
S.B. 173	County Attorney Responsibilities (C. Peterson)

Lane Beattie, Senate President

Reports filed.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 1997

The House passed, S.B. 31, CELLULAR PHONE FRAUD, by Senator S. Howell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 147, VEHICLE AIR BAG AMENDMENTS, by Senator G. Mantes, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 95, AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 43, PROHIBITION OF ULTIMATE FIGHTING, by Senator L. Poulton, 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. 103, CONSUMER PROTECTION AMENDMENTS, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 129, PRIVILEGED INFORMATION IN CIVIL ACTIONS, by Senator P. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.C.R. 3, RESOLUTION DESIGNATING BONE MARROW REGISTRATION DAY, 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. 35, DEPARTMENT OF AGRICULTURE AND FOOD – NAME CHANGE, 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. 100, FINANCIAL INSTITUTION AMENDMENTS, by Senator L. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 141, STATE AND FEDERAL LAW ENFORCEMENT–JOINT JURISDICTION, 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.C.R. 4, RESOLUTION ENCOURAGING ECONOMIC RESETTLEMENT OF RURAL UTAH, 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. 143, PENALTY FOR JOY RIDING, by Senator P. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 31, S.B. 147, Sub. S.B. 95, S.B. 43, S.B. 103, Sub. S.B. 129, S.C.R. 3, S.B. 35, S.B. 100, S.B. 141, S.C.R. 4, and S.B. 143 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 1997

The House passed, as amended, H.B. 206, PROPERTY TAX AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, H.B. 241, SALARY INCREASES FOR GOVERNMENT OFFICIALS, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as amended, H.B. 266, UTAH DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONSTRUCT TOLL ROADS AND LANES, by Representative B. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 206, H.B. 241, and H.B. 266 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 19, 1997

The House passed, as amended, Sub. S.B. 9, PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS, by Senator L. 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Mansell	C. Peterson	Taylor

Sub. S.B. 9 was returned to the House.

* * *

Mr. President: February 19, 1997

The House passed, as amended, **Sub. S.B. 112, DRAMSHOP LIABILITY AMENDMENTS**, by Senator D. Buhler, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Buhler, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

C. Peterson	Taylor

Sub. S.B. 112 was returned to the House.

* * *

Mr. President: February 19, 1997

The House passed, as amended, S.B. 119, TRANSPORTATION OVERHEAD RATE LIMITATIONS, by Senator J. Holmgren, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Holmgren, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

C. Peterson	Taylor

S.B. 119 was returned to the House.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 71, LANDLORD - TENANT AMENDMENTS, by Senator R. Montgomery, with the following amendments:

1. Page 1, Line 22:
   After "shall be" reinstate "three" and delete "one" and after "business" reinstate "days" and delete "day"

2. Page 2, Line 8:
   After "by the court" insert "according to the formula set forth in Subsection 78-36-8.5(2)(b)"

3. Page 4, Line 25:
   After line 25, insert:

"Section 3. Coordination Clause.
If this bill and H.B. 143, Unlawful Detainer of Tenant, both pass, it is the intent of the Legislature that the amendments to Section 78-36-10.5 in this bill shall supersede the amendments to Section 78-36-10.5 in H.B. 143."; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 163**, UNIFORM COMMERCIAL CODE ARTICLE 5 - LETTERS OF CREDIT, by Senator L. Hillyard; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 200**, NIGHTLY RENTAL PROPERTY MANAGERS, by Senator A. Myrin; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 203**, AGRICULTURAL PROTECTION AREA AMENDMENTS, by Senator L. Blackham, with the following amendments:

1. Page 6, Line 26:
Reinstate "all" and "landowners" and delete "owners of a majority of the land area"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 17**, COUNTERFEIT FINANCIAL TRANSACTION CARD AMENDMENTS, by Representative B. Goodfellow, with the following amendments:

1. Page 2, Line 6:
After "consent" insert ", and with intent to use it in violation of Section 76-6-506.2"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **2nd Sub. H.B. 198**, AMENDMENTS TO HOMESTEAD EXEMPTIONS, by Representative J. Valentine; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 222**, POWERS OF THE DEPARTMENT OF WORKFORCE SERVICES, by Representative G. Adair, with the following amendments:

1. Page 4, Lines 6a-6c
Lilac February 3, 1997:
Delete lines 6a through 6c

2. Page 7, Lines 18a–18c
Lilac February 3, 1997:
Delete lines 18a through 18c

Steven Poulton, Chair; and

Mr. President: February 19, 1997

The Health and Environment Committee reports a favorable recommendation on S.B. 66, ATTEMPTED PURCHASE OF TOBACCO BY CHILDREN, by Senator L. Jones.

Robert Muhlestein, Chair; and

Mr. President: February 18, 1997

The Education Committee reports a favorable recommendation on S.B. 201, APPROPRIATION FOR BIOTECH PROGRAM AT UTAH STATE UNIVERSITY, by Senator L. Blackham.

Lorin Jones, Chair; and

Mr. President: February 18, 1997

The Revenue and Taxation Committee recommends S.B. 53, REDEVELOPMENT AGENCY AMENDMENTS, by Senator C. Taylor, et al, be replaced and favorably recommends 2nd Sub. S.B. 53, REDEVELOPMENT AGENCY AMENDMENTS with the following amendments:

1. Page 4, Line 8:
After "open spaces;" delete "and"

2. Page 4, Line 9:
After "water" reinstate "; and" and delete the period

3. Page 4, Lines 11–14:
Remove brackets and reinstate lines 11 through 14

4. Page 4, Line 11:
At the beginning of line 11 delete "(I)" and insert "(VII)"

Howard Nielson, Chair; and

Mr. President: February 19, 1997

The Judiciary Committee reports a favorable recommendation on S.B. 197, JUDICIAL NOMINATING COMMISSION AMENDMENT, by Senator C. Taylor; and

The Judiciary Committee reports a favorable recommendation on **H.B. 52**, PROHIBITION OF CONTRABAND IN A CORRECTIONAL FACILITY, by Representative S. Koehn, with the following amendments:

1. Page 4, Line 4:
After "operating the" delete "correctional"

2.. Page 4, Line 5:
After "offender" insert "in a correctional facility" and after line 5 insert "(f) Exemptions may be granted for worship for Native American inmates pursuant to Section 64-13-40."; and

The Judiciary Committee reports a favorable recommendation on **H.B. 69**, SERIOUS HABITUAL YOUTH OFFENDER PROGRAM, by Representative B. Chard.

Craig L. Taylor, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 71, S.B. 163, S.B. 200, S.B. 203, H.B. 17, 2nd Sub. H.B. 198, H.B. 222, S.B. 66, S.B. 201, 2nd Sub. S.B. 53, S.B. 197, H.B. 52,** and **H.B. 69** were placed on Second Reading Calendar.

* * *

Mr. President: February 19, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 140**, HUNTING PERMITS FOR PERSONS WITH DISABILITIES, by Representative B. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Alarik Myrin, Chair; and

Mr. President: February 18, 1997

The Health and Environment Committee reports a favorable recommendation on **S.J.R. 12**, RESOLUTION ON OZONE AND PARTICULATE MATTER, by Senator M. Dmitrich, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Environment Committee reports a favorable recommendation on **H.C.R. 3**, RESOLUTION CALLING FOR END TO FEDERAL SUBSIDIES OF TOBACCO, by Representative R. Killpack, and

recommends it be considered read for the second time and placed on the Consent Calendar.

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee reports were adopted. **H.B. 140, S.J.R. 12** and **H.C.R. 3** were read the second time and placed on Consent Calendar.

SECOND READING CALENDAR

H.B. 50, CHILD RESTRAINT REQUIREMENTS AND PENALTIES, was read the second time. Senator Dmitrich explained the bill.

Senator Hillyard moved the following amendments:

1. Page 2, Line 7:
   Delete "$75" and insert "$50"

Senators Dmitrich, Blackham, and Buhler commented. The amendment failed on a standing vote.

Senators Steiner, Beattie, and Hull commented. The bill passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Blackham	Evans	Hillyard	Holmgren

Absent or not voting was: Senator
C. Peterson

* * *

H.B. 202, PEACE OFFICER STANDARDS AND TRAINING, was read the second time. Senator Montgomery explained the bill. Senator Evans declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mantes	C. Peterson	Poulton

INTENT LANGUAGE FOR H.B. 202

The passage of H.B. 202 is not intended to affect the vested rights of members of the various retirement systems in existence prior to the effective date of this bill.

SECOND READING CALENDAR

Sub. H.B. 42, JUVENILE COURT HEARINGS AND RECORDS, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mantes	Poulton

* * *

H.B. 58, RESENTENCING AMENDMENTS, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mantes	Poulton

* * *

H.B. 81, APPROPRIATION FOR CLASSROOM SUPPLIES, was read the second time. Senator Montgomery explained the bill. Senators Blackham, Beattie, C. Peterson, Hillyard, McAllister, Stephenson, Waddoups, and Jones commented. Senators Hull, M. Peterson, and Steele declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mansell	Mantes

On motion of Senator McAllister, **H.B. 81** was placed on Third Reading Table.

* * *

3rd Sub. H.B. 57, PENALTY FOR THEFT OF ANIMAL, was read the second time. Senator Montgomery explained the bill. Senators Tanner, Howell, and Myrin commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

* * *

H.B. 90, ELK FARMING, was read the second time. Senator Myrin explained the bill. Senators Suazo and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Howell	Hull	M. Peterson	Wharton

Absent or not voting were: Senators

Dmitrich	Mantes

* * *

H.B. 227, PROPERTY SURVEY – STATUTE OF LIMITATIONS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 147, LIGHTS ON VEHICLES, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Blackham	Mantes	Wharton

* * *

H.B. 242, HIGHWAY PATROL – COMPUTER PURCHASE, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 243, APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	

Voting in the negative were: Senators

Blackham	Nielson	Beattie

Absent or not voting were: Senators

Holmgren	Mantes	Wharton

On motion of Senator McAllister, **H.B. 243** was placed on Third Reading Table.

* * *

On motion of Senator C. Peterson, the circle was removed from **H.B. 242**, HIGHWAY PATROL - COMPUTER PURCHASE, and it was before the Senate. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Holmgren	Mantes	Poulton

On motion of Senator McAllister, **H.B. 242** was placed on Third Reading Table.

* * *

H.B. 159, CHILD SUPPORT ALTERNATIVE DISPUTE RESOLUTION, was read the second time. On motion of Senator Taylor, the bill was circled.

* * *

On motion of Senator C. Peterson, the circle was removed from **H.B. 227**, PROPERTY SURVEY - STATUTE OF LIMITATIONS, and it was before the Senate. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators
Blackham Mantes M. Peterson

* * *

2nd Sub. H.B. 178, FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS, was read the second time. On motion of Senator McAllister, the bill was circled.

* * *

Sub. H.B. 240, COMPILATION OF COUNTY HISTORIES, was read the second time. Senator Montgomery explained the bill. Senators Howell and Nielson commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative was: Senator
Wharton

Absent or not voting were: Senators
Mantes M. Peterson

On motion of Senator McAllister, **Sub. H.B. 240** was placed on Third Reading Table.

* * *

On motion of Senator Taylor, **2nd Sub. S.B. 53**, REDEVELOPMENT AGENCY AMENDMENTS, will be considered Friday, February 21, 1997 at 11:30 a.m.

* * *

On motion of Senator Taylor, the circle was removed from **H.B. 159**, CHILD SUPPORT ALTERNATIVE DISPUTE RESOLUTION AND ORDER

MODIFICATION TASK FORCE, and it was before the Senate. Senator Taylor explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Hull	Mantes	Waddoups

On motion of Senator McAllister, **H.B. 159** was placed on Third Reading Table.

* * *

H.B. 161, MUNICIPAL ELECTION AMENDMENTS, was read the second time. Senator McAllister explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

* * *

H.B. 205, RECORDING SUBDIVISIONS OF LAND, was read the second time. Senator Steele explained the bill. Senator Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

* * *

On motion of Senator Dmitrich, the circle was removed from S.B. 41, COAL TAX CREDIT, and it was before the Senate.

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

1. Page 1, Line 9:
   At the beginning of Line 9 delete "AND" and after "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"

2. Page 2, Line 15:
   After Line 15 insert:
   Section 4. Coordination Clause.
   "If this bill and H.B. 180, Sunset Reauthorizations, both pass, it is the intent of the Legislature that the amendments in Section 59-7-604 in this bill supersede the repeal of Section 59-7-604 in H.B. 180."

Senator Dmitrich explained the bill and declared a conflict of interest. Senators Blackham, Dmitrich, Howell, Hillyard, Nielson, and Suazo commented.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson

NotesC. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mantes	Taylor

* * *

On motion of Senator Buhler, the circle was removed from **S.B. 29**.

* * *

On motion of Senator C. Peterson and at 4:05 p.m., the Senate adjourned until 9:30 a.m., Thursday, February 20, 1997.

THIRTY-SECOND DAY

MORNING SESSION

The Senate was called to order at 9:30 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Father John B. Hart, Pastor of St. Joseph the Worker Catholic Church in West Jordan, Utah.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 20, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty-first day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 1997

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 5**, AUTOMATED TELLER MACHINE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for the signature of the President; and

The House concurred with the Senate substitute and passed **Sub. H.B. 20**, CITATION PROCEDURE, by Representative N. Hendrickson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 44**, CONCURRENT AND CONSECUTIVE SENTENCING LIMITATIONS, by Representative N. Hendrickson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **Sub. H.B. 55**, ALCOHOL AND DRUG TESTING FEE, 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. 70**, UTAH NATIONAL PARKS HIGHWAY DESIGNATION, by Representative K. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 199**, COUNTY OFFICERS AMENDMENTS, by Representative J. Seitz, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 214**, UTAH SPORTS AUTHORITY AND ADVISORY COMMITTEE AMENDMENTS, by Representative J. Tanner, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. H.B. 5, Sub. H.B. 20, H.B. 44, Sub. H.B. 55, H.B. 70, H.B. 199, and **H.B. 214** were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 20, 1997

The House passed **H.B. 19**, REAL PROPERTY IMPROVEMENTS AGREEMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 71**, TELECOMMUNICATIONS - UNIVERSAL SERVICE AMENDMENTS, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 92**, CHILD ABUSE PROTECTIONS, by Representative G. Cox, et al, and it is transmitted for consideration; and

The House passed **H.B. 145**, MINING RECLAMATION AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted, **Sub. H.B. 253**, ASSAULTING A PEACE OFFICER, by Representative P. Buckner, and it is transmitted for consideration; and

The House passed **H.B. 270**, STATE MUSEUM OF NATURAL HISTORY OUTREACH PROGRAMS, by Representative E. Olsen, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 4**, TRANSFERABILITY OF STATE COLLEGE CREDITS RESOLUTION, by Representative K. Bryson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 19, Sub. H.B. 71, H.B. 92, H.B. 145, Sub. H.B. 253, H.B. 270**, and **H.J.R. 4** were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 20, 1997

The House passed, as amended, **S.B. 114**, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator L. Blackham, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Nielson

S.B. 114 was returned to the House.

* * *

Mr. President: February 19, 1997

The House refused to concur with the Senate Amendments to **H.B. 11**, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, by Representative D. Tuttle, and requests the Senate recede from its amendments.

* * *

On motion of Senator Blackham, Representatives Zolman, Bryson, and Cox were introduced and spoke in Committee of the Whole.

CONSENT CALENDAR

H.B. 190, SCHOOL BOARD COMPENSATION, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Steele	Stephenson

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. 271, DIVORCE EDUCATION PROGRAM TECHNICAL CORRECTION, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Steele	Stephenson

H.B. 271 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 61, PROPERTY TAX NOTIFICATION, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Mantes	Steele	Stephenson

Sub. H.B. 61 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

Sub. S.B. 74, INDIGENT DEFENSE PROVISIONS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. S.B. 74 was transmitted to the House.

* * *

Sub. S.B. 82, ELECTION LAW - CANDIDATE ISSUES, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. S.B. 82 was transmitted to the House.

* * *

Sub. S.B. 152, CRIME VICTIMS' RIGHTS AMENDMENTS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. S.B. 152 was transmitted to the House.

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H.B. 50, CHILD RESTRAINT REQUIREMENTS AND PENALTIES, was read the third time and explained by Senator Dmitrich. Senator Tanner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Mayne

H.B. 50 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 202, PEACE OFFICER STANDARDS AND TRAINING, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

H.B. 202 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 42, JUVENILE COURT HEARINGS AND RECORDS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. H.B. 42 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 58, RESENTENCING AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Mayne

H.B. 58 was signed by the President of the Senate in open session and returned to the House.

* * *

3rd Sub. H.B. 57, PENALTY FOR THEFT OF ANIMAL, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson

C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

3rd Sub. H.B. 57 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 90, ELK FARMING, was read the third time.

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

1. Page 27, Line 8c
   Lilac 01-22-97:
   After "immediately" insert "notify the Division of Wildlife Resources who shall"

Senator Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Wharton
Beattie			

Voting in the negative were: Senators

Howell	Hull	M. Peterson

Absent or not voting was: Senator
Waddoups

H.B. 90, as amended, was returned to the House.

* * *

H.B. 147, LIGHTS ON VEHICLES, 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

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

H.B. 147 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 227, PROPERTY SURVEY – STATUTE OF LIMITATIONS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Steiner

H.B. 227, as amended, was returned to the House.

* * *

H.B. 161, MUNICIPAL ELECTION AMENDMENTS, was read the third time, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Steiner

H.B. 161 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 205, RECORDING SUBDIVISIONS OF LAND, was read the third time. On motion of Senator Steele, the bill was circled.

* * *

On motion of Senator Buhler, the Senate moved to the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 29, SALES TAX EXEMPTION FOR SCRAP RECYCLERS, was before the Senate. Senator Buhler explained the bill. Senators Steele, Stephenson, and Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	C. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative was: Senator
Mantes

Absent or not voting were: Senators
Nielson M. Peterson Steele

* * *

On motion of Senator Dmitrich, the Senate returned to the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 41, COAL TAX CREDIT, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 41 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator C. Peterson, under suspension of the rules, the Senate will consider Senate Bills today.

S.B. 50, SALES TAX REFUND ON DONATED FOOD, was read the second time. Senator Stephenson explained the bill.

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

1. Page 2, Line 5:
   After "Code;" delete "and"

2. Page 2, Line 9:
   After "persons" insert "; and (c) is certified to claim a refund by the Division of Community Development created in Section 9-4-201"

3. Page 3, Line 8:
After Line 8 insert:
"(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Division of Community Development may establish rules providing for the certification of emergency food agencies to claim a refund under this part."

Senators Nielson, Blackham, Hillyard, Stephenson, and Jones commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Wharton	Beattie		

Voting in the negative were: Senators

Blackham	Hillyard	Waddoups

* * *

S.B. 149, CHIROPRACTIC PRACTICE AMENDMENTS, was read the second time. Senator Steele explained the bill. Senator Taylor commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Montgomery

* * *

S.B. 52, WATERCRAFT – LIABILITY INSURANCE, was read the second time. Senator Tanner explained the bill. Senator C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Buhler

* * *

S.B. 153, APPROPRIATION TO STUDY CENTRALIZED URBAN PROGRAMS FOR NATIVE AMERICANS, was read the second time. Senator Suazo explained the bill. Senator Myrin commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Steele	Taylor

* * *

S.B. 130, NONCONTRIBUTORY RETIREMENT SYSTEM FOR FIREFIGHTERS, was read the second time. Senator Suazo explained the bill.

Senators Hillyard and C. Peterson commented. On motion of Senator Hillyard, the bill was tabled and referred for interim study.

* * *

Sub. S.B. 136, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS, was read the second time.

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

1. Page 1, Line 12:
   After "AGENCIES;" delete "AND"

2. Page 1, Line 13:
   After "PARTY" insert "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 7, Line 20:
   After "square feet" delete "on one level"

4. Page 9, Line 1:
   After "the owner" insert "or the public agency"

5. Page 9, Line 28:
   After "remodeled" delete "building" and insert "project"

6. Page 10, Line 2:
   After "waivers" insert "to the extent required by the construction contract"

7. Page 23, Line 4:
   After "occupancy of a" delete "building" and insert "project"

8. Page 23, Line 5:
   After "part of the" delete "building" and insert "project"

9. Page 28, Line 8:
   After line 8, insert:
   "Section 27. Effective Date.
   The effective date of this bill is July 1, 1997."

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

10. Page 8, Line 7:
    After line 7, insert: "(e) "Person" means any individual, corporation, partnership, limited liability company, or other business entity," and renumber remaining sections

11. Page 10, Line 6:
After "value of the" insert "uncompleted"

Senator C. Peterson explained the bill. Senator Poulton commented.

On motion of Senator C. Peterson, the bill was circled.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 20, 1997

The President having received the following House bills assigns them to the following committees:

Education

H.B. 39	Higher Education Parking Enforcement (A. Tyler)

Human Services

H.B. 93	Appropriation For Children's Art Facility Expansion (J. Haymond)

Judiciary

Sub. H.B. 78	Witness Immunity Amendments (D. Gladwell)
H.B. 132	Fugitive Bail Amendments (B. Holladay)
H.B. 143	Unlawful Detainer of Tenant (J. Swallow)

Revenue & Taxation

H.B. 84	Sales Tax – Exemption for Employee Transportation (J. Swallow)
H.B. 206	Property Tax Amendments (D. Ure)

State & Local Affairs

H.B. 230	Olene Walker Housing Trust Fund Amendments (G. Adair)

Transportation & Public Safety

H.B. 266	Utah Department Of Transportation Authority To Construct Toll Roads And Lanes (B. Allen); and

The President having received the following Senate bills with their fiscal notes, orders them printed and assigned to the following committees:

Business, Labor & Economic Development

S.B. 180	Merchant Or Service Provider Charge For Dishonored Checks (J. Holmgren)

Energy, Natural Resources & Agriculture

S.B. 223	Environmental Law Amendments (J. Holmgren)
S.B. 224	Land Use, Transportation, And Air Quality Task Force Reauthorization (L. McAllister)

Revenue & Taxation

S.B. 61	Income Tax – Education Tax Credit (H. Stephenson)
S.B. 67	Income Tax – Personal Exemption Increase (H. Nielson)
S.B. 215	Low Income Housing Tax Credit (R. Evans)
S.B. 219	Privilege Tax Amendments (L. Hillyard)

State & Local Affairs

S.B. 209	State Pay Plan Revisions (C. Peterson)

Lane Beattie, Senate President

Report filed.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 1997

The Transportation and Public Safety Committee recommends **S.B. 125**, HARDSHIP DRIVER PERMIT FOR YOUTH, by Senator Sen. L. Blackham, be replaced and favorably recommends **2nd Sub. S.B. 125**, HARDSHIP DRIVER PERMIT FOR YOUTH with the following amendments:

1. Page 2, Line 10:
   Delete "and" and insert "or"

2. Page 3, Line 2:
   After "activity" insert "at the holder's school"; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 187**, STATE AND LOCAL PUBLIC SAFETY 800 MEGAHERTZ PROJECT, by Representative B. Chard, with the following amendments:

1. Page 2, Line 31:
   Lilac 2-4-97:
   After "submission" delete "OR PUBLIC RELEASE"

2. Page 17, Lines 21-26:
   Delete lines 21 through 26

3. Page 22, Lines 1-2:
   Delete lines 1 through 2 and insert:
   "(3) For a period of 30 days after the publication, any person in interest may contest the legality of the resolution or proceeding, any bonds which may be authorized by the resolution or proceeding, or any provision made for the security and payment of the bonds by filing a

pleading with the district court for the city in which the Utah Communications Network maintains its principal office."

Al Mansell, Chair; and

Mr. President: February 19, 1997

The Education Committee reports a favorable recommendation on **S.B. 191**, CLASS SIZE REDUCTION OPTIONS, by Senator M. Peterson, with the following amendments:

1. Page 1, Lines 6-10:
   After "MAY" delete the rest of line 6 and lines 7 through 9 and "FACILITIES" on line 10 and insert:
   "EXTEND THE SCHOOL DAY IN ITS SECONDARY SCHOOLS TO PROVIDE, WHERE FEASIBLE, FOR SHIFTING NINTH GRADE TO HIGH SCHOOL AND SIXTH GRADE TO MIDDLE OR JUNIOR HIGH SCHOOL TO FREE UP CLASSROOMS AT ELEMENTARY SCHOOLS"

2. Page 1, Line 23:
   After "Subsection" delete "(1)"

3. Page 2, Lines 26-31:
   After "(c)" delete the rest of line 26 and lines 27 through 31 and insert: "A school district may extend the school day in its secondary schools, where feasible, to provide for shifting of the ninth grade to high school and sixth grade to middle or junior high school to free up classrooms at elementary schools to help reduce class size."

Lorin Jones, Chair; and

Mr. President: February 20, 1997

The Health and Environment Committee recommends **S.B. 60**, OPEN ENROLLMENT AMENDMENTS, by Senator G. Mantes, be replaced and favorably recommends **2nd Sub. S.B. 60**, OPEN ENROLLMENT AMENDMENTS; and

The Health and Environment Committee recommends **S.B. 195**, MIXED WASTE DISPOSAL FEE AMENDMENT, by Senator J. Holmgren, be replaced

and favorably recommends **Sub. S.B. 195**, WASTE DISPOSAL FEE AMENDMENT and recommends that it be read again for the first time.

Robert Muhlestein, Chair; and

Mr. President: February 19, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 27**, CIGARETTES - TAX INCREASE AND REGULATION, by Representative J. Tanner.

Howard Nielson, Chair

On motion of Senator Holmgren, the committee reports were adopted. **2nd Sub. S.B. 125, H.B. 187, S.B. 191, 2nd Sub. S.B. 60**, and **2nd Sub. H.B. 27** were placed on Second Reading Calendar.

Sub S.B. 195 was read the first time and placed on Second Reading Calendar.

* * *

Mr. President: February 20, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 201**, PROFESSIONAL CORPORATION ACT AMENDMENTS, by Representative P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

Steven Poulton, Chair; and

Mr. President: February 19, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on **Sub. H.B. 45**, TRAFFIC CHECKPOINT AMENDMENTS, by Representative N. Stephens, and recommends it be considered read for the second time and placed on the Consent Calendar.

Al Mansell, Chair; and

Mr. President: February 20, 1997

The Health and Environment Committee reports a favorable recommendation on **S.B. 194**, SUBSTANCE ABUSE COUNSELOR LICENSURE AMENDMENTS, by Senator R. Montgomery, and recommends it be considered read for the second time and placed on the Consent Calendar.

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee reports were adopted. **H.B. 201, Sub. H.B. 45**, and **S.B. 194** were read the second time and placed on Consent Calendar.

NOTICE OF BILL RETURNED TO THE SECRETARY OF THE SENATE

Mr. President: February 20, 1997

The Business, Labor, and Economic Development Committee has returned S.B. 44, MOTOR VEHICLE INSURANCE - TRANSFER OF AGENT, by Senator J. Hull, to the Secretary of the Senate.

Steven Poulton, Chair

On motion of Senator Holmgren, the committee report was adopted. S.B. 44 was returned to the Secretary of the Senate.

* * *

On motion of Senator Mansell, an Official Citation commending Dick Adair was read in Committee of the Whole. Sandy City Mayor Tom Dolan and Dick Adair spoke in Committee of the Whole.

* * *

On motion of Senator Hillyard, the Senate authorized the drafting of a Department of Corrections bill.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 1997

The Speaker of the House has signed Sub. S.B. 9, PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS, by Senator L. Poulton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 112, DRAMSHOP LIABILITY AMENDMENTS, by Senator D. Buhler, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 119, TRANSPORTATION OVERHEAD RATE LIMITATIONS, by Senator J. Holmgren, and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 138, USED OIL ACT AMENDMENTS, by Senator L. McAllister, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 3, RESOLUTION ENCOURAGING SHORTENING DAYLIGHT SAVINGS PERIOD, 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

Sub. S.B. 9, Sub. S.B. 112, S.B. 119, Sub. S.B. 138, and S.J.R. 3 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 20, 1997

The House passed, as amended, H.B. 96, WRONGFUL LIEN AMENDMENTS, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed H.B. 180, SUNSET REAUTHORIZATIONS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, H.B. 286, PERJURY REFORM, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, H.B. 317, CORPORATE INCOME TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 327, TRANSIENT ROOM TAX AMENDMENTS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.B. 374, MARITAL PROPERTY RIGHTS AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 96, H.B. 180, H.B. 286, H.B. 317, H.B. 327, and Sub. H.B. 374 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 20, 1997

The House passed, as amended, S.B. 32, VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS, by Senator R. 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Howell	McAllister	M. Peterson

S.B. 32 was returned to the House.

* * *

Mr. President: February 20, 1997

The House passed, as amended, S.B. 123, WATER CONSERVANCY DISTRICT - BOARD OF DIRECTORS, by Senator M. Dmitrich, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Dmitrich, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mantes
Mayne	Muhlestein	Myrin	Nielson

C. Peterson	Poulton	Steele	Steiner
Stephenson	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Howell	Hull	McAllister
Montgomery	M. Peterson	Suazo	Tanner

S.B. 123 was returned to the House.

INTRODUCTION OF BILL

RESOLUTION AMENDING RULE OF EVIDENCE

S.J.R. 14 *John P. Holmgren*

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE RULE 508 OF THE UTAH RULES OF EVIDENCE REGARDING ENVIRONMENTAL SELF-EVALUATION PRIVILEGE; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

THIRD READING CALENDAR

On motion of Senator Steele, the circle was removed from **H.B. 205**, RECORDING SUBDIVISIONS OF LAND, and it was before the Senate.

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

1. Page 1, Line 22:
   Delete "of land"

2. Page 2, Line 7:
   Delete "of land"

3. Page 2, Line 17:
   After "not" insert "file or"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mantes

Mayne	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Evans	Howell	Mansell	McAllister
M. Peterson			

H.B. 205, as amended, was returned to the House.

SECOND READING CALENDAR

S.B. 115, INSURANCE LAW AMENDMENT, was read the second time.

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

INSURANCE LAW AMENDMENTS

Sub. S.B. 115 *Steven Poulton*

AN ACT RELATING TO INSURANCE; AMENDING DEFINITION OF EXCESS SURPLUS; INCREASING MAXIMUM TERM OF PROBATION; AMENDING METHOD FOR ISSUING CERTIFICATE OF AUTHORITY TO A HEALTH MAINTENANCE ORGANIZATION; CLARIFYING CLASS OF INSURERS THAT MUST MAINTAIN RISK-BASED CAPITAL; CLARIFYING INSTANCES IN WHICH A PLAN TO DISTRIBUTE DIVIDENDS MUST BE FILED; AMENDING MEDICARE LANGUAGE AT DIRECTION OF FEDERAL GOVERNMENT; CLARIFYING INSTANCES IN WHICH A COMMISSION MAY BE SHARED, PAID, OR RECEIVED; PERMITTING NONREPORTED LOSSES TO BE CERTIFIED; CLARIFYING THE ELEMENTS OF WORKERS' COMPENSATION FRAUD; MAKING TECHNICAL AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

Senator Poulton explained the bill.

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

1 Page 2, Line 3.
After line 3 insert.
"31A-27-308, as enacted by Chapter 242, Laws of Utah 1985
31A-27-314, as last amended by Chapter 204, Laws of Utah 1986"

2. Page 2, Line 4:
After line 4 insert:
"31A-27-332, as enacted by Chapter 242, Laws of Utah 1985"

3. Page 29, Line 27:
After line 27 insert:
"Section 14. Section 31A-27-308 is amended to read:
31A-27-308. Answering the petition.
(1) The insurer shall answer the petition within five working days after receiving the notice or within any further time which the court may order. If the insurer does not answer timely, the court shall issue a liquidation order under Section 31A-27-310.
(2) If the insurer answers and objects to the petition, the court shall hear the case as soon as it is convenient, and shall proceed expeditiously to grant or deny the petition.
(3) [~~The judgment of the court~~] (a) A liquidation order may be appealed under the Utah Rules of Civil Procedure and the Utah Rules of Appellate Procedure. [~~If the court's judgment is to grant the petition for liquidation, then after notice of appeal the court shall issue an order for rehabilitation under Section 31A-27-303, pending the determination on appeal.~~] The Supreme Court shall give expeditious review of [~~appeals~~] an appeal made under this Subsection (3)(a).
(b) An existing rehabilitation order shall remain in effect during the appeal of a liquidation order under Subsection (3)(a).
Section 15. Section 31A-27-314 is amended to read:
31A-27-314. Powers and duties of the liquidator.
(1) The liquidator shall report to the court, at intervals specified by the court, on the progress of the liquidation in whatever detail the court orders. Unless the court orders otherwise, the liquidator has the following powers and responsibilities:
[~~(1)~~] (a) He may appoint a special deputy to act for him under this chapter, and determine the special deputy's compensation, subject to the approval of the court. The special deputy has all the powers of the liquidator granted by this section. The special deputy serves at the pleasure of the liquidator.
[~~(2)~~] (b) He may appoint or engage employees and agents, legal counsel pursuant to Section 31A-2-108, actuaries, accountants, appraisers, consultants, and other personnel necessary to assist in the liquidation. The career service laws do not apply to these persons.
[~~(3)~~] (c) He may fix the compensation of persons under Subsection [~~(2)~~] (c), subject to the approval of the court.
[~~(4)~~] (d) He may defray all reasonable expenses of taking possession of,

conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the reasonable costs incurred, the commissioner may advance the costs so incurred out of the department's appropriation. Any amounts so paid are expenses of administration and shall be repaid for the credit of the Insurance Department out of the first available cash of the insurer.

[~~(5)~~] (e) He may hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath, compel any person to subscribe to his testimony after it has been correctly reduced to writing, and in connection with these proceedings, require the production of any books, papers, records, or other documents that the liquidator considers relevant to the inquiry.

[~~(6)~~] (f) He may collect all debts and claims due and money belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions to forestall garnishment and attachment proceedings against those debts; perform any other acts necessary or expedient to collect, conserve, or protect its assets or property, including selling, compounding, compromising, or assigning for collection, upon the terms and conditions as he considers best, any bad or doubtful debts; and pursue any creditor's remedies available to enforce his claims.

[~~(7)~~] (g) He may conduct public and private sales of the property of the insurer in a manner prescribed by the court.

[~~(8)~~] (h) He may cooperate with the associations created under Chapter 28 in using assets of the estate to transfer policy obligations to a solid assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under Section 31A-27-335.

[~~(9)~~] (i) He may acquire, hypothecate, encumber, lease, improve, sell, transfer, or otherwise dispose of or deal with any property of the insurer at its market value or upon fair and reasonable terms and conditions, except that no transaction involving property with a market value exceeding $25,000 may be concluded without the express permission of the court. The liquidator may also execute, acknowledge, and deliver any deeds, assignments, releases, and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause a certified copy of the order of appointment to be filed with the county recorder for the county in which the property is located.

[~~(10)~~] (j) He may borrow money on the security of the insurer's assets or without security, and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

[~~(11)~~] (k) He may enter into any contracts which are necessary to carry out the order to liquidate, and assume or reject any contracts to which the insurer is a party. A contract is considered rejected if it is not assumed within 60 days after the order of liquidation, unless the time for action is extended by the court.

[~~(12)~~] (l) He may continue to prosecute and institute in the name of the insurer or in his own name, any suits and other legal proceedings, in this state or elsewhere. If the insurer is dissolved under Section 31A-27-312, the liquidator may apply to any court in this state or elsewhere for leave to substitute himself for the insurer as plaintiff.

[~~(13)~~] (m) He may prosecute any action which may exist in behalf of the creditors, members, policyholders, or shareholders of the insurer against any officer of the insurer, or any other person.

[~~(14)~~] (n) He may remove any records and property of the insurer to the offices of the commissioner or to any other place which is convenient for the efficient and orderly execution of the liquidation. Guaranty funds and associations shall be given reasonable access to the records to enable them to carry out their statutory obligations.

[~~(15)~~] (o) He may deposit in one or more depositing institutions in this state those sums which are required for meeting current administration expenses and dividend distributions.

[~~(16)~~] (p) He may deposit with the state treasurer for investment under Title 51, Chapter 7, all sums not currently needed, unless the court orders otherwise.

[~~(17)~~] (q) He may file any necessary documents for record in the office of any county recorder or record office in this state or elsewhere, where the property of the insurer is located.

[~~(18)~~] (r) He may assert all defenses available to the insurer as against third persons, including statutes of limitations, statutes of frauds, and the defense of usury. A waiver of any defense by the insurer after a petition for liquidation has been filed does not bind the liquidator.

[~~(19)~~] (s) He may exercise and enforce all the rights, remedies, and powers of any creditor, shareholder, policyholder, or member of the insurer, including any power given by law to avoid any transfer or lien that is not included among the powers given by Sections 31A-27-319 through 31A-27-322.

[~~(20)~~] (t) He may intervene in any proceeding, wherever instituted, that might lead to the appointment of a receiver or trustee, and act as the

receiver or trustee whenever the appointment is offered.
[~~(21)~~] (u) He may abandon property or a claim he considers unprofitable or burdensome and obtain a court order declaring the abandonment of the property or claim.
[~~(22)~~] (v) He may enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation, or dissolution of an insurer doing business in both states.
[~~(23)~~] (w) He may exercise all the powers conferred upon receivers by the laws of this state which are not inconsistent with this chapter.
[~~(24)~~] (x) The enumeration in this section of the powers and authority of the liquidator is not a limitation upon him, and does not exclude the right to do other acts not specifically mentioned or otherwise provided for, which acts are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.
(2) A court order issued after a hearing and pursuant to Subsection (1)(g), (1)(i), (1)(t), or (1)(u) may be appealed as a final order for purposes of Rule 54 of the Utah Rules of Civil Procedure."

4. Page 30, Line 24:
After line 24 insert:
"Section 17. Section 31A-27-332 is amended to read:
31A-27-332. Disputed claims.
(1) When a claim is disallowed in whole or in part by the liquidator, written notice of the determination and of the right to object shall be given promptly to the claimant or the claimant's attorney of record, if any, by first class mail at the addresses shown in the proof of claim. Within 60 days from the mailing of the notice, the claimant may file objections with the court. If objections are not filed within that period, the claimant may not further object to the determination.
(2) Whenever objections are filed with the court and the liquidator does not alter his ruling, the liquidator shall ask the court for a hearing as soon as practicable. The court shall issue an order setting a date as early as possible, but no sooner than 20 days after the order. The liquidator shall give notice of the hearing by first class mail to the claimant or his attorney and to any other persons directly affected, not less than ten nor more than 30 days before the date of the hearing. The matter may be heard by the court or by a court-appointed referee who shall submit findings of fact together with his recommendations.

(3) A court order issued after a hearing and pursuant to this section may be appealed as a final order for purposes of Rule 54 of the Utah Rules of Civil Procedure."

Renumber remaining sections accordingly

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

5. Page 2, Line 4:
After line 4 insert
"31A-31-108 (Effective 07/01/97), as last amended by Chapter 240, Laws of Utah 1996"

6. Page 30, Line 24:
After line 24 insert:

"Section 18. Section 31A-31-108 is amended to read:
31A-31-108 (Effective 07/01/97). Assessment of insurers.
(1) To implement this chapter, Section 35A-3-114, and Section 76-6-521, the commissioner may assess each admitted insurer and each nonadmitted insurer transacting insurance under Chapter 15, Parts 1 and 2, an annual fee as follows:
(a) [~~$50~~] $75 for an insurer with total premiums for Utah risks of $1,000,000 or less;
(b) [~~$175~~] $263 for an insurer with total premiums for Utah risks of less than $2,500,000 but more than $1,000,000;
(c) [~~$375~~] $563 for an insurer with total premiums for Utah risks of less than $5,000,000 but more than $2,500,000;
(d) [~~$750~~] $1,125 for an insurer with total premiums for Utah risks of less than $10,000,000 but more than $5,000,000;
(e) [~~$3,000~~] $4,500 for an insurer with total premiums for Utah risks of less than $50,000,000 but more than $10,000,000; and
(f) [~~$7,500~~] $11,250 for an insurer with total premiums for Utah risks of $50,000,000 or more.
(2) All money received by the state under this section shall be deposited in the General Fund as a nonlapsing dedicated credit of the Insurance Department for the purpose of providing funds to pay for any costs and expenses incurred by the Insurance Department in the administration, investigation, and enforcement of this chapter, Section 35A-3-114, and Section 76-6-521.

(3) As used in this section, "Utah risks" means insurance coverage on the lives, health, or against the liability of persons residing in Utah, or on property located in Utah, other than property temporarily in transit through Utah."
Renumber remaining sections accordingly

Senator Poulton declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

* * *

S.B. 150, CONDUCT RELATED TO SCHOOL ACTIVITIES, was read the second time. Senator Stephenson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Mansell	Suazo

SPECIAL ORDER OF BUSINESS

S.B. 140, APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS, was read the second time. Senator Evans explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Steiner

* * *

On motion of Senator Buhler, **S.B. 166** was lifted from the Health and Environment standing committee and referred to the Business, Labor and Economic Development standing committee.

SECOND READING CALENDAR

On motion of Senator C. Peterson, the circle was removed from **Sub. S.B. 136**, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS, and it was before the Senate.

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

1. Page 8, Line 21:
   After "on or after" delete "May 5," and insert "July 1,"

2. Page 8, Line 22:
   After "1997" insert ", containing any retention provisions"

3. Page 9, Line 1:
   After "5%" delete "shall be the same" and insert "may not exceed the"

4. Page 10, Line 20:
   At the beginning of line 20, insert:

"(7) Nothing in this section shall be construed to prohibit release of the retention proceeds earlier than the time frame required in this section if the parties to the construction contract agree to early release."

Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

* * *

S.B. 162, APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION, was read the second time. Senator C. Peterson explained the bill. Senator Suazo commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Evans

* * *

S.B. 51, MEDICAL ADVISORY BOARD WAIVERS, was read the second time. Senator Mayne explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	M. Peterson

* * *

S.B. 56, SCHOOL BUS PARKING ZONES, was read the second time. Senator Mayne explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator

C. Peterson

* * *

S.B. 159, PROTECTIVE SERVICE OFFICERS AMENDMENTS, was read the second time.

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

1. Page 2, Lines 1–4
   Committee Report Item #4 dated Feb. 11, 1997 Senate Transportation and Public Safety Standing Committee:
   Delete the committee amendments on lines 1–4

Senator Hillyard explained the bill. Senator Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

* * *

S.B. 120, AMENDMENTS TO DIVORCE REQUIREMENTS, was read the second time. Senator Taylor explained the bill.

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

1. Page 1, Line 5:
   After "THAT" insert "IN CERTAIN CASES WHERE CHILDREN ARE INVOLVED,"

2. Page 3, Line 4:
   After "(6)" delete "A" and insert "If children were born as a result of the marriage or were adopted during the marriage, a"

Senators Myrin, Suazo, Howell, and Wharton commented. The bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Buhler	Dmitrich	Howell	Hull
Mantes	Mayne	Steele	Steiner
Suazo	Wharton		

Absent or not voting was: Senator
Stephenson

* * *

On motion of Senator Evans, the circle was removed from S.B. 36, INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION, and it was read the second time. Senator Evans explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mansell	Mayne	Myrin

* * *

On motion of Senator Montgomery, under suspension of the rules, 2nd Sub. H.B. 27 was placed at the top of the Second Reading Calendar.

2nd Sub. H.B. 27, CIGARETTES - TAX INCREASE AND REGULATION, was read the second time. Senator Montgomery explained the bill.

Senator Poulton moved the following amendment:

1. Page 1, Line 21
   Lilac 2-12-97:
   Delete "2.325" and insert "2.575"

2. Page 1, Line 23
   Lilac 2-12-97:
   Delete "2.925" and insert "3.175"

Senators C. Peterson, Montgomery, Nielson, Wharton, Howell, Blackham, Wharton, and Poulton commented. The amendment passed on a standing vote.

Senator Howell moved amendments that failed on a standing vote. Senators Hull, Montgomery, and Jones commented.

Senators Stephenson, Holmgren, and Nielson commented. Senator Stephenson declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Myrin	Stephenson

* * *

On motion of Senator C. Peterson and at 4:20 p.m., the Senate adjourned until 9:30 a.m., Friday, February 21, 1997.

THIRTY-THIRD DAY

MORNING SESSION

The Senate was called to order at 9:30 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Dmitrich, excused.
Prayer – Senator Joseph L. Hull.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 21, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty-second day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

* * *

On motion of Senator C. Peterson, Representatives Arent, Gladwell, Buttars, and Swallow spoke in Committee of the Whole.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 1997

The House passed, as substituted and amended, **Sub. H.B. 30**, CONCEALED FIREARMS AMENDMENTS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 95**, NOTARIES PUBLIC REVISION, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 179**, COUNTY HUMAN SERVICES PROGRAM AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted, **Sub. H.B. 181**, REDUCTION AND SUMMARIZATION OF ANNUAL REPORTS, by Representative E. Olsen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 207**, OUT OF STATE FIREARM PERMIT, by Representative R. Killpack, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 129**, CENTRALLY ASSESSED TAXPAYERS AMENDMENTS, by Representative R. Short, and it is transmitted for consideration; and

The House passed **H.B. 89**, APPROPRIATIONS FOR BRIDGERLAND ICE SHEET, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, RESOLUTION CALLING FOR STATE'S AMENDMENTS TO FEDERAL CONSTITUTION, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed, as substituted, **Sub. H.B. 265**, MINING BOND AND SURETY FORFEITURE FUND, by Representative M. Styler, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 30, Sub. H.B. 95, H.B. 179, Sub. H.B. 181, Sub. H.B. 207, H.B. 129, H.B. 89, H.C.R. 7**, and **Sub. H.B. 265** were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 20, 1997

The Speaker of the House has signed **S.B. 114**, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 227**, PROPERTY SURVEY - STATUTE OF LIMITATIONS, by Representative G. Adair, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 90**, ELK FARMING, by Representative B. Johnson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. **S.B. 114** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

H.B. 227 and **H.B. 90** were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 20, 1997

The House passed, as amended, **S.B. 26**, SALES TAX OPTION FOR COUNTIES, by Senator L. Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the Senate voted to concur in the House amendments. Senator Wharton declared a conflict of interest. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	Poulton	Steele	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Buhler	Hull	Mantes	M. Peterson
Steiner	Suazo		

Absent or not voting were: Senators

Howell	C. Peterson

S.B. 26 was returned to the House.

* * *

Mr. President: February 20, 1997

The House passed, as amended, **Sub. S.B. 128**, OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS, by Senator J. Holmgren, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Holmgren, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Mansell	C. Peterson

Sub. S.B. 128 was returned to the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 20, 1997

The President having received the following Senate bills and resolution with their fiscal notes, orders them printed and assigned to the following committees:

Energy/Natural Resources & Agriculture

S.J.R. 14	Resolution Amending Rule Of Evidence (J. Holmgren)

Health/Environment

S.B. 174	Medical Assistance Act – Spousal Impoverishment (S. Howell)

Human Services

S.B. 179	Offenders – Income Withholding (P. Suazo)

Revenue & Taxation

S.B. 214	Fees On Sale Of Factory Built Housing (L. Hillyard)

Transportation & Public Safety

S.B. 210	Growth Impact Highways (L. Blackham); and

The President having received the following House bills and resolution assigns them to the following committees:

Education

H.B. 270	State Museum Of Natural History Outreach Programs (E. Olsen)
H.J.R. 4	Transferability Of State College Credits Resolution (K. Bryson)

Energy, Natural Resources & Agriculture

H.B. 19	Real Property Improvements Agreements (D. Ure)

H.B. 145	Mining Reclamation Amendments (J. Gowans)
Human Services	
H.B. 92	Child Abuse Protections (G. Cox)
Judiciary	
H.B. 96	Wrongful Lien Amendments (J. Swallow)
H.B. 286	Perjury Reform (G. Curtis)
Sub. H.B. 374	Marital Property Rights Amendments (A. Bradshaw)
Revenue & Taxation	
H.B. 317	Corporate Income Tax Amendments (W. Harper)
State & Local Affairs	
Sub. H.B. 71	Telecommunications – Universal Service Amendments (M. Stephens)
H.B. 327	Transient Room Tax Amendments (J. Alexander)
Transportation & Public Safety	
H.B. 41	Restrictions on Weapons in Airports (J. Arrington)
H.B. 46	Fee for Background Check Before Handgun Purchase (S. Koehn)

Lane Beattie, Senate President

Reports filed.

INTRODUCTION OF BILLS

BUSINESS LICENSE FEE AND MUNICIPAL TAXING AUTHORITY

S.B. 216 *Leonard M. Blackham*

AN ACT RELATING TO REVENUE AND TAXATION; MODIFYING THE BUSINESS LICENSE FEE AND TAXING AUTHORITY OF A MUNICIPALITY; CLARIFYING A MUNICIPALITY'S AUTHORITY TO TAX CERTAIN PROVIDERS OF TELEPHONE SERVICE; AUTHORIZING A MUNICIPALITY TO IMPOSE A TRANSIENT ROOM TAX; AUTHORIZING A MUNICIPALITY TO IMPOSE AN ADDITIONAL TRANSIENT ROOM TAX UNDER CERTAIN CIRCUMSTANCES; MODIFYING THE RESORT COMMUNITIES TAX; AUTHORIZING A MUNICIPALITY TO IMPOSE AN ADDITIONAL RESORT COMMUNITIES SALES TAX UNDER CERTAIN CIRCUMSTANCES; REQUIRING A CERTIFIED TAX RATE DECREASE FOR MUNICIPALITIES IMPOSING AN ADDITIONAL RESORT COMMUNITIES TAX; AUTHORIZING A MUNICIPALITY TO IMPOSE A HIGHWAYS TAX; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

REORGANIZATION OF DEPARTMENT OF ADMINISTRATIVE SERVICES

S.B. 249 *George Mantes*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; MERGING THE DIVISION OF PURCHASING AND THE DIVISION OF GENERAL SERVICES; DEFINING ITS STRUCTURE, POWERS, AND DUTIES; MOVING THE SURPLUS PROPERTY PROGRAM TO THE DIVISION OF FLEET OPERATIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

CONSENT CALENDAR

H.B. 262, STATUTE OF LIMITATIONS AMENDMENTS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Mayne	Tanner

H.B. 262 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 170, DOMESTIC ABUSE INSURANCE PRACTICES, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Howell Tanner

H.B. 170 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 208, AMENDMENTS TO SPECIAL DISTRICTS, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Howell

H.B. 208 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. S.B. 6, MUNICIPAL AND COUNTY LAND USE DEVELOPMENT AND MANAGEMENT, was read the third time and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Suazo

Sub. S.B. 6 was transmitted to the House.

THIRD READING CALENDAR

S.B. 29, SALES TAX EXEMPTION FOR SCRAP RECYCLERS, was read the third time, explained by Senator Buhler, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 29 was transmitted to the House.

* * *

S.B. 50, SALES TAX REFUND ON DONATED FOOD, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Voting in the negative were: Senators
Hillyard Waddoups

Absent or not voting were: Senators
Blackham Jones Steele

S.B. 50, as amended, was transmitted to the House.

* * *

S.B. 149, CHIROPRACTIC PRACTICE AMENDMENTS, was read the third time. On motion of Senator Steele, the bill was circled.

* * *

S.B. 52, WATERCRAFT - LIABILITY INSURANCE, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steele

S.B. 52, as amended, was transmitted to the House.

* * *

S.B. 153, APPROPRIATION TO STUDY CENTRALIZED URBAN PROGRAMS FOR NATIVE AMERICANS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Steele Stephenson

S.B. 153 was transmitted to the House.

* * *

On motion of Senator Hillyard, Representative Haymond introduced the winners of the 25th Annual High School Art Show in Committee of the Whole.

* * *

Sub. S.B. 115, INSURANCE LAW AMENDMENTS, was read the third time, explained by Senator Poulton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

Sub. S.B. 115, as amended, was transmitted to the House.

* * *

S.B. 150, CONDUCT RELATED TO SCHOOL ACTIVITIES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

S.B. 150, as amended, was transmitted to the House.

* * *

S.B. 140, APPROPRIATION FOR DOMESTIC VIOLENCE SHELTER, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

S.B. 140 was transmitted to the House.

* * *

Sub. S.B. 136, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS, was read the third time. On motion of Senator Steele, the bill was circled.

* * *

On motion of Senator Steele, the circle was removed from **S.B. 149**, CHIROPRACTIC PRACTICE AMENDMENTS, and it was before the Senate.

Senator Buhler moved the following amendments:

1. Page 3, Line 21;
   After "registration;" delete "or"

2. Page 3, Line 23:
   After "registration" delete "." and insert ";"

3. Page 3, Line 23:
   After Line 23 insert the following:
   "(c) substantially interfering with a licensee's lawful and competent practice of chiropractic in accordance with this chapter by:
   (i) any person or entity that manages, owns, operates, or conducts a business having a direct or indirect financial interest in the licensee's professional practice; or
   (ii) anyone other than another chiropractic physician licensed under this title, who is engaged in direct clinical care or consultation with the licensee in accordance with the standards and ethics of the profession of chiropractic;
   (d) entering into a contract that limits a licensee's responsibility to advise the licensee's patients fully about treatment options or other issues that affect the health care of the licensees's patients; or
   (e) directing or interfering with a licensed chiropractic physician's judgment and competent practice of chiropractic.
   (2) "Unlawful conduct" does not include:
   (a) establishing, administering, or enforcing the provisions of a policy of disability insurance by an insurer doing business in this state in accordance with Title 31A, Insurance Code;
   (b) adopting, implementing, or enforcing utilization management standards related to payment for a licensee's services, provided that:
   (i) utilization management standards adopted, implemented, and enforced by the payer have been approved by a licensed chiropractic physician, or by a committee that contains one or more licensed chiropractic physicians; and
   (ii) the utilization management standards do not preclude a licensee from exercising independent professional judgment on behalf of the licensee's patients in a manner that is independent of payment considerations;
   (c) developing and implementing clinical practice standards that are intended to reduce morbidity and mortality or developing and implementing other chiropractic practice standards related to the standardization of effective health care practices, provided that:
   (i) the practice standards and recommendations have been approved by

a licensed chiropractic physician, or by a committee that contains one or more chiropractic physicians; and
(ii) the practice standards do not preclude a licensee from exercising independent professional judgment on behalf of the licensee's patients in a manner that is independent of payment considerations;
(d) requesting or recommending that a patient obtain a second opinion from a licensee;
(e) conducting peer review, quality evaluation, quality improvement, risk management, or similar activities designed to identify and address practice deficiencies with health care providers, health care facilities, or the delivery of health care;
(f) providing employment supervision or adopting employment requirements that do not interfere with the licensee's ability to exercise independent professional judgment on behalf of the licensee's patients, provided that employment requirements that may not be considered to interfere with an employed licensee's exercise of independent professional judgment include:
(i) an employment requirement that restricts the licensee's access to patients with whom the licensee's employer does not have a contractual relationship, either directly or through contracts with one or more third-party payers; or
(ii) providing compensation incentives that are not related to the treatment of any particular patient;
(g) providing benefit coverage information, giving advice, or expressing opinions to a patient or to a family member of a patient to assist the patient or family member in making a decision about health care that has been recommended by a licensee; or
(h) any otherwise lawful conduct that does not substantially interfere with the licensee's ability to exercise independent professional judgment on behalf of the licensee's patients and that does not constitute the practice of chiropractic as defined in this chapter."

4. Page 3, Line 24:
Delete "(2)" and insert "(3)"

Senators Taylor, Montgomery commented. The amendments passed on a voice vote.

Senator Steiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

C. Peterson	Suazo

S.B. 149, as amended, was transmitted to the House.

* * *

S.B. 162, APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

C. Peterson	Suazo

S.B. 162 was transmitted to the House.

* * *

S.B. 51, MEDICAL ADVISORY BOARD WAIVERS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

S.B. 51, as amended, was transmitted to the House.

* * *

S.B. 56, SCHOOL BUS PARKING ZONES, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

McAllister	C. Peterson

S.B. 56 was transmitted to the House.

* * *

S.B. 159, PROTECTIVE SERVICE OFFICERS 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

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery

Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	C. Peterson

S.B. 159, as amended, was transmitted to the House.

* * *

S.B. 120, AMENDMENTS TO DIVORCE REQUIREMENTS, was read the third time, explained by Senator Taylor, and passed on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Jones	Mansell	McAllister	Montgomery
Muhlestein	Nielson	M. Peterson	Poulton
Stephenson	Tanner	Taylor	Waddoups
Beattie			

Voting in the negative were: Senators

Howell	Hull	Mantes	Mayne
Myrin	Steele	Steiner	Suazo
Wharton			

Absent or not voting were: Senators

Buhler	Dmitrich	C. Peterson

S.B. 120 was transmitted to the House.

* * *

S.B. 36, INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION, 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

Dmitrich	Evans	Holmgren	Howell
Hull	Jones	Mansell	Mantes

Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Buhler	Hillyard	C. Peterson
Steiner	Suazo		

S.B. 36, as amended, was transmitted to the House.

* * *

2nd Sub. H.B. 27, CIGARETTES – TAX INCREASE AND REGULATION, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Nielson	M. Peterson	Poulton
Steele	Steiner	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Myrin	Stephenson

Absent or not voting were: Senators

Buhler	Dmitrich	C. Peterson	Suazo

2nd Sub. H.B. 27, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 69, REAL ESTATE AGENT BACKGROUND CHECK, was read the second time.

Senator Waddoups moved the following amendments:

1. Page 2, Line 16
   Standing Committee Report

February 11, 1997:
After "(e)" delete "(l)" and insert "(i)"

2. Page 2, Line 19
Standing Committee Report
February 11, 1997:
After "has been revoked by this subsection" delete "(l)" and insert "(i)"

3. Page 6, Line 2
Standing Committee Report
February 11, 1997:
At the beginning of line 2, reinsert "criminal offense" and unbracket "involving moral turpitude" and delete "felony or class A misdemeanor"

4. Page 6, Line 3
Standing Committee Report
February 11, 1997:
After "held in abeyance to" reinsert "a criminal offense" and unbracket "involving moral turpitude" and delete "the felony or Class A misdemeanor"

Senator Hillyard commented. The amendment passed on a voice vote.

Senator Waddoups explained the bill. Senators Steiner and Hillyard commented. Senators Mansell and Beattie declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Evans	Hillyard	Holmgren	Howell
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups		

Voting in the negative were: Senators

C. Peterson	Steiner	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Buhler	Dmitrich

* * *

S.B. 164, UTAH STATE CAPITOL BUILDING CENTENNIAL STUDY, was read the second time. Senator Tanner explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	M. Peterson

* * *

On motion of Senator Waddoups, an Official Citation honoring Doug Bodrero, former Commissioner of Public Safety, was read in Committee of the Whole. Senators Waddoups, Beattie, Hillyard, Steele, Buhler, and Howell commented.

On motion of Senator Hull, an Official Citation honoring Coach Keith Cox, Weber State University, was read in Committee of the Whole.

SPECIAL ORDER OF BUSINESS

2nd Sub. S.B. 53, REDEVELOPMENT AGENCY AMENDMENTS, was read the second time. Senator Taylor explained the bill.

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

1. Page 4, Line 22:
   After line 22 insert:
   "(iv) The factor listed in Subsection (3)(b)(i)(B)(VII) may be used as one of the three factors required under Subsection (3)(b)(i)(B) only if: (A) the property has been in disuse for a continuous period of two years immediately preceding the selection of the project area under Section 17A-2-1206 in which the property is located; and

(B) reasonable efforts, under applicable federal or state hazardous waste cleanup law, have been made and have failed to require cleanup by the person responsible for the condition that makes it qualify as a factor under Subsection (3)(b)(i)(B)(VII)."

2. Page 7, Line 17:
After "described in" delete "the" and insert "a" and after "plan" insert "adopted on or after May 5, 1997"

3. Page 12, Line 26:
After line 26 insert:
"(d) In determining the amount of just compensation to award an owner whose property is taken by an agency through eminent domain, the court or jury may consider the length of time the owner has owned the property, the owner's motivation for acquiring the property, and any bad faith on the part of the agency."

4. Page 14, Line 30:
Reinstate line 30 and after "(c)" bracket "An" and insert "Under a redevelopment plan adopted before May 5, 1997, an"

5. Page 14, Line 31:
Reinstate line 31 and after "specified in" bracket "this subsection" and insert "Subsection (4)(b)(i)"

6. Page 15, Line 1:
Reinstate line 1

Senator Blackham moved the following amendments:

7. Page 2, Line 2:
After line 2 insert:
"17A-2-1209, as repealed and reenacted by Chapter 50, Laws of Utah 1993"

8. Page 8, Line 13:
After line 13 insert:
"Section 3. Section 17A-2-1209 is amended to read:
17A-2-1209. Use of eminent domain.
(1) Except when acquiring property from an officer or member pursuant to Section 17A-2-1239 and except as provided in Subsection (2), eminent domain may not be used by an agency in a project area where one of the purposes of the plan is economic development and the

project area has not been found to be blighted as defined in Sections 17A-2-1202 and 17A-2-1208.

(2) Notwithstanding Subsection (1), an agency may acquire property by eminent domain if:

(a) the property is undeveloped and uninhabited;

(b) the property consists of a lot of irregular form and shape and inadequate size for proper usefulness and development or has been laid out in disregard of the contours and other physical characteristics of the ground and surrounding conditions; and

(c) the redevelopment project could not reasonably be completed without the property.

[~~(2)~~] (3) Before any agency may exercise the power of eminent domain, the agency shall:

(a) negotiate with the affected property owner in good faith and provide evidence of those negotiations;

(b) explain to the affected property owner and occupant in writing the eminent domain power and the procedures and reasons for exercising it;

(c) explain to the affected property owner and occupant his right to just compensation and how he may obtain it; and

(d) explain to the affected property owner and occupant his right to receive aid to relocate as provided in Title 57, Chapter 12."

Renumber remaining sections accordingly

Senators Hillyard, Taylor, and Nielson commented. The amendments passed on a voice vote.

On motion of Senator Howell, the bill was circled.

* * *

On motion of Senator C. Peterson, an Official Commendation was presented to Jim Peacock in Committee of the Whole. Senators C. Peterson, Nielson, Evans, Howell, and Beattie commented.

On motion of Senator Poulton, an Official Commendation was presented to Salt Lake County residents from Senate District 9, for Centennial community activities.

* * *

On motion of Senator C. Peterson, and at 12:15 p.m., the Senate recessed.

AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 1997

The Speaker of the House has signed S.B. 32, VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS, by Senator R. Evans, and it is transmitted for the signature of the President; and

The House passed, S.B. 118, VALIDITY OF CREDENTIALS IN PUBLIC EDUCATION, by Senator L. McAllister, 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. 123, WATER CONSERVANCY DISTRICT - BOARD OF DIRECTORS, by Senator M. Dmitrich, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 32, S.B. 118, and S.B. 123 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 21, 1997

The House passed, as substituted and amended, Sub. H.B. 248, PLANNING AND ZONING - SUBDIVISION PLATS, by Representative C. Saunders, and it is transmitted for consideration; and

The House passed H.B. 257, PUBLIC ASSISTANCE WELFARE FRAUD, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as substituted, 4th Sub. H.B. 54, DANGEROUS WEAPON PENALTY ENHANCEMENT, by Representative G. COX, and it is transmitted for consideration; and

The House passed H.B. 291, CIVIL DEFENSE COMPACT, by Representative S. Koehn, and it is transmitted for consideration; and

The House passed H.B. 399, PUBLIC SAFETY NONCONTRIBUTORY RETIREMENT - CONVERSION WINDOW, by Representative S. Koehn, and it is transmitted for consideration; and

The House passed **H.B. 144**, REVISING TERM LIMITS, by Representative J. Arrington, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 248, H.B. 257, 4th Sub. H.B. 54, H.B. 291, H.B. 399**, and **H.B. 144** were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 21, 1997

The House passed, as amended, **S.B. 80**, CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP, by Senator C. Taylor, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Taylor, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Mayne	M. Peterson	Steele
Waddoups			

S.B. 80 was returned to the House.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 84**, PUBLIC TRANSIT DISTRICT BOARDS, by Senator L. Mansell; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 15**, TRANSIT DISTRICT AUTHORITY, by Representative R. Bigelow; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 82, PUBLIC TRANSIT DISTRICT ETHICS, by Representative R. Short.

Al Mansell, Chair; and

Mr. President: February 20, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 207, NEW MOTOR VEHICLE BROKER, by Senator C. Peterson, with the following amendments:

1. Page 1, Lines 15–16:
Delete "Section 41–3–202" and insert "Subsection 41–3–202(1)"; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 220, TRAIL ENHANCEMENTS, by Senator D. Buhler; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on S.B. 236, STATE FISH AMENDMENTS, by Senator P. Suazo; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.J.R. 17, RESOLUTION REGARDING FUTURE OPERATION AND DEVELOPMENT OF THIS IS THE PLACE STATE PARK, by Representative J. Tanner, with the following amendments:

1. Page 1, Line 18:
After "historical" delete "and" and insert a comma and after "heritage" insert ", and Native American history"

Alarik Myrin, Chair; and

The Human Services Committee reports a favorable recommendation on S.B. 182, CHILDREN'S JUSTICE CENTER PROGRAM, by Senator C. Peterson, with the following amendments:

1. Page 3, Line 17:
After "at least" remove brackets and reinsert "four" and delete "two" and after "large" insert "provided, however, that the State Advisory Board may authorize fewer members, although not less than two, if the local Advisory Board so requests"; and

The Human Services Committee reports a favorable recommendation on S.B. 196, TRUST FOR DEVELOPMENTALLY DISABLED AMENDMENTS, by Senator L. McAllister, with the following amendments:

1. Page 1, Line 26:
   After "by" insert "state"

2. Page 1, Line 27:
   After "under" delete "long-term"

3. Page 2, Line 1:
   After "use" delete the period and insert the following: ". except that the institutions are responsible for the cost of their operation and maintenance and any remodeling or improvements required for the use of the property. Subsection (2)(b) does not apply to agreements entered into prior to May 5, 1997."; and

The Human Services Committee recommends S.B. 198, APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM OF UTAH, by Senator P. Suazo, be replaced and favorably recommends Sub. S.B. 198, APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM OF UTAH; and

The Human Services Committee reports a favorable recommendation on H.B. 13, CHILD SUPPORT REDUCTION FOR EXTENDED VISITATION, by Representative M. Dayton.

Nathan C. Tanner, Chair; and

Mr. President: February 21, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 202, PROCUREMENT CODE - DESIGN BUILD AMENDMENTS, by Senator L. Beattie; and

The State and Local Affairs Committee reports a favorable recommendation on Sub. H.B. 72, PROCUREMENT OF ARCHITECT, ENGINEER, OR SURVEYOR SERVICES BY POLITICAL SUBDIVISIONS, by Representative A. Tyler.

Mont Evans, Chair; and

The Judiciary Committee reports a favorable recommendation on S.B. 244, PUBLIC NUDITY PROHIBITION, by Senator C. Taylor; and

The Judiciary Committee reports a favorable recommendation on **H.B. 48**, AMENDMENTS TO CAPITAL SENTENCING, by Representative D. Ure; and

The Judiciary Committee reports a favorable recommendation on **H.B. 56**, PRIVATE ACTIVITY BONDING, by Representative R. Becker, with the following amendments:

1. Page 4, Lines 10-13:
Delete lines 10 through 13; and

The Judiciary Committee reports a favorable recommendation on **H.B. 264**, AGGRAVATED ASSAULT BY A PRISONER AMENDMENTS, by Representative S. Barth.

Craig L. Taylor, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 84, H.B. 15, H.B. 82, S.B. 207, S.B. 220, S.B. 236, H.J.R. 17, S.B. 182, S.B. 196, Sub. S.B. 198, H.B. 13, S.B. 202, Sub. H.B. 72, S.B. 244, H.B. 48, H.B. 56,** and **H.B. 264** were placed on Second Reading Calendar.

* * *

Mr. President: February 21, 1997

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 221**, COUNTY OFFICERS - OFFICIAL BOND, by Senator L. Hillyard, 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. 280**, SPECIAL DISTRICTS ANNEXATION AMENDMENTS, by Representative J. Arrington, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mont Evans, Chair; and

Mr. President: February 21, 1997

The Judiciary Committee reports a favorable recommendation on **H.B. 276**, CONTROLLED SUBSTANCES CONTAINERS AMENDMENTS, by Representative P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

Craig L. Taylor, Chair; and

Mr. President: February 20, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 203**, STATE COOKING POT, by

Representative C. Buttars, and recommends it be considered read for the second time and placed on the Consent Calendar.

Alarik Myrin, Chair; and

The Human Services Committee reports a favorable recommendation on S.B. 217, RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY, by Senator R. Muhlestein, and recommends it be considered read for the second time and placed on the Consent Calendar.

Nathan C. Tanner, Chair

On motion of Senator Holmgren, the committee reports were adopted. S.B. 221, H.B. 280, H.B. 276, H.B. 283, and S.B. 217 were read the second time and placed on Consent Calendar.

NOTICE OF BILL TABLED

Mr. President: February 20, 1997

The Judiciary Committee has tabled S.B. 108, PUBLIC SAFETY RETIREMENT COST OF LIVING ADJUSTMENT, by Senator D. Buhler, and has returned it to the Secretary of the Senate with a recommendation for Interim Study.

Craig L. Taylor, Chair

S.B. 108 returned to the Secretary of the Senate.

SECOND READING CALENDAR

S.B. 40, STATE SCHOOL BOARD ELECTION PROCEDURES, was read the second time. Senator Nielson explained the bill. Senators Steele, Wharton, Hull, C. Peterson, Stephenson, Blackham, Poulton, Dmitrich, and McAllister commented. Senator Hull declared a conflict of interest. The bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Blackham	Holmgren	Howell	Hull
Jones	McAllister	M. Peterson	Steele
Steiner			

Absent or not voting was: Senator
Evans

* * *

On motion of Senator Jones, an Official Citation commending the Huntsman World Senior Games was read in Committee of the Whole.

On motion of Senator Jones, an Official Citation commending Gerald R. Sherratt, retiring President of Southern Utah University, was read in Committee of the Whole. Senators Hillyard, McAllister, and Beattie commented.

* * *

Sub. S.B. 55, PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS, was read the second time. Senator Mayne explained the bill.

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

1. Page 2, Line 2:
   After "of the ordinance" insert ": (A) for a city of the first class, in nine public places within the city; or
   (B) for any other municipality."

Senator Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Hull	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Holmgren	Howell	Jones	C. Peterson
Suazo			

* * *

S.B. 154, CHANGES TO DIVISION OF STATE HISTORY, was read the second time. Senator McAllister explained the bill. Senator Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Hull	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Holmgren	Howell	Jones	Suazo
Wharton			

* * *

On motion of Senator Taylor, the circle was removed from 2nd Sub. S.B. 53, REDEVELOPMENT AGENCY AMENDMENTS, and it was before the Senate. On motion of Senator Taylor, the bill was referred for interim study.

* * *

Sub. S.B. 161, MOTOR VEHICLE COMPLIANCE WITH INSURANCE, REGISTRATION, AND SALES TAX REQUIREMENTS, was read the second time. Senator C. Peterson explained the bill. Senators Hull, Steiner, Poulton, Mansell, and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Mayne	M. Peterson	Waddoups

THIRD READING CALENDAR

On motion of Senator C. Peterson, the Senate voted to move to the Third Reading Calendar.

On motion of Senator C. Peterson, the circle was removed from Sub. S.B. 136, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS, and it was before the Senate. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Mayne	Myrin	M. Peterson
Waddoups			

Sub. S.B. 136 was transmitted to the House.

SECOND READING CALENDAR

S.B. 222, APPROPRIATION FOR PURCHASE OF PROPERTY ADJACENT TO DIXIE, was read the second time. Senator Jones explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	M. Peterson	Steele	Waddoups

* * *

S.B. 229, FEES FOR COMMERCIAL RADIOACTIVE WASTE, was read the second time. Senator Nielson explained the bill. Senators Holmgren, Mayne, and Waddoups commented. The bill failed on the following roll call:

Yeas, 10; Nays, 17; Absent, 2.

Voting in the affirmative were: Senators

Hillyard	Mansell	Mayne	McAllister
Muhlestein	Nielson	Poulton	Steiner
Stephenson	Beattie		

Voting in the negative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mantes
Montgomery	Myrin	C. Peterson	M. Peterson
Steele	Suazo	Tanner	Waddoups
Wharton			

Absent or not voting were: Senators

Buhler	Taylor

S.B. 229 was filed.

* * *

S.B. 64, WELFARE REFORM AMENDMENTS TO CHILD SUPPORT, was read the second time.

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

1. Page 16, Line 31:
   Delete "protected" and insert "private"

2. Page 23, Line 24:
   Delete "protected" and insert "private"

3. Page 29, Line 3:
   Delete "protected" and insert "private"

4. Page 31, Line 9:
Delete "protected" and insert "private"

5. Page 53, Line 22:
Delete "or" and insert "and"

6. Page 84, Line 8:
Delete "or" and insert "and"

Senator Tanner explained the bill. Senators Steiner, Hillyard, and Taylor commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Poulton	Steiner

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 1997

The House passed, as amended, H.B. 268, AMENDMENTS ON AFFORDABLE HOUSING, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed, as amended, H.C.R. 6, UTAH WILDERNESS DESIGNATION RESOLUTION, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 8, RESOLUTION REPEALING MARITAL PROPERTY PROVISIONS, by Representative A. Bradshaw, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 268, H.C.R. 6, and H.J.R. 8 were read the first time and referred to the President of the Senate.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 21, 1997

The President having received the following Senate bills, orders them printed when they receive fiscal notes, and assigned to the following committees:

Energy, Natural Resources & Agriculture

S.B. 211	Snowmobile User Fee (L. Jones)
S.B. 218	Government Relationship To Olympic Events (A. Myrin)

Health/Environment

S.B. 228	Procurement Code Requirement Of Health Care Benefits For Contractors (E. Mayne)

Judiciary

S.B. 185	Appropriation For Secure Youth Facilities (S. Howell)
S.B. 246	Parental Responsibility For Wrongful Conduct of Child (P. Suazo)

Revenue & Taxation

S.B. 65	Property Tax Exemption Fee (G. Mantes)
S.B. 216	Business License Fee And Municipal Taxing Authority (L. Blackham)

State & Local Affairs

S.B. 239	Amendments To Ethics Law (D. Buhler)
S.B. 241	Reporting Elected Official Funds (E. Mayne)
S.B. 249	Reorganization Of Department Of Administrative Services (G. Mantes)

Transportation & Public Safety

S.B. 175	State Transportation Infrastructure Bank (M. Waddoups)
S.B. 204	Centennial License Plate Amendments (J. Hull); and

The President having received the following House bills, assigns them to the following committees:

Business, Labor & Economic Development

Sub. H.B. 95	Notaries Public Revision (K. Bryson)

Energy, Natural Resources & Agriculture

H.B. 89	Appropriations For Bridgerland Ice Sheet (C. Buttars)
Sub. H.B. 265	Mining Bond And Surety Forfeiture Account (M. Styler)

Human Services

H.B. 179	County Human Services Program Amendments (S. Allen)

Revenue & Taxation

H.B. 129	Centrally Assessed Taxpayers Amendments (R. Short)

State & Local Affairs

Sub. H.B. 181 Reduction and Summarization of Annual Reports (E. Olsen)

Transportation & Public Safety

Sub. H.B. 30 Concealed Firearms Amendments (S. Barth)

Sub. H.B. 207 Out of State Firearm Permit (R. Killpack); and

The President having received the following House bill, orders it placed on the Second Reading Calendar:

H.B. 180 Sunset Reauthorizations (M. Brown)

Lane Beattie, Senate President

Reports filed. On motion of Senator C. Peterson, **H.B. 180** was placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator C. Peterson, the circle was removed from **Sub. S.B. 49**, SECOND HAND SMOKE AMENDMENTS, and it was before the Senate.

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

SECOND HAND SMOKE AMENDMENTS

2nd Sub. S.B. 49 *Lane Beattie*

AN ACT RELATING TO HEALTH; CLARIFYING THAT DRIFTING TOBACCO SMOKE IS A NUISANCE UNDER SPECIFIED CIRCUMSTANCES; PROVIDING THAT RESIDENTIAL UNIT RENTAL AND PURCHASE AGREEMENTS MAY PROHIBIT GENERATION OF TOBACCO SMOKE; AND PROVIDING LEGISLATIVE INTENT.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator C. Peterson and at 4:20 p.m., the Senate adjourned until 9:30 a.m., Monday, February 24, 1997.

THIRTY-SIXTH DAY

MORNING SESSION

The Senate was called to order at 9:30 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Bishop Paul F. Mecham, Bishop of the Fairmont Ward in Salt Lake City and former member of the House of Representatives.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 24, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty–third day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 1997

The Speaker of the House has signed S.B. 26, SALES TAX OPTION FOR COUNTIES, by Senator L. Mansell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 128, OFF–HIGHWAY VEHICLE OPERATOR REQUIREMENTS, by Senator J. Holmgren, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 26 and Sub. S.B. 128 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 21, 1997

The House concurred in the Senate amendments and passed **H.B. 205**, RECORDING SUBDIVISIONS OF LAND, by Representative S. Koehn, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 205 was signed by the President of the Senate in open session and returned to the House.

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Mr. President: February 21, 1997

The House passed, as amended, **H.B. 32**, RECREATION IMPACT FEES, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 87**, COMPUTER CRIMES AMENDMENTS, by Representative B. Holladay, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 137**, YOUTH CORRECTIONS AMENDMENTS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 247**, B AND C ROADS FORMULA, by Representative M. Stephens, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 275**, WILDLAND FIRE AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.B. 283**, APPROPRIATION FOR WEBER COUNTY FAIRGROUNDS, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 289**, COUGAR AND BEAR DEPREDATION LOSS, by Representative B. Evans, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 32, H.B. 87, H.B. 137, H.B. 247, H.B. 275, H.B. 283**, and **H.B. 289** were read the first time and referred to the President of the Senate.

CONSENT CALENDAR

H.B. 140, HUNTING PERMITS FOR PERSONS WITH DISABILITIES, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Taylor

H.B. 140 was signed by the President of the Senate in open session and returned to the House.

* * *

S.J.R. 12, RESOLUTION ON OZONE AND PARTICULATE MATTER, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Taylor

S.J.R. 12 was transmitted to the House.

* * *

H.C.R. 3, RESOLUTION CALLING FOR END TO FEDERAL SUBSIDIES OF TOBACCO, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	McAllister	Taylor

H.C.R. 3 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

S.B. 69, REAL ESTATE AGENT BACKGROUND CHECK, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Nielson	M. Peterson
Poulton	Stephenson	Suazo	Tanner
Waddoups			

Voting in the negative were: Senators

Buhler	Howell	Mayne	Montgomery
Muhlestein	Myrin	C. Peterson	Steele
Steiner	Wharton	Beattie	

Absent or not voting was: Senator

Taylor

S.B. 69, as amended, was transmitted to the House.

* * *

S.B. 164, UTAH STATE CAPITOL BUILDING CENTENNIAL STUDY, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

McAllister	Taylor

S.B. 164 was transmitted to the House.

* * *

S.B. 40, STATE SCHOOL BOARD ELECTION PROCEDURES, was read the third time, explained by Senator Nielson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Mansell	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Voting in the negative were: Senators

Blackham	Holmgren	Howell	Hull
Jones	Mantes	McAllister	M. Peterson
Steele	Steiner	Beattie	

S.B. 40 was transmitted to the House.

* * *

Sub. S.B. 55, PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS, was read the third time. On motion of Senator Mayne, the bill was circled.

* * *

S.B. 154, CHANGES TO DIVISION OF STATE HISTORY, was read the third time, explained by Senator McAllister, and passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Wharton	Beattie		

Voting in the negative were: Senators

Taylor	Waddoups

Absent or not voting was: Senator
Steiner

S.B. 154 was transmitted to the House.

* * *

Sub. S.B. 161, MOTOR VEHICLE COMPLIANCE WITH INSURANCE REGISTRATION, AND SALES TAX REQUIREMENTS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steiner

Sub. S.B. 161 was transmitted to the House.

* * *

S.B. 222, APPROPRIATION FOR PURCHASE OF PROPERTY ADJACENT TO DIXIE COLLEGE, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steele

S.B. 222 was transmitted to the House.

* * *

S.B. 64, WELFARE REFORM AMENDMENTS TO CHILD SUPPORT, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Myrin

S.B. 64, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 184, SALES TAX – TELEPHONE EXEMPTION, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Beattie	

Absent or not voting were: Senators

Buhler	Mayne	Myrin	Poulton
Taylor	Wharton		

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On motion of Senator Hillyard, S.B. 183, REVISED UNIFORM PARTNERSHIPS AND LIMITED LIABILITY PARTNERSHIP ACT, by Senator Hillyard, was referred to the Secretary of the Senate for interim study.

* * *

S.B. 186, PROPERTY TAX – REAL AND PERSONAL PROPERTY ASSESSMENT, was read the second time. Senator Dmitrich explained the bill. Senator Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Mayne	Myrin	Poulton
Taylor			

* * *

On motion of Senator Hillyard, **S.B. 240**, ROCKY MOUNTAIN PRESIDENTIAL PRIMARY TASK FORCE APPOINTMENTS, under suspension of the rules, was read the first and second times. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mantes	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Holmgren	Mayne	McAllister
Myrin	Poulton	Taylor	

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Sub. S.B. 157, BEER INDUSTRY FAIR DEALING ACT, was read the second time. Senator Blackham explained the bill. On motion of Senator Blackham, the bill was referred to the Secretary of the Senate for interim study.

* * *

Sub. S.B. 70, EMINENT DOMAIN VALUATION, was read the second time. Senator Suazo explained the bill. Senators C. Peterson, Holmgren, and Hillyard commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
C. Peterson

Absent or not voting were: Senators

Buhler	Hillyard	Howell	Myrin

* * *

On motion of Senator Beattie, the circle was removed from **2nd Sub. S.B. 49**, SECOND HAND SMOKE AMENDMENTS, and it was before the Senate. Senator Beattie explained the bill. Senators Wharton, Montgomery, and Hillyard commented. Senator Waddoups declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Myrin

* * *

On motion of Senator Howell, **Sub. S.B. 57** was circled.

* * *

Sub. S.B. 33, CHILD VISITATION GUIDELINES, was read the second time. Senator Evans explained the bill. Senator Hillyard commented.

On motion of Senator Hillyard, the amendments made in committee were deleted.
Page 4, Lines 7and 8:
Reinstate lines 7 and 8.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups			

Absent or not voting were: Senators

Mayne	Montgomery	Wharton	Beattie

* * *

S.B. 116, EXTENSION OF CHILD VISITATION PILOT PROGRAM, was read the second time. Senator M. Peterson 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Mayne	Nielson	Poulton

* * *

On motion of Senator C. Peterson, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 1997

The Speaker of the House has signed **S.B. 80**, CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP, by Senator C. Taylor, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 80 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 24, 1997

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 27**, CIGARETTES – TAX INCREASE AND REGULATION, by Representative J. Tanner, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communication filed. **2nd Sub. H.B. 27** was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 24, 1997

The House passed, as amended, **H.B. 99**, REQUIREMENTS OF STATUTORILY REQUIRED REPORTS AND NOTICES, by Representative D. Jones, and it is transmitted for consideration; and

The House passed **H.B. 131**, DILIGENCE AND UNDERGROUND WATER CLAIMS – PUBLICATION AND REVIEW, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as substituted, **Sub. H.B. 244**, DRIVER LICENSE – SMART CARD, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 267**, COUNCIL ON EXCELLENCE IN GOVERNMENT, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 282**, WORK PROGRAMS FOR PRISONERS AMENDMENTS, by Representative C. Fox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 99, H.B. 131, Sub. H.B. 244, H.B. 267**, and **H.B. 282** were read the first time and referred to the President of the Senate.

STANDING COMMITTEE REPORTS

Mr. President: February 24, 1997

The Business, Labor, and Economic Development Committee recommends **S.B. 13**, TELECOMMUNICATION AMENDMENTS, by Senator D. Steele, be replaced and favorably recommends **Sub. S.B. 13**, TELECOMMUNICATION AMENDMENTS with the following amendments:

1. Page 2, Line 15:
   After "before" delete "May" and insert "March"

2. Page 2, Line 16:
   After "may increase" insert "or decrease"

3. Page 2, Lines 21-25:
   Delete lines 21 through 25

4. Page 2, Line 26:
   At the beginning of the line delete "(C)" and insert "(B)"

5. Page 2, Line 28:
   At the beginning of the line delete "(D)" and insert "(C)"

Steven Poulton, Chair; and

Mr. President: February 24, 1997

The Education Committee reports a favorable recommendation on **H.B. 270**, STATE MUSEUM OF NATURAL HISTORY OUTREACH PROGRAMS, by Representative E. Olsen.

Lorin Jones, Chair; and

Mr. President: February 24, 1997

The Health and Environment Committee reports a favorable recommendation on **S.B. 174**, MEDICAL ASSISTANCE ACT - SPOUSAL IMPOVERISHMENT, by Senator S. Howell; and

The Health and Environment Committee reports a favorable recommendation on H.B. 77, OUTSIDE EMPLOYMENT FOR MENTAL HEALTH ADVISOR, by Representative M. Dayton.

Robert Muhlestein, Chair; and

Mr. President: February 24, 1997

The Human Services Committee reports a favorable recommendation on S.B. 190, VOLUNTARY RELEASE CLEANUP PROGRAM, by Senator L. Mansell; and

The Human Services Committee reports a favorable recommendation on H.B. 93, APPROPRIATION FOR CHILDREN'S ART FACILITY EXPANSION, by Representative J. Haymond; and

The Human Services Committee reports a favorable recommendation on H.B. 342, GANG PREVENTION AND INTERVENTION, by Representative R. Short; and

The Human Services Committee reports a favorable recommendation on H.B. 343, OFFENDER EXPENSES AMENDMENTS, by Representative P. Buckner.

Nathan C. Tanner, Chair; and

Mr. President: February 21, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 215, LOW INCOME HOUSING TAX CREDIT, by Senator R. Evans; and

The Revenue and Taxation Committee reports a favorable recommendation on S.J.R. 10, RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS, by Senator H. Stephenson.

Howard Nielson, Chair; and

Mr. President: February 24, 1997

The State and Local Affairs Committee reports a favorable recommendation on S.B. 173, COUNTY ATTORNEY RESPONSIBILITIES, by Senator C. Peterson, with the following amendments:

1. Page 1, Line 1:
   After "COUNTY" delete "ATTORNEY RESPONSIBILITIES" and insert "AND DISTRICT ATTORNEYS"

2. Page 1, Line 6:
After "ATTORNEY;" insert "PROHIBITING A DISTRICT ATTORNEY FROM INVESTIGATING OR PROSECUTING COUNTY OFFICERS; REQUIRING THE REFERRAL OF A CRIMINAL INVESTIGATION OR PROSECUTION TO THE ATTORNEY GENERAL OR THE APPOINTMENT OF A SPECIAL PROSECUTOR IF ALLEGATIONS OF CRIMINAL ACTIVITY ARE MADE AGAINST A COUNTY OFFICER;"

3. Page 1, Line 18:
After line 18 insert:
"77-10a-12, as last amended by Chapter 38, Laws of Utah 1993"

4. Page 7, Line 4:
After "(5)" insert "(a)"

5. Page 7, Line 5:
Bracket "(a)" and insert "(i)"

6. Page 7, Line 6:
Bracket "(b)" and insert "(ii)"

7. Page 7, Line 7:
Bracket "(c)" and insert "(iii)"

8. Page 7, Line 9:
Bracket "(d)" and insert "(iv)"

9. Page 7, Line 10:
After "pending charge;" bracket "or"

10. Page 7, Line 11:
Bracket "(e)" and insert "(v)"

11. Page 7, Line 12:
After "court" insert:
": or
(vi) investigate an allegation of criminal wrongdoing or prosecute a criminal action against another county officer, as defined in Section 17-16-2.
(b) If a district attorney is prohibited from investigating or prosecuting another county officer under Subsection (5)(a)(vi), the district attorney shall:
(i) refer the investigation or prosecution to the attorney general; or

(ii) request the supervising judge to appoint a special prosecutor under Section 77-10a-12"

12. Page 10, Line 17:
After line 17 insert:
"Section 10. Section 77-10a-12 is amended to read:
77-10a-12Representation of state — Appointment and compensation of special prosecutor.
(1) The state may be represented before any grand jury summoned in the state by the attorney general and his assistants, county attorney or district attorney and his deputies, and special prosecutors appointed under this chapter and their assistants.
(2) (a) The supervising judge shall determine if a special prosecutor is necessary. [He] Subject to Subsection (2)(b), the supervising judge may appoint a special prosecutor only upon good cause shown and after making a written finding that a conflict of interest exists in the office of the attorney general or the office of the county attorney or district attorney who would otherwise represent the state before the grand jury.
(b) Notwithstanding Subsection (2)(a), the supervising judge shall appoint a special prosecutor if requested by a district attorney under Subsection 17-18-1.7(5)(b).
(3) In selecting a special prosecutor, the supervising judge shall give preference to the attorney general and his assistants, and the county attorney or district attorney and his deputies.
(4) (a) The compensation of a special prosecutor appointed under this chapter who is an employee of the Office of the Attorney General or the office of a county attorney or district attorney is only the current compensation he receives in that office.
(b) The compensation for an appointed special prosecutor who is not an employee of a prosecutorial office under Subsection (4)(a) shall be comparable to the compensation of a deputy or assistant attorney general having similar experience to that of the special prosecutor.";
and

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 209**, STATE PAY PLAN REVISIONS, by Senator C. Peterson; and

The State and Local Affairs Committee reports a favorable recommendation on **2nd Sub. H.B. 219**, POWERS OF MAYORS, by Representative P. Knudson; and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 230**, OLENE WALKER HOUSING TRUST FUND AMENDMENTS, by Representative G. Adair.

Mont Evans, Chair

On motion of Senator Stephenson, the committee reports were adopted. **Sub. S.B. 13, H.B. 270, H.J.R. 4, S.B. 174, H.B. 77, S.B. 190, H.B. 93, H.B. 342, H.B. 343, S.B. 215, S.J.R. 10, S.B. 173, S.B. 209, 2nd Sub. H.B. 219**, and **H.B. 230** were placed on Second Reading Calendar.

* * *

Mr. President: February 24, 1997

The Education Committee reports a favorable recommendation on **H.B. 39**, HIGHER EDUCATION PARKING ENFORCEMENT, by Representative A. Tyler, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 296**, ANNEXATION TRANSITION FOR SCHOOL DISTRICTS, by Representative R. Killpack, and recommends it be considered read for the second time and placed on the Consent Calendar.

Lorin Jones, Chair; and

Mr. President: February 21, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 219**, PRIVILEGE TAX AMENDMENTS, by Senator L. Hillyard, 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. 84**, SALES TAX - EXEMPTION FOR EMPLOYEE TRANSPORTATION, by Representative J. Swallow, 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. 206**, PROPERTY TAX AMENDMENTS, by Representative D. Ure, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard Nielson, Chair; and

Mr. President: February 24, 1997

The Health and Environment Committee reports a favorable recommendation on **Sub. H.B. 68**, DISPOSAL FEE FOR CONSTRUCTION

AND DEMOLITION WASTE, by Representative D. Tuttle, and recommends it be considered read for the second time and placed on the Consent Calendar.

Robert Muhlestein, Chair

On motion of Senator Mantes, the committee reports were adopted. **H.B. 39, H.B. 296, S.B. 219, H.B. 84, H.B. 206**, and **Sub. H.B. 68** were read the second time and placed on Consent Calendar.

NOTICE OF BILL TABLED

Mr. President: February 24, 1997

The Revenue and Taxation Committee has tabled **S.B. 67**, INCOME TAX - PERSONAL EXEMPTION INCREASE, by Senator H. Nielson, and has returned it to the Secretary of the Senate.

Howard Nielson, Chair

Report filed. **S.B. 67** returned to the Secretary of the Senate.

SECOND READING CALENDAR

S.B. 165, MANAGEMENT OF INSTITUTIONAL FUNDS ACT, was read the second time. On motion of Senator Mantes, the bill was circled.

* * *

S.B. 72, DIVISION OF STATE HISTORY DUTIES, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Mantes, the circle was removed from **Sub. S.B. 57**, STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS, and it was read the second time. Senator Mantes 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

Dmitrich	Evans	Hillyard	Howell
Hull	Jones	Mansell	Mantes
Mayne	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Buhler	Holmgren	McAllister
C. Peterson	Steiner		

* * *

Sub. S.B. 91, AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING PROVISIONS, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 165, MANAGEMENT OF INSTITUTIONAL FUNDS ACT, and it was before the Senate. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Evans	Hillyard	Holmgren	Hull
Jones	Mansell	Mantes	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Blackham	Buhler	Dmitrich	Howell
Mayne	McAllister	C. Peterson	Wharton

* * *

S.B. 71, LANDLORD – TENANT AMENDMENTS, was read the second time. Senator Montgomery explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Holmgren C. Peterson

* * *

S.B. 163, UNIFORM COMMERCIAL CODE ARTICLE 5 - LETTERS OF CREDIT, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Holmgren C. Peterson

* * *

On motion of Senator McAllister, Sub. S.B. 91, AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING PROVISIONS, was uncircled and will be considered Tuesday, February 25, 1997 at 11:15 a.m.

* * *

S.B. 200, NIGHTLY RENTAL PROPERTY MANAGERS, was read the second time. Senator Myrin explained the bill and declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Buhler Holmgren

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S.B. 203, AGRICULTURAL PROTECTION AREA AMENDMENTS, was read the second time. Senator Blackham explained the bill.

Senator Blackham moved the following amendment:

1. Page 2, Line 18:
   Delete "city."

Senator Hull commented. The amendment passed on a voice vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Holmgren	Poulton

* * *

On motion of Senator Mantes, the Senate voted to refuse to recede from its amendments on H.B. 11 and authorized the President to appoint a conference committee. The President appointed Senators Mantes, Waddoups, and Hillyard.

* * *

On motion of Senator McAllister, the circle was removed from S.B. 72, DIVISION OF STATE HISTORY DUTIES, and it was before the Senate. Senator McAllister 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

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Holmgren	Poulton

* * *

S.B. 66, ATTEMPTED PURCHASE OF TOBACCO BY CHILDREN, was read the second time. Senator Jones explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Holmgren	Mansell	Poulton

* * *

S.B. 201, APPROPRIATION FOR BIOTECH PROGRAM AT UTAH STATE UNIVERSITY, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Howell
Hull	Jones	Mansell	Mantes

Mayne	McAllister	Montgomery	Muhlestein
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Evans	Holmgren	Myrin
Poulton			

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S.B. 197, JUDICIAL NOMINATING COMMISSION AMENDMENT, was read the second time. Senator Taylor explained the bill.

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

JUDICIAL NOMINATING COMMISSION AMENDMENT

Sub. S.B. 197 *Craig L. Taylor*

AN ACT RELATING TO JUDICIAL SELECTION PROCEDURES, CLARIFYING QUORUM REQUIREMENTS FOR JUDICIAL NOMINATING COMMISSIONS, CLARIFYING CERTAIN PROCEDURES OF JUDICIAL NOMINATING COMMISSIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Howell
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Evans	Holmgren	Hull
Myrin			

* * *

2nd Sub. S.B. 125, HARDSHIP DRIVER PERMIT FOR YOUTH, was read the second time. Senator Blackham explained the bill. Senators Jones, C.

Peterson, Steele, Montgomery, Hillyard, and Dmitrich commented. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Evans	Howell	Hull	Mantes
C. Peterson	Steele	Steiner	

Absent or not voting was: Senator
Holmgren

* * *

S.B. 191, CLASS SIZE REDUCTION OPTIONS, was read the second time. Senator M. Peterson explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mantes
Mayne	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Mansell	McAllister	Wharton

Absent or not voting were: Senators

Blackham	Holmgren

* * *

2nd Sub. S.B. 60, OPEN ENROLLMENT AMENDMENTS, was read the second time. On motion of Senator Mantes, the bill was circled.

* * *

Sub. S.B. 195, MIXED WASTE DISPOSAL FEE AMENDMENT, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 84, PUBLIC TRANSIT DISTRICT BOARDS, was read the second time. Senator Mansell explained the bill. Senators Hillyard, Steele, and C. Peterson commented. Senator Wharton declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Wharton	Beattie		

Voting in the negative were: Senators

Buhler	McAllister	Nielson

Absent or not voting were: Senators

Blackham	Holmgren	Howell	Waddoups

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 24, 1997

The President recommends that S.B. 61, Income Tax – Education Tax Credit (H. Stephenson) be moved from Revenue and Taxation Committee to Education Committee; and

The President having received the following House bills and resolution, assigns them to the following committees:

Education

H.B. 267	Council On Excellence In Government (D. Ure)

Energy, Natural Resources & Agriculture

H.B. 32	Recreation Impact Fees (J. Valentine)
H.B. 131	Diligence And Underground Water Claims – Publication And Review (M. Styler)

H.B. 275	Wildland Fire (J. Gowans)
H.B. 283	Appropriation For Weber County Fairgrounds (G. Adair)
H.B. 289	Cougar And Bear Depredation Loss (B. Evans)
Human Services	
H.B. 137	Youth Corrections Amendments (S. Barth)
H.B. 257	Public Assistance Welfare Fraud (J. Murray)
H.B. 282	Work Programs For Prisoners Amendments (C. Fox)
Judiciary	
H.B. 87	Computer Crimes Amendments (B. Holladay)
Revenue & Taxation	
H.B. 399	Public Safety Noncontributory Retirement – Conversion Window (S. Koehn)
State & Local Affairs	
H.B. 99	Requirements Of Statutorily Required Reports And Notices (D. Jones)
Sub. H.B. 248	County Planning and Zoning – Subdivision Plats (C. Saunders)
H.C.R. 7	Resolution Calling For State's Amendments To Federal Constitution (M. Dillree)
Transportation & Public Safety	
4th Sub. H.B. 54	Dangerous Weapon Penalty Enhancement (G. Cox)
Sub. H.B. 244	Driver License – Smart Card (G. Adair)
H.B. 247	B And C Roads Formula (M. Stephens)
H.B. 291	Civil Defense Compact (S. Koehn)

Lane Beattie, Senate President

Reports filed.

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On motion of Senator C. Peterson and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 25, 1997.

THIRTY-SEVENTH DAY

MORNING SESSION

The Senate was called to order at 9:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Pastor Jim Munter, from The Good Shepherd Lutheran Church in Sandy, Utah.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 25, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty-sixth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 1997

The House passed, as substituted, Sub. H.B. 6, SURVIVING SPOUSE PENSION, by Representative O. Carnahan, and it is transmitted for consideration; and

The House passed H.B. 103, DUAL ENROLLMENT AMENDMENTS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, H.B. 146, COMMERCIAL TENANT – NOTICE OF UNLAWFUL DETAINER, by Representative J. Swallow, and it is transmitted for consideration; and

The House passed, as amended, H.B. 236, MUNICIPAL BUILDING AUTHORITY BOND ISSUANCE, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, H.B. 261, HIGHER EDUCATION PRESIDENTIAL AUTHORITY, by Representative G. Davis, and it is transmitted for consideration; and

The House passed **H.B. 274**, FOSTER PARENT DIRECTOR, by Representative N. Stephens, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 290**, APPROPRIATION FOR COUNTY LAND USE PLANNING, by Representative D. Iverson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 6, H.B. 103, H.B. 146, H.B. 236, H.B. 261, H.B. 274**, and **H.B. 290** were read the first time and referred to the President of the Senate.

CONSENT CALENDAR

H.B. 201, PROFESSIONAL CORPORATION ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Hull	Jones	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Evans	Howell	Mansell
Poulton	Taylor		

H.B. 201 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 45, TRAFFIC CHECKPOINT AMENDMENTS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mayne

McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Evans	Howell	Mansell	Mantes
Taylor			

Sub. H.B. 45 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 194, SUBSTANCE ABUSE COUNSELOR LICENSURE AMENDMENTS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Howell	Mansell	Taylor

S.B. 194 was transmitted to the House.

THIRD READING CALENDAR

S.B. 184, SALES TAX - TELEPHONE EXEMPTION, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Evans

S.B. 184 was transmitted to the House.

* * *

S.B. 186, PROPERTY TAX - REAL AND PERSONAL PROPERTY ASSESSMENT AMENDMENTS, was read the third time. On motion of Senator Dmitrich, the bill was circled.

* * *

S.B. 240, ROCKY MOUNTAIN PRESIDENTIAL PRIMARY TASK FORCE APPOINTMENTS, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Waddoups

S.B. 240 was transmitted to the House.

* * *

Sub. S.B. 70, EMINENT DOMAIN VALUATION, was read the third time.

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

1. Page 2, Line 10:
After line 10, insert:
"(3) In determining the amount of just compensation to award an owner whose property is taken by an agency or political subdivision through eminent domain, the court or jury may consider the length of time the owner has owned the property, the owner's motivation for acquiring the property, and any bad faith on the part of the agency or political subdivision."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	C. Peterson

Sub. S.B. 70, as amended, was transmitted to the House.

* * *

2nd Sub. S.B. 49, SECOND HAND SMOKE AMENDMENTS, was read the third time. On motion of Senator Hillyard, the bill was circled.

* * *

Sub. S.B. 33, CHILD VISITATION GUIDELINES, was read the third time. On motion of Senator Wharton, the bill was circled.

* * *

On motion of Senator Mayne, the circle was removed from **Sub. S.B. 55, PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS,** and it was before the Senate.

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

PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS

2nd Sub. S.B. 55 *Ed P. Mayne*

AN ACT RELATING TO CITIES, TOWNS, COUNTIES, LOCAL TAXING UNITS, SPECIAL DISTRICTS, AND PUBLIC FUNDS AND ACCOUNTS; MODIFYING NOTICE PROVISIONS; AND MAKING TECHNICAL CORRECTIONS.

Senator Mayne explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

2nd Sub. S.B. 55 was transmitted to the House.

* * *

S.B. 116, EXTENSION OF CHILD VISITATION PILOT PROGRAM, was read the third time, explained by Senator M. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 116, as amended, was transmitted to the House.

* * *

Sub. S.B. 57, STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS, was read the third time, explained by Senator Mantes, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. S.B. 57 was transmitted to the House.

* * *

On motion of Senator Evans, the circle was removed from Sub. S.B. 33, CHILD VISITATION GUIDELINES, and it was before the Senate. Senator Evans explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. S.B. 33 was transmitted to the House.

* * *

S.B. 165, MANAGEMENT OF INSTITUTIONAL FUNDS ACT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 165 was transmitted to the House.

* * *

S.B. 71, LANDLORD – TENANT AMENDMENTS, was read the third time, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 71 was transmitted to the House.

* * *

S.B. 163, UNIFORM COMMERCIAL CODE ARTICLE 5 – LETTERS OF CREDIT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Montgomery

S.B. 163 was transmitted to the House.

* * *

S.B. 200, NIGHTLY RENTAL PROPERTY MANAGERS, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Montgomery

S.B. 200 was transmitted to the House.

* * *

S.B. 203, AGRICULTURAL PROTECTION AREA AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne

McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Myrin

S.B. 203, as amended, was transmitted to the House.

* * *

S.B. 72, DIVISION OF STATE HISTORY DUTIES, was read the third time, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Voting in the negative was: Senator Waddoups

S.B. 72 was transmitted to the House.

* * *

S.B. 66, ATTEMPTED PURCHASE OF TOBACCO BY CHILDREN, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 66 was transmitted to the House.

* * *

S.B. 201, APPROPRIATION FOR BIOTECH PROGRAM AT UTAH STATE UNIVERSITY, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 201 was transmitted to the House.

* * *

Sub. S.B. 197, JUDICIAL NOMINATING COMMISSION AMENDMENT, was read the third time. On motion of Senator Taylor, the bill was circled.

* * *

2nd Sub. S.B. 125, HARDSHIP DRIVER PERMIT FOR YOUTH, was read the third time. On motion of Senator Blackham, the bill was circled.

* * *

S.B. 191, CLASS SIZE REDUCTION OPTIONS, was read the third time, explained by Senator M. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

McAllister	C. Peterson

S.B. 191, as amended, was transmitted to the House.

* * *

S.B. 84, PUBLIC TRANSIT DISTRICT BOARDS, was read the third time.

Senator Hillyard moved the following amendments:

1. Page 3, Line 29:
   After "simple majority" insert "by secret ballot"

Senators Mayne, Hillyard, and Mansell commented. The amendment passed on a voice vote.

Senator Steele commented. Senators Mayne and C. Peterson declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	Montgomery
Myrin	M. Peterson	Poulton	Stephenson
Suazo	Tanner	Waddoups	Wharton

Voting in the negative were: Senators

Buhler	McAllister	Muhlestein	Nielson
C. Peterson	Steele	Steiner	Taylor
Beattie			

S.B. 84, as amended, was transmitted to the House.

* * *

On motion of Senator Dmitrich, the circle was removed from S.B. 186, PROPERTY TAX - REAL AND PERSONAL PROPERTY ASSESSMENT AMENDMENTS, and it was before the Senate. Senator Dmitrich explained the bill.

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

1. Page 1, Line 10:
   After "CHANGES;" delete "AND" and after "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"

2. Page 4, Line 5:
   After Line 5 insert:
   "Section 4. Coordination clause.
   If this bill and S.B. 117, Commercial Vehicle Registration, both pass, it is the intent of the Legislature that the amendments to Subsection 59-2-1308(2) in this bill supersede the amendments to Subsection 59-2-1308(2) in S.B. 117, and that Subsection 59-2-1308(1) be replaced with the following language:
   (1) Property taxes assessed by the commission shall be collected, billed, and paid in the manner provided for the collection, billing, and enforcement of other general property taxes under this chapter, except:
   (a) the rolling stock of rail car companies; and
   (b) state-assessed commercial vehicles."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
McAllister

S.B. 186, as amended, was transmitted to the House.

* * *

On motion of Senator Mansell, the circle was removed from H.B. 62, EXEMPTIONS FROM CONSTRUCTION TRADES LICENSING ACT, and it was before the Senate. Senator Mansell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

M. Peterson	Steiner

H.B. 62 was signed by the President of the Senate in open session and returned to the House.

SECOND READING CALENDAR

On motion of Senator Mantes, the circle was removed from 2nd Sub. S.B. 60, OPEN ENROLLMENT AMENDMENTS, and it was before the Senate.

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

1. Page 1, Line 16:
   After "AMENDMENTS;" delete "AND" after "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"

2. Page 1, Line 18:
   After line 18 insert:
   "31A-2-212, as enacted by Chapter 242, Laws of Utah 1985"

3. Page 2, Line 13:
   After line 13 insert:
   "Section 1. Section 31A-2-212 is amended to read:
   31A-2-212. Miscellaneous duties.
   (1) Upon issuance of any order limiting, suspending, or revoking an

insurer's authority to do business in Utah, and on institution of any proceedings against the insurer under Chapter 27, the commissioner shall notify by mail all agents of the insurer of whom the commissioner has record. The commissioner may also publish notice of the order in any manner he considers necessary to protect the rights of the public.

(2) When required for evidence in any legal proceeding, the commissioner shall furnish a certificate of the authority of any licensee to transact insurance business in Utah on any particular date. The court or other officer shall receive the certificate in lieu of the commissioner's testimony.

(3) The commissioner shall obtain and publish tables showing the average expectancy of life, the values of annuities, and of life and term estates. These tables shall be for the use of courts and appraisers in Utah.

(4) On the request of any insurer authorized to do a surety business, the commissioner shall mail a certified copy of the insurer's certificate of authority to any designated public officer in this state who requires that certificate before accepting a bond. That public officer shall file the certificate. After a certified copy of a certificate of authority has been furnished to a public officer, it is not necessary, while the certificate remains effective, to attach a copy of it to any instrument of suretyship filed with that public officer. Whenever the commissioner revokes the certificate of authority or starts proceedings under Chapter 27 against any insurer authorized to do a surety business, the commissioner shall immediately give notice of that action to each officer who was sent a certified copy under this subsection.

(5) When an authorized insurer doing a surety business has filed a petition for receivership, is in receivership, or the commissioner has reason to believe the company is in financial difficulty, or has unreasonably failed to carry out any of its contracts, the commissioner shall immediately notify every judge and clerk of all courts of record in the state. Upon the receipt of the notice it is the duty of the judges and clerks to notify and require every person that has filed with the court a bond on which the company is surety, to immediately file a new bond with a new surety.

(6) The commissioner shall require an insurer that issues, sells, renews, or offers health insurance coverage in this state to comply with the Health Insurance Portability and Accountability Act, P.L. 104-191, pursuant to 110 Stat. 1968, Sec. 2722."

Renumber remaining sections accordingly

4. Page 4, Line 11:
Delete "45" and insert "30"

5. Page 4, Line 16:
Delete "expected" and insert "such" and after "claims" insert "are anticipated to"

6. Page 6, Line 24:
Delete "base" and insert "index" and delete "for" and after "year" insert a period

7. Page 6, Line 25:
Delete line 25

8. Page 7, Line 1:
Delete "base" and insert "index"

9. Page 7, Line 9:
Delete "the administrator to" and delete "and" and insert "to"

10. Page 9, Line 9:
Unbracket "or" and after "or" delete the comma and delete ", or carrier"

11. Page 9, Line 10:
Delete "who issues conversion policies"

12. Page 11, Line 25:
Delete "does not meet" and insert "is eligible for" and after "Pool" insert "coverage under the"

13. Page 11, Line 27:
After the semicolon insert "or"

14. Page 11, Line 28:
After "(b)" insert "(i)"

15. Page 11, Line 29:
Delete "(c)" and insert "(ii)"

16. Page 12, Line 14:
Delete "conversion policy or" and insert "(a)"

17. Page 12, Line 15:
After "both" insert ": or (b) conversion policy for purposes of Section 31A-30-106.5"

18. Page 18, Line 6:
After "on the" insert "annual"

19. Page 19, Line 18:
Bracket "90" and insert "62"

20. Page 20, Line 20:
Delete "XIV" and insert "XIX"

21. Page 26, Line 10:
After line 10 insert:
"Section 22. Coordination clause.
If this bill and H.B. 228 both pass, it is the intent of the Legislature that the amendments to Section 31A-30-110 in this bill supercede the amendments to Section 31A-30-110 in H.B. 228."

Senator Mantes explained the bill. Senators C. Peterson, Poulton, Tanner, Holmgren, and Montgomery commented. Senators Poulton and Mantes declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Poulton

* * *

On motion of Senator C. Peterson, and at 10:45 a.m., the Senate sauntered.

The Senate was called to order at 11:20, with President Beattie presiding.

* * *

On motion of Senator McAllister, Sub. S.B. 91 will be considered today at 2:15 p.m.

SECOND READING CALENDAR

On motion of Senator Holmgren, the circle was removed from Sub. S.B. 195, MIXED WASTE DISPOSAL FEE AMENDMENT, and it was before the Senate. Senator Holmgren explained the bill. Senators Mantes, Nielson, Mayne, and Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Buhler	McAllister	Nielson
Poulton	Beattie		

THIRD READING CALENDAR

On motion of Senator Montgomery, the Senate voted to recall S.B. 71 and reconsider its action on the bill.

S.B. 71, LANDLORD – TENANT AMENDMENTS, was before the Senate.

Senator Montgomery moved the following amendments:

1. Page 4, Line 25
   Senate Standing Committee
   February 19, 1997:
   After line 25, delete the previously inserted coordination clause and insert the following:

   Section 3. Coordination Clause.
   If this bill and 1st Sub. H.B. 143, Unlawful Detainer Amendments, both pass, it is the intent of the Legislature that the following amendments shall govern:

   (1)The amendments to Subsection 78–36–10.5(2)(a) shall read:

   "(2)(a) A copy of the order of restitution and a form for the defendant to

request a hearing as listed on the form shall be served [~~personally upon the defendant~~] in accordance with [~~Rule 4, Utah Rules of Civil Procedure,~~] Section 78–36–6 by a person authorized to serve process pursuant to Section 78–27–58. If personal service is impossible or impracticable, service may be made by:
(i) mailing a copy of the order and the form to the defendant's last known address and posting a copy of the order and the form at a conspicuous place on the premises; or
(ii) mailing a copy of the order and the form to the commercial tenant defendant's last–known place of business and posting a copy of the order and the form at a conspicuous place on the business premises."

(2) The amendments to Subsection 78–36–10.5(2)(b) of S.B. 21 shall read:

"(c) A request for hearing by the defendant may not stay enforcement of the restitution order unless:
(i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property bond to the clerk of the court in an amount approved by the court; and
(ii) the court orders that the restitution order be stayed," and the remaining sections shall be renumbered.

(3) The amendments to Subsection 78–36–10.5 (5) shall read:

"(5) In the event of a dispute concerning the [~~terms of the order of restitution or the~~] manner of [~~its~~] enforcement of the restitution order, the defendant or any person claiming to own stored personal property may file a request for a hearing. The court shall set the matter for hearing with ten days from the filing of the request, or as soon thereafter as practicable, and shall mail notice of the hearing to the parties."

Senators Wharton, Mayne, and Dmitrich commented. The amendment was not voted on.

On motion of Senator Montgomery, S.B. 71 was circled.

SECOND READING CALENDAR

S.B. 207, NEW MOTOR VEHICLE BROKER, was read the second time. Senator C. Peterson explained the bill. Senators Myrin, Mansell, C. Peterson, Mantes, Poulton, Hillyard, and Myrin commented. Senator Mantes declared a conflict of interest. The bill passed on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Dmitrich	Evans	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	C. Peterson
M. Peterson	Steiner	Suazo	Tanner
Waddoups	Wharton		

Voting in the negative were: Senators

Hillyard	Holmgren	Myrin	Nielson
Poulton	Steele	Stephenson	

Absent or not voting were: Senators

Blackham	Buhler	Taylor	Beattie

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 1997

The House passed, as amended, H.B. 94, GUARDIAN AD LITEM AMENDMENTS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed H.B. 301, SALES TAX REFUND AMENDMENTS, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed H.B. 311, HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative B. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 319, INCOME TAX - FILING EXTENSIONS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, H.B. 358, CONSUMER WARRANTIES ON ASSISTIVE TECHNOLOGY, by Representative F. Hunsaker, et al, and it is transmitted for consideration; and

The House passed **H.B. 370**, RECORDING FEDERAL TAX LIENS, by Representative R. Siddoway, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 65**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Representative N. Stephens, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 138**, STUDENT EDUCATION/OCCUPATION PLAN AMENDMENTS, by Representative L. Frandsen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 142**, ESCAPE AND ABSCONDING AMENDMENTS, by Representative R. Killpack, and it is transmitted for consideration; and

The House passed **H.B. 278**, CENTENNIAL NONMOTORIZED PATHS AND TRAIL CROSSINGS PROGRAM, by Representative A. Tyler, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 362**, INFORMED CONSENT AMENDMENTS, by Representative R. Killpack, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 94, H.B. 301, H.B. 311, H.B. 319, H.B. 358, H.B. 370, Sub. H.B. 65, H.B. 138, H.B. 142, H.B. 278**, and **Sub. H.B. 362** were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 25, 1997

The House passed, as amended, **S.J.R. 4**, PUBLIC SCHOOL SNOW DAYS RESOLUTION, by Senator S. Howell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Howell, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators
Blackham Beattie

S.J.R. 4 was returned to the House.

* * *

Mr. President: February 25, 1997

The Speaker of the House has appointed a Conference Committee consisting of Representative B. Johnson, Representative D. Tuttle, and Representative J. Valentine to meet with a like committee from the Senate to consider or amend H.B. 11, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, by Representative D. Tuttle.

Carole E. Peterson, Chief Clerk

Communication filed.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 1997

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 30, ACCOUNTABILITY AND OVERSIGHT OF UTAH TRANSIT AUTHORITY, by Senator M. Peterson; and

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 188, INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR, by Senator S. Howell, with the following amendments:

1. Page 1, Line 16:
   After "is" insert ": (i)"

2. Page 1, Line 17:
   After "or" insert:
   "(ii) more than the deductible the policy requires the insured to pay for the repair unless the insured is informed orally and in writing and before the repair is commenced of the circumstances under which the person who performs the repair may charge the insured more than the deductible; or"; and

The Transportation and Public Safety Committee reports a favorable recommendation on S.B. 210, GROWTH IMPACT HIGHWAYS, by Senator L. Blackham, with the following amendments:

1. Page 1, Line 22:
   Delete "10%" and insert "20%"

2. Page 1, Line 24:
   Delete "equal to or greater than" and insert "at least 150% of"; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 41, RESTRICTIONS ON WEAPONS IN AIRPORTS, by Representative J. Arrington; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 46, FEE FOR BACKGROUND CHECK BEFORE HANDGUN PURCHASE, by Representative S. Koehn; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 266, UTAH DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONSTRUCT TOLL ROADS AND LANES, by Representative B. Allen.

Al Mansell, Chair; and

Mr. President: February 24, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 19, REAL PROPERTY IMPROVEMENTS AGREEMENTS, by Representative D. Ure; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 89, APPROPRIATIONS FOR BRIDGERLAND ICE SHEET, by Representative C. Buttars; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on H.B. 145, MINING RECLAMATION AMENDMENTS, by Representative J. Gowans.

Alarik Myrin, Chair; and

Mr. President: February 25, 1997

The Human Services Committee reports a favorable recommendation on S.B. 179, OFFENDERS – INCOME WITHHOLDING, by Senator P. Suazo, with the following amendments:

1. Page 7, Line 11:
After "Department of" delete "Adult Probation and Parole" and insert "Corrections"

2. Page 7, Line 17:
After "Department of" delete "Adult"

3. Page 7, Line 18:
At the beginning of Line 18, delete "Probation and Parole" and insert "Corrections"

4. Page 7, Line 25:
After "Department of" delete "Adult Probation and Parole" and insert "Corrections"

5. Page 7, Line 26:
After "employer" insert "willfully" and after "Department of" delete "Adult"

6. Page 7, Line 27:
At the beginning of Line 27, delete "Probation and Parole" and insert "Corrections"

7. Page 8, Line 7:
.After "Department of" delete "Adult Probation and Parole" and insert "Corrections"

8. Page 8, Line 12:
After "Department of" delete "Adult"

9. Page 8, Line 13:
At the beginning of Line 13, delete "Probation and Parole" and insert "Corrections"

10. Page 8, Line 10:
After "known;" delete "and"

11. Page 8, Line 14:
After "amount" delete the period and insert "; and (k) if an employer fails to meet the provisions of this section, the employer may petition the court to show just cause, demonstrating to the court why the employer failed to meet the provisions of this section."; and

The Human Services Committee reports a favorable recommendation on **H.B. 92**, CHILD ABUSE PROTECTIONS, by Representative G. Cox; and

The Human Services Committee reports a favorable recommendation on **H.B. 179**, COUNTY HUMAN SERVICES PROGRAM AMENDMENTS, by Representative S. Allen.

Nathan C. Tanner, Chair; and

Mr. President: February 25, 1997

The Revenue and Taxation Committee recommends **S.B. 65**, PROPERTY TAX EXEMPTION FEE, by Senator G. Mantes, be replaced and favorably recommends **Sub. S.B. 65**, PROPERTY TAX EXEMPTION FEE; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 214**, FEES ON SALE OF FACTORY BUILT HOUSING, by Senator L. Hillyard.

Howard Nielson, Chair; and

Mr. President: February 25, 1997

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 239**, AMENDMENTS TO ETHICS LAW, by Senator D. Buhler; and

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 241**, REPORTING ELECTED OFFICIAL FUNDS, by Senator E. Mayne; and

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 249**, REORGANIZATION OF DEPARTMENT OF ADMINISTRATIVE SERVICES, by Senator G. Mantes; and

The State and Local Affairs Committee reports a favorable recommendation on **Sub. H.B. 71**, TELECOMMUNICATIONS - UNIVERSAL SERVICE AMENDMENTS, by Representative M. Stephens; and

The State and Local Affairs Committee reports a favorable recommendation on **Sub. H.B. 181**, REDUCTION AND SUMMARIZATION OF ANNUAL REPORTS, by Representative E. Olsen.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 30, S.B. 188, S.B. 210, H.B. 41, H.B. 46, H.B. 266, H.B. 19, H.B. 89, H.B. 145, S.B. 179, H.B. 92, H.B. 179, Sub. S.B. 65, S.B. 214, S.B. 239, S.B. 241, S.B. 249, Sub. H.B. 71**, and **Sub. H.B. 181** were placed on Second Reading Calendar.

* * *

Mr. President: February 24, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 223**, ENVIRONMENTAL LAW AMENDMENTS, by Senator J. Holmgren, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.J.R. 14**, RESOLUTION AMENDING RULE OF EVIDENCE, by Senator J. Holmgren, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **Sub. H.B. 265**, MINING BOND AND SURETY FORFEITURE FUND, by Representative M. Styler, and recommends it be considered read for the second time and placed on the Consent Calendar.

Alarik Myrin, Chair; and

Mr. President: February 25, 1997

The Human Services Committee reports a favorable recommendation on **H.C.R. 4**, RESOLUTION SUPPORTING REALIGNMENT OF AIR FORCE BASE WORKLOAD, by Representative B. Chard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Nathan C. Tanner, Chair; and

Mr. President: February 25, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 317**, CORPORATE INCOME TAX AMENDMENTS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard Nielson, Chair; and

Mr. President: February 25, 1997

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 327**, TRANSIENT ROOM TAX AMENDMENTS, by Representative J.

Alexander, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 223, S.J.R. 14, Sub. H.B. 265, H.C.R. 4, H.B. 317**, and **H.B. 327** were read the second time and placed on Consent Calendar.

SPECIAL ORDER OF BUSINESS

Sub. S.B. 91, AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING, was before the Senate. Senator McAllister explained the bill.

* * *

On motion of Senator McAllister, the Boy Scouts of America were honored in Committee of the Whole. Senator Howell commented.

* * *

Senators Blackham, Evans, Mansell, Waddoups, and Wharton commented. The bill failed to pass on the following roll call:

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

Voting in the affirmative were: Senators

Howell	Mantes	McAllister	Montgomery
Muhlestein	C. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	

Voting in the negative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	Myrin	Nielson
M. Peterson	Poulton	Taylor	Waddoups
Wharton	Beattie		

* * *

On motion of Senator Stephenson, **S.B. 61**, INCOME TAX CREDIT, was lifted from the Education standing committee and referred to the Revenue and Taxation standing committee.

SECOND READING CALENDAR

S.B. 220, TRAIL ENHANCEMENTS, was read the second time.

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

1. Page 1, Line 7:
   Delete "250,000" and insert "200,000"

2. Page 2, Line 22:
   Delete "250,000" and insert "200,000"

Senator Buhler explained the bill. Senator Hull commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Wharton	Beattie		

Voting in the negative was: Senator
Muhlestein

Absent or not voting were: Senators

Blackham	Waddoups

* * *

S.B. 236, STATE FISH AMENDMENTS, was read the second time. Senator Suazo explained the bill. Senators Myrin, Blackham, and Hull commented. The bill passed on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Howell
Hull	Mayne	Montgomery	Muhlestein
Nielson	C. Peterson	M. Peterson	Steiner
Suazo	Tanner	Taylor	Waddoups
Beattie			

Voting in the negative were: Senators

Blackham	Hillyard	Jones	Mantes
McAllister	Myrin	Steele	Stephenson
Wharton			

Absent or not voting were: Senators
Holmgren Mansell Poulton

* * *

S.B. 182, CHILDREN'S JUSTICE CENTER PROGRAM, was read the second time. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mansell

THIRD READING CALENDAR

On motion of Senator Beattie, the Senate moved to the Third Reading Calendar.

On motion of Senator Beattie, the circle was removed from **2nd Sub. S.B. 49**, SECOND HAND SMOKE AMENDMENTS, and it was before the Senate.

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

1. Page 1, Line 12:
   Delete entire line.

2. Page 2, Lines 16
   Delete Lines 16 through 24 entirely.
   through 24:
   Please renumber subsequent sections of the bill.

3. Page 4, Line 7:
   After "unit." delete "and the"

4. Page 4, Line 8:
Delete entire line.

5. Page 4, Line 9:
Delete "that environmental tobacco smoke may drift into the unit."

6. Page 4, Line 29:
After Line 29 insert:
"(5) Subsection (3) does not apply to any unit that is part of a timeshare project, as defined in Section 57-19-2, or subject to a timeshare interest as defined in Section 57-19-2."

7. Page 4, Line 30:
Delete "(5)" and insert "(6)"

8. Page 5, Line 1:
Delete "(6)" and insert "(7)"

9. Page 5, Line 6:
Delete "(7)" and insert "(8)"

10. Page 5, Line 13:
Delete "(8)" and insert "(9)"

Senators Myrin, Wharton, and Howell commented. Senator Myrin declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Dmitrich	Wharton

2nd Sub. S.B. 49, as amended, was transmitted to the House.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 25, 1997

The President having received the following House bills and resolution assigns them to the following committees:

Business, Labor & Economic Development

H.B. 146	Commercial Tenant – Notice Of Unlawful Detainer (J. Swallow)

Education

H.B. 94	Guardian Ad Litem Amendments (S. Barth)
H.B. 138	Student Education/occupation Plan Amendments (L. Frandsen)
H.B. 261	Higher Education Presidential Authority (G. Davis)
H.B. 311	Human Resource Management Amendments (B. Allen)
H.B. 358	Consumer Warranties on Assistive Technology (F. Hunsaker)

Health & Environment

H.B. 142	Escape And Absconding Amendments (R. Killpack)
H.B. 278	Centennial Nonmotorized Paths And Trail Crossings Program (A. Tyler)
Sub. H.B. 362	Informed Consent Amendments (R. Killpack)

Human Services

H.B. 274	Foster Parent Director (N. Stephens)
H.J.R. 8	Resolution Repealing Marital Property Provisions (A. Bradshaw)

Revenue & Taxation

H.B. 301	Sales Tax Refund Amendments (J. Valentine)
H.B. 319	Income Tax – Filing Extensions (J. Alexander)
H.B. 370	Recording Federal Tax Liens (R. Siddoway)

State & Local Affairs

H.B. 236	Municipal Building Authority Bond Issuance (D. Ure)
H.B. 268	Amendments On Affordable Housing (J. Haymond)
H.B. 290	Appropriation For County Land Use Planning (D. Iverson); and

The President having received the following Senate bills, which are waiting fiscal notes, assigns them to the following committees. The bills are to be printed as soon as they receive a fiscal note.

Business, Labor & Economic Development

S.B. 171	Homeowner's Insurance (M. Peterson)

Human Services

S.B. 192	Values–Oriented Treatment Program (R. Evans)

State & Local Affairs
S.B. 133 Appeals Settlement Program (C. Peterson)
Lane Beattie, Senate President

Reports filed.

SECOND READING CALENDAR

S.B. 196, TRUST FOR DEVELOPMENTALLY DISABLED AMENDMENTS, was read the second time. Senator McAllister explained the bill. Senator Tanner commented. On motion of Senator McAllister, the bill was circled.

* * *

On motion of Senator C. Peterson, Kang-Woo Lee, Kyonggi Province Leader, spoke in Committee of the Whole. Senators Montgomery and C. Peterson commented.

* * *

On motion of Senator C. Peterson and at 4:20 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 26, 1997.

THIRTY-EIGHTH DAY

MORNING SESSION

The Senate was called to order at 9:15 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Mr. Arnold Thomas, Shoshone and Piute Spiritual Leader.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 26, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty–seventh day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 1997

The House passed, as amended, **H.B. 88**, TOURISM MARKETING PERFORMANCE FUND, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 97**, CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PROFESSIONALS, by Representative L. Nelson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 98**, LOCAL TAXING AUTHORITY, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 269**, FAMILY EMPLOYMENT PROGRAM, by Representative L. Frandsen, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 15**, RESOLUTION URGING PROPER PROTECTION AND MANAGEMENT OF WILDLIFE, by Representative C. Fox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 88, H.B. 97, 2nd Sub. H.B. 98, Sub. H.B. 269,** and **H.J.R. 15** were read the first time and referred to the President of the Senate.

INTRODUCTION OF BILL

DEPARTMENT OF CORRECTIONS - EMERGENCY RELEASE

S.B. 250 *Lyle W. Hillyard*

AN ACT RELATING TO STATE INSTITUTIONS; PROVIDING A CHANGE IN TERMINOLOGY TO PHYSICAL CAPACITY FROM OPERATIONAL CAPACITY FOR EMERGENCY RELEASE OF INMATES, was read the first time and referred to Rules Committee.

CONSENT CALENDAR

S.B. 221, COUNTY OFFICERS - OFFICIAL BOND, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Mantes	Steele	Taylor

S.B. 221 was transmitted to the House.

* * *

H.B. 280, SPECIAL DISTRICTS ANNEXATION AMENDMENTS, was read the third time, explained by Senator Hull, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Mantes	Steele	Taylor

H.B. 280 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 276, CONTROLLED SUBSTANCES CONTAINER AMENDMENTS, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Mantes	Steele	Taylor

H.B. 276 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 203, STATE COOKING POT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Taylor

H.B. 203 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 217, RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY, was read the third time, explained by Senator Muhlestein, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Taylor

S.B. 217 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Montgomery, the circle was removed from **S.B. 71, LANDLORD – TENANT AMENDMENTS,** and it was before the Senate. Senator Montgomery explained the bill.

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

1. Page 4, Line 25
Senate Standing Committee
February 19, 1997:
After line 25, delete the previously inserted coordination clause and insert the following:

Section 3. Coordination Clause.
If this bill and H.B. 143, Unlawful Detainer of Tenant, both pass, it is the intent of the Legislature that the following amendments shall govern:

(1)The amendments to Subsection 78-36-10.5(2)(a) shall read:

(2)(a) A copy of the order of restitution and a form for the defendant to request a hearing as listed on the form shall be served ~~[personally upon the defendant]~~ in accordance with ~~[Rule 4, Utah Rules of Civil Procedure,]~~ Section 78-36-6 by a person authorized to serve process pursuant to Section 78-27-58. If personal service is impossible or impracticable, service may be made by:
(i) mailing a copy of the order and the form to the defendant's last known address and posting a copy of the order and the form at a conspicuous place on the premises; or
(ii) mailing a copy of the order and the form to the commercial tenant defendant's last-known place of business and posting a copy of the order and the form at a conspicuous place on the business premises.

(2) The amendments to Subsection 78-36-10.5(2)(b) of S.B.71 shall read:

(c) A request for hearing by the defendant may not stay enforcement of the restitution order unless:
(i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property bond to the clerk of the court in an amount approved by the court according to the formula set forth in Subsection 78-36-8.5(2)(b); and
(ii) the court orders that the restitution order be stayed.

(3) Renumber the remaining sections.

(4) The amendments to Subsection 78-36-10.5 (5) of S.B. 71 shall supersede and shall read:

(5) In the event of a dispute concerning the [~~terms of the order of restitution or the~~] manner of [~~its~~] enforcement of the restitution order, the defendant or any person claiming to own stored personal property may file a request for a hearing. The court shall set the matter for hearing within ten days from the filing of the request, or as soon thereafter as practicable, and shall mail notice of the hearing to the parties.

The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

M. Peterson	Steiner

Absent or not voting was: Senator
Blackham

S.B. 71, as amended, was transmitted to the House.

* * *

2nd Sub. S.B. 60, OPEN ENROLLMENT AMENDMENTS, was read the third time.

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

1. Page 4, Line 16
Goldenrod 2-25-97:
Undelete "expected" and delete "such" and delete "are anticipated to" and after "that" delete "expected" and insert "such" and before "remain" insert "are anticipated to"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

2nd Sub. S.B. 60, as amended, was transmitted to the House.

* * *

Sub. S.B. 195, MIXED WASTE DISPOSAL FEE AMENDMENT, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Buhler

Sub. S.B. 195 was transmitted to the House.

* * *

S.B. 207, NEW MOTOR VEHICLE BROKER, was read the third time. On motion of Senator C. Peterson, the bill was circled.

* * *

On motion of Senator Blackham, the circle was removed from **2nd Sub. S.B. 125**, HARDSHIP DRIVER PERMIT FOR YOUTH, and it was before the Senate.

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

HARDSHIP DRIVER PERMIT FOR YOUTH

3rd Sub. S.B. 125 *Leonard M. Blackham*

AN ACT RELATING TO PUBLIC SAFETY; PROVIDING FOR THE ISSUANCE OF A RESTRICTED HARDSHIP PERMIT FOR CERTAIN PERSONS UNDER 16 YEARS OF AGE; DEFINING TERMS; ESTABLISHING RESTRICTIONS, EXPIRATION, AND REVOCATION.

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

1. Page 3, Line 14:
   Delete "and" and after line 14 insert:
   "(d) while not driving on an interstate freeway; and"

2. Page 3, Line 15:
   Delete "(d)" and insert "(e)"

Senators Wharton and Steiner commented.

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

3. Page 2, Line 6:
   Delete "ten" and insert "five"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Jones	Mansell	Mayne	Montgomery
Muhlestein	Myrin	Nielson	Poulton
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Voting in the negative were: Senators

Evans	Holmgren	Howell	Hull
Mantes	McAllister	C. Peterson	M. Peterson
Steele	Steiner	Beattie	

3rd Sub. S.B. 125, as amended, was transmitted to the House.

* * *

S.B. 220, TRAIL ENHANCEMENTS, was read the third time. On motion of Senator Buhler, the bill was circled.

* * *

S.B. 236, STATE FISH AMENDMENTS, was read the third time and explained by Senator Suazo. Senators M. Peterson, Hillyard, Buhler, Blackham, and Wharton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Mansell	Mayne
Montgomery	Muhlestein	Nielson	M. Peterson
Poulton	Steiner	Suazo	Tanner
Taylor	Beattie		

Voting in the negative were: Senators

Blackham	Hillyard	Jones	Mantes
McAllister	Myrin	C. Peterson	Steele
Stephenson	Waddoups	Wharton	

S.B. 236 was transmitted to the House.

* * *

S.B. 182, CHILDREN'S JUSTICE CENTER PROGRAM, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
M. Peterson

S.B. 182, as amended, was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to consider Senate Bills on Second Reading Calendar today.

Sub. S.B. 198, APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM, was read the second time. Senator Suazo explained the bill.

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

1. Page 1, Line 6:
   After "APPROPRIATING" delete "$200,000" and insert "$100,000"

2. Page 1, Line 14:
   After "fiscal year 1997-1998," delete "$200,000" and insert "$100,000"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steele

THIRD READING CALENDAR

On motion of Senator Buhler, the circle was removed from **2nd Sub. S.B. 81**, ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS, and it was before the Senate.

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

ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS

3rd Sub. S.B. 81 *David L. Buhler*

AN ACT RELATING TO ELECTION LAW; MODIFYING DEFINITIONS; MODIFYING CAMPAIGN CONTRIBUTION AND REPORTING REQUIREMENTS; ADDING CAMPAIGN REPORTING REQUIREMENTS FOR STATE AND LOCAL SCHOOL BOARD CANDIDATES; CLARIFYING REQUIREMENTS CONNECTED WITH CAMPAIGN ACCOUNTS AND REPORTING REQUIREMENTS; MODIFYING PENALTIES AND PROCEDURES RELATING TO FAILURE TO FILE TIMELY CAMPAIGN FINANCIAL REPORTS; ESTABLISHING CERTAIN PENALTIES; AND MAKING TECHNICAL CORRECTIONS.

On motion of Senator Buhler, the bill was circled.

SECOND READING CALENDAR

S.B. 202, PROCUREMENT CODE - DESIGN BUILD AMENDMENTS, was read the second time. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Hillyard

* * *

S.B. 244, PUBLIC NUDITY PROHIBITION, was read the second time. On motion of Senator Taylor, the bill was circled.

* * *

Sub. S.B. 13, TELECOMMUNICATION AMENDMENTS, was read the second time. On motion of Senator Steele, the bill was circled.

* * *

S.B. 174, MEDICAL ASSISTANCE ACT - SPOUSAL IMPOVERISHMENT, was read the second time. Senator Howell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Poulton

* * *

S.B. 190, VOLUNTARY RELEASE CLEANUP PROGRAM, was read the second time. Senator Mansell explained the bill. Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Poulton	Tanner	Beattie

* * *

S.B. 215, LOW INCOME HOUSING TAX CREDIT, was read the second time. Senator Evans explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Poulton	Beattie

* * *

S.J.R. 10, RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS, was read the second time. Senator Stephenson explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Jones	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Stephenson	Tanner	Taylor
Waddoups	Wharton		

Voting in the negative were: Senators

Hillyard	Howell	Hull	Mantes
C. Peterson	Steiner	Suazo	

Absent or not voting were: Senators

Mansell	Poulton	Steele	Beattie

* * *

S.B. 173, COUNTY ATTORNEY RESPONSIBILITIES, was read the second time. On motion of Senator Blackham, the bill was circled.

* * *

S.B. 209, STATE PAY PLAN REVISIONS, was read the second time. On motion of Senator Blackham, the bill was circled.

* * *

S.B. 30, ACCOUNTABILITY AND OVERSIGHT OF UTAH TRANSIT AUTHORITY, was read the second time. Senator M. Peterson explained the bill. Senators Buhler and Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Jones	Mansell	Myrin	Poulton
Steele	Beattie		

* * *

S.B. 188, INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR, was read the second time. Senator Howell explained the bill. Senators Waddoups, C. Peterson, and Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Blackham	Mansell	McAllister	Beattie

* * *

On motion of Senator M. Peterson, and at 10:35 a.m., the Senate sauntered.

The Senate was called to order at 11:10, with Senator C. Peterson presiding.

BILL ASSIGNMENT REPORTS

To the Members of the Senate: February 26, 1997

The President having received the following Senate bills, which are waiting for fiscal notes, assigns them to the following committees. The bills to be printed as soon as they receive fiscal notes.

Education

S.B. 250 Department Of Corrections – Emergency Release (L. Hillyard)

State & Local

S.B. 133 Appeals Settlement Program (C. Peterson)

Revenue and Taxation

S.B. 213 COURT COLLECTIONS (L. McAllister)

Lane Beattie, Senate President

Report filed.

SECOND READING CALENDAR

S.B. 210, GROWTH IMPACT HIGHWAYS, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 179, OFFENDERS – INCOME WITHHOLDING, was read the second time. Senator Suazo 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

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Mansell	McAllister	Poulton
Steele	Beattie		

* * *

Sub. S.B. 65, PROPERTY TAX EXEMPTION FEE, was read the second time. Senator Mantes explained the bill. Senators Montgomery, Hillyard, Hull, and Waddoups commented. On motion of Senator Mantes, the bill was referred to the Secretary of the Senate for interim study.

* * *

S.B. 214, FEES ON SALE OF FACTORY BUILT HOUSING, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Blackham	Mansell	Mayne	Beattie

* * *

S.B. 239, AMENDMENTS TO ETHICS LAW, was read the second time. Senator Buhler explained the bill. Senators Howell and Wharton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Stephenson
Tanner	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Blackham	Poulton	Steiner	Suazo
Beattie			

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 173**, COUNTY AND DISTRICT ATTORNEYS, and it was before the Senate.

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

COUNTY AND DISTRICT ATTORNEYS

Sub. S.B. 173 *Craig A. Peterson*

AN ACT RELATING TO COUNTIES; MODIFYING THE DUTIES OF A COUNTY ATTORNEY; PROHIBITING A DISTRICT ATTORNEY FROM INVESTIGATING OR PROSECUTING COUNTY OFFICERS; REQUIRING THE REFERRAL OF A CRIMINAL INVESTIGATION OR PROSECUTION AGAINST A COUNTY OFFICER TO OTHER COUNSEL; ELIMINATING COUNTY ATTORNEY'S CRIMINAL PROSECUTION RESPONSIBILITIES IN A SINGLE COUNTY PROSECUTION DISTRICT; AND MAKING TECHNICAL CORRECTIONS.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 241, REPORTING ELECTED OFFICIAL FUNDS, was read the second time. On motion of Senator Mayne, the bill was circled.

* * *

S.B. 249, REORGANIZATION OF DEPARTMENT OF ADMINISTRATIVE SERVICES, was read the second time. Senator Mantes explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Muhlestein

Myrin	Nielson	C. Peterson	M. Peterson
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Buhler	Montgomery	Poulton
Steiner	Beattie		

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 1997

The House passed, **S.B. 117**, COMMERCIAL VEHICLE REGISTRATION, by Senator D. Steele, 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.J.R. 4**, PUBLIC SCHOOL SNOW DAYS RESOLUTION, by Senator S. Howell, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 117 and **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: February 6, 1997

The House passed, as amended, **H.B. 106**, TRUST LANDS ACT AMENDMENTS, by Representative B. Harward, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 109**, ADOPTION OF CHILDREN IN DIVISION OF CHILD AND FAMILY SERVICES CUSTODY, by Representative N. Stephens, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 115**, COOPERATIVE WILDLIFE MANAGEMENT UNITS, by Representative B. Chard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 119**, OIL AND GAS ROYALTY AMENDMENTS, by Representative B. Evans, and it is transmitted for consideration; and

The House passed **H.B. 123**, PUBLIC SAFETY FIREFIGHTER DEATH BENEFITS, by Representative M. Carlson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 298**, UNIFORM SECURITIES ACT AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 300**, EXPANDED CONSERVATORSHIP AND GUARDIANSHIP SERVICES FOR ELDERLY, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed **H.B. 305**, EASEMENT FOR DITCHES, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 329**, HARMFUL MATERIAL TO A MINOR, by Representative P. Buckner, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 331**, HOSPITAL TAX AMENDMENTS, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 346**, TUITION WAIVER FOR CERTAIN STUDENTS IN HIGHER EDUCATION, by Representative G. Davis, and it is transmitted for consideration; and

The House passed **H.B. 368**, PRIVATE INVESTIGATOR REGULATION ACT AMENDMENTS, by Representative S. Koehn, and it is transmitted for consideration; and

The House passed **H.B. 376**, TRESPASSING IN ABANDONED MINES, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.B. 378**, APPROPRIATION FOR SEVIER VALLEY SPECIAL EVENTS CENTER, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 393**, DISPLAY OF LICENSE PLATES FOR TRUCKS AND TRAILERS, by Representative G. Adair, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 22, RESOLUTION RECOGNIZING ROCKVILLE OPEN SPACE PROJECT, by Representative T. Hatch, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 106, H.B. 109, H.B. 115, H.B. 119, H.B. 123, H.B. 298, 2nd Sub. H.B. 300, H.B. 305, H.B. 329, H.B. 331, H.B. 346, H.B. 368, H.B. 376, H.B. 378, H.B. 393, and H.J.R. 22 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 26, 1997

The House substituted and passed, 2nd Sub. S.B. 121, RECORDING JUDGMENTS ON REAL PROPERTY, by Senator L. Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

McAllister Steiner

2nd Sub. S.B. 121 was returned to the House.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 180, MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS, by Senator J. Holmgren; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **Sub. H.B. 95**, NOTARIES PUBLIC REVISION, by Representative K. Bryson, with the following amendments:

1. Page 5, Line 18:
   Lilac copy February 20, 1997:
   After "notarized as a" insert "parent, child," and after "spouse" unbracket the comma; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 175**, WORKERS' COMPENSATION FUND OF UTAH, by Representative J. Alexander, with the following amendments:

1. Page 1, Line 16a:
   Revised lilac February 14, 1997:
   Delete line 16a

2. Page 2, Lines 1a – 1dd:
   Revised lilac February 14, 1997:
   Delete lines 1a through 1dd

3. Page 2a, Line 1ee
   Revised lilac February 14, 1997:
   Delete line 1ee

4. Page 2a, Line 14:
   Revised lilac February 14, 1997:
   After "(2)" reinstate "Subject to applicable insurance rules and statutes," and delete the remainder of the line

5. Page 2a, Line 14a
   Revised lilac February 14, 1997:
   Delete "SUBSECTION (2)(b),"

6. Page 2a, Line 19a – 19d
   Revised lilac February 14, 1997:
   Delete lines 19a through 19d
   Renumber remaining sections accordingly; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 239**, SECURITIES ISSUANCE BY ELECTRICAL CORPORATIONS, by Representative J. Haymond; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 295**, LIMITED LIABILITY COMPANY ACT AMENDMENTS, by Representative J. Valentine.

Steven Poulton, Chair; and

Mr. President: February 26, 1997

The Transportation and Public Safety Committee recommends **S.B. 175**, STATE TRANSPORTATION INFRASTRUCTURE BANK, by Senator M. Waddoups, be replaced and favorably recommends **Sub. S.B. 175**, STATE TRANSPORTATION INFRASTRUCTURE BANK; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 204**, CENTENNIAL LICENSE PLATE AMENDMENTS, by Senator J. Hull; and

The Transportation and Public Safety Committee reports a favorable recommendation on **Sub. H.B. 30**, CONCEALED FIREARMS AMENDMENTS, by Representative S. Barth; and

The Transportation and Public Safety Committee reports a favorable recommendation on **4th Sub. H.B. 54**, DANGEROUS WEAPON PENALTY ENHANCEMENT, by Representative G. Cox; and

The Transportation and Public Safety Committee reports a favorable recommendation on **Sub. H.B. 207**, OUT OF STATE FIREARM PERMIT, by Representative R. Killpack; and

The Transportation and Public Safety Committee reports a favorable recommendation on **Sub. H.B. 244**, DRIVER LICENSE - SMART CARD, by Representative G. Adair; and

The Transportation and Public Safety Committee reports a favorable recommendation on **H.B. 291**, CIVIL DEFENSE COMPACT, by Representative S. Koehn.

Al Mansell, Chair; and

Mr. President: February 25, 1997

The Education Committee reports a favorable recommendation on **H.B. 267**, COUNCIL ON EXCELLENCE IN GOVERNMENT, by Representative D. Ure.

Lorin Jones, Chair; and

Mr. President: February 26, 1997

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 211**, SNOWMOBILE USER FEE, by Senator L. Jones; and

The Energy, Natural Resources, and Agriculture Committee recommends **S.B. 218**, GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS, by Senator A. Myrin, be replaced and favorably recommends **2nd Sub. S.B. 218**, GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 224**, LAND USE, TRANSPORTATION, AND AIR QUALITY TASK FORCE REAUTHORIZATION, by Senator L. McAllister; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 32**, RECREATION IMPACT FEES, by Representative J. Valentine.

Alarik Myrin, Chair; and

Mr. President: February 25, 1997

The Health and Environment Committee recommends **H.B. 272**, HEALTH FACILITY LICENSURE AMENDMENTS, by Representative M. Carlson, be replaced and favorably recommends **Sub. H.B. 272**, HEALTH FACILITY LICENSURE AMENDMENTS.

Robert Muhlestein, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 180, Sub. H.B. 95, H.B. 175, H.B. 239, H.B. 295, Sub. S.B. 175, S.B. 204, Sub. H.B. 30, 4th Sub. H.B. 54, Sub. H.B. 207, Sub. H.B. 244, H.B. 291, H.B. 267, S.B. 211, 2nd Sub. S.B. 218, S.B. 224, H.B. 32,** and **Sub. H.B. 272** were placed on Second Reading Calendar.

* * *

Mr. President: February 26, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **Sub. H.B. 80**, REAL PROPERTY –

PRESUMPTION OF TITLE, by Representative J. Swallow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 17:
   Lilac copy
   After "own right" delete "who may lawfully marry as provided in Sections"

2. Page 1, Line 18:
   Lilac copy
   At the beginning of line 18 delete "30-1-1 and 30-1-2 and"

3. Page 2, Line 12a:
   Lilac copy February 14, 1997:
   After "AND RECORDED" insert "ON OR"

Steven Poulton, Chair

On motion of Senator Holmgren, the committee report was adopted. **Sub. H.B. 80** was read the second time and placed on Consent Calendar.

* * *

Mr. President: February 26, 1997

The Business, Labor, and Economic Development Committee deleted **S.B. 169, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING AMENDMENTS**, by Senator C. Taylor, and replaced it with **Sub. S.B. 169, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING AMENDMENTS**, and has returned it to the Secretary of the Senate for interim study.

Steven Poulton, Chair

S.B. 169 was returned to the Secretary of the Senate for interim study.

CONFERENCE COMMITTEE REPORT

Mr. President: February 26, 1997

Your Conference Committee, consisting of Senators Hillyard, Mantes, and Waddoups, and Representatives B. Johnson, Tuttle and Valentine, to which was referred **H.B. 11, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS**, by Representative Tuttle, proposes the following amendments:

1. Page 1, Lines 21–21a:
Goldenrod February 19, 1997:
After "or for a nominal fee" insert "of not more than $1 per year"

George Mantes, Senate Chair
John L. Valentine, House Chair

On motion of Senator Mantes, the Senate adopted the Conference Committee Report. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steiner

H.B. 11 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

On motion of Senator Taylor, the circle was removed from **Sub. S.B. 197**, JUDICIAL NOMINATING COMMISSION AMENDMENT, and it was before the Senate. Senator Taylor explained the bill. Senator Howell commented. The bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Holmgren
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Stephenson	Suazo
Tanner	Taylor	Waddoups	

Voting in the negative were: Senators

Dmitrich	Hillyard	Howell	Hull
Mantes	Mayne	M. Peterson	Wharton
Beattie			

Absent or not voting was: Senator Steiner

Sub. S.B. 197 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator C. Peterson, the 24–hour rule was suspended to continue considering Senate Bills.

On motion of Senator Holmgren, S.B. 180, MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS, under suspension of the rules, was read the second time. Senator Holmgren explained the bill. Senators Wharton, Hull, Buhler, and Tanner commented. The bill passed on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	C. Peterson	Poulton
Steele	Tanner	Taylor	Waddoups
Beattie			

Voting in the negative were: Senators

Evans	Hull	Mantes	Myrin
Nielson	M. Peterson	Stephenson	Suazo
Wharton			

Absent or not voting were: Senators

Dmitrich	Howell	Steiner

* * *

On motion of Senator C. Peterson, and at 3:00 p.m., the Senate sauntered.

The Senate was called to order at 5:05 p.m., with President Beattie presiding.

* * *

On motion of Senator C. Peterson and at 5:05 p.m., the Senate adjourned until 9:00 a.m., Thursday, February 27, 1997.

THIRTY-NINTH DAY

MORNING SESSION

The Senate was called to order at 9:15 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Craig Larson, Student Body President of Logan High.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 27, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty-eighth day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 1997

The House passed, as substituted and amended, **Sub. H.B. 7**, TUITION WAIVER AMENDMENTS, by Representative J. Hickman, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 107**, COUNSEL FOR INDIGENT DEFENDANTS, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 324**, JUSTICE COURT AMENDMENTS, by Representative C. Fox, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 341**, MODIFIED SCHOOL WEEK PILOT PROGRAM, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 121**, CRIMINAL JUSTICE BOARDS AND COMMISSIONS AMENDMENTS, by Representative A. Bradshaw, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 7, H.B. 107, H.B. 324, Sub. H.B. 341**, and **H.B. 121** were read the first time and referred to the President of the Senate.

CONSENT CALENDAR

H.B. 39, HIGHER EDUCATION PARKING ENFORCEMENT, was read the third time and explained by Senator Steele. Senator M. Peterson 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

Blackham	Buhler	Hillyard	Holmgren
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Dmitrich	Evans	Howell	Hull
Mayne	C. Peterson	Poulton	

H.B. 39 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 296, ANNEXATION TRANSITION FOR SCHOOL DISTRICTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Dmitrich	Evans	Howell	Hull
Mayne	C. Peterson	Poulton	

H.B. 296 was signed by the President of the Senate in open session and returned to the House.

* * *

S.B. 219, PRIVILEGE TAX AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Evans	Howell	Hull
Mayne	Steele		

S.B. 219 was transmitted to the House.

* * *

H.B. 84, SALES TAX - EXEMPTION FOR EMPLOYEE TRANSPORTATION, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Howell	Mayne

H.B. 84 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 206, PROPERTY TAX AMENDMENTS, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Howell

H.B. 206 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 68, DISPOSAL FEE FOR CONSTRUCTION AND DEMOLITION WASTE, was read the third time, explained by Senator Steiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Evans Howell

Sub. H.B. 68 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

On motion of Senator C. Peterson, the circle was removed from **S.B. 207**, NEW MOTOR VEHICLE BROKER, and it was before the Senate.

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

1. Page 1, Line 13
   Goldenrod 2-25-97:
   Delete "Except for the owner or lessee of a new motor vehicle, a" and insert "A"

2. Page 1, Line 15
   Goldenrod 2-25-97:
   After "lease of" delete "the new motor vehicle" and insert "more than two new motor vehicles in any 12 consecutive month period."

The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative was: Senator
Hull

Absent or not voting were: Senators
Hillyard Howell

S.B. 207, as amended, was transmitted to the House.

* * *

Sub. S.B. 198, APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM OF UTAH, 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

Blackham	Buhler	Dmitrich	Evans
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hillyard	Howell

Sub. S.B. 198, as amended, was transmitted to the House.

* * *

S.B. 202, PROCUREMENT CODE - DESIGN BUILD AMENDMENTS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hillyard	Howell

S.B. 202 was transmitted to the House.

* * *

S.B. 174, MEDICAL ASSISTANCE ACT, was read the third time. On motion of Senator Holmgren, the bill was circled.

* * *

S.B. 190, VOLUNTARY RELEASE CLEANUP PROGRAM, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Hillyard	Howell

S.B. 190 was transmitted to the House.

* * *

S.B. 215, LOW INCOME HOUSING TAX CREDIT, 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

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Howell

S.B. 215 was transmitted to the House.

* * *

S.J.R. 10, RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Hillyard	Nielson

Absent or not voting were: Senators

Blackham	Howell	Taylor

S.J.R. 10 was transmitted to the House.

* * *

S.B. 30, ACCOUNTABILITY AND OVERSIGHTS OF UTAH TRANSIT AUTHORITY, was read the third time. On motion of Senator M. Peterson, the bill was circled.

* * *

S.B. 188, INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR, was read the third time. On motion of Senator Mantes, the bill was circled.

* * *

S.B. 179, OFFENDERS – INCOME WITHHOLDING, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Taylor

S.B. 179 was transmitted to the House.

* * *

S.B. 214, FEES ON SALE OF FACTORY BUILT HOUSING, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 214 was transmitted to the House.

* * *

S.B. 239, AMENDMENTS TO ETHICS LAW, was read the third time, explained by Senator Buhler, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Voting in the negative was: Senator
Beattie

Absent or not voting was: Senator
Myrin

S.B. 239 was transmitted to the House.

* * *

S.B. 249, REORGANIZATION OF DEPARTMENT OF ADMINISTRATIVE SERVICES, was read the third time, explained by Senator Mantes, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 249 was transmitted to the House.

* * *

S.B. 180, MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS, was read the third time and explained by Senator Holmgren. Senators Wharton and Nielson commented. Senator Holmgren declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Holmgren
Howell	Jones	Mansell	Mayne
McAllister	Montgomery	Myrin	C. Peterson
Poulton	Steele	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Evans	Hull	Mantes	Muhlestein
Nielson	M. Peterson	Steiner	Suazo

Absent or not voting was: Senator
Hillyard

S.B. 180 was transmitted to the House.

* * *

On motion of Senator Howell, the circle was removed from **S.B. 188**, INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR, and it was before the Senate.

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

1. Page 1, Line 16:
   Goldenrod copy:
   After "is" insert ":"

Senator Howell explained the bill. Senator Mayne commented. The bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Evans	Holmgren	Howell
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Tanner	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Hull	Mayne	C. Peterson
Suazo	Taylor	Wharton	

Absent or not voting were: Senators

Buhler	Hillyard

S.B. 188, as amended, was transmitted to the House.

* * *

On motion of Senator Howell, the circle was removed from **S.B. 174**, MEDICAL ASSISTANCE ACT – SPOUSAL IMPOVERISHMENT, and it was before the Senate.

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

1. Page 1, Line 26:
Delete "$15,348" and insert "$15,804"

2. Page 2, Line 6:
Delete "spouses" and insert "spouse's"

After "utilities" insert "or, at the discretion of the department, the federal food stamp standard utility allowance."

3. Page 2, Line 20:
After "the division by the" delete the rest of the line.

4. Page 2, Line 21:
Delete entire line and insert:
"amount as determined annually by the federal Health Care Financing Administration."

5. Page 4, Line 11:
Delete "$1,918" and insert "$1,976"

6. Page 4, Line 17:
Delete "30" and insert "90"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Steiner	Tanner

S.B. 174, as amended, was transmitted to the House.

* * *

On motion of Senator Holmgren, all bills in standing committees will be returned to the Secretary of the Senate.

* * *

On motion of Senator Hull, the Senate voted to reconsider its action on H.B. 280.

RECONSIDERATION OF H.B. 280

H.B. 280, SPECIAL DISTRICTS ANNEXATION AMENDMENTS, was before the Senate.

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

1. Page 21, Line 7:
After line 7 insert:

"Section 14. Coordination clause.
If this bill and H.B. 74, County Service Area Amendments, both pass, it is the intent of the Legislature that Section 17A-2-417 be amended to read:
17A-2-417. Annexation of other areas.
[~~Whenever~~] (1) Territory within the county in which the county service area is located, whether or not contiguous to the county service area, may be annexed to the county service area as provided in this section.
(2) If the board of trustees determines that the services of the type being provided within a county service area should be provided in any other [~~unincorporated~~] portion of the county [~~whether contiguous to the existing county service area or not, the county legislative body or~~], the board of trustees may, subject to Subsection (3), annex that territory to the county service area by following the procedures established in this part for the formation of a new service area in that territory with whatever changes are necessary to make the proceedings germane to the proposed action without denying any persons their substantive rights.
(3) The board of trustees may not pursue procedures under Subsection (2) to annex territory located within a municipality unless the municipality's legislative body first adopts and presents to the board of trustees a petition requesting annexation.
(4) (a) Notwithstanding Subsection (2), the board of trustees shall by resolution declare unincorporated territory annexed to the county service area if a petition is filed with the board of trustees:
(i) requesting annexation of that territory;
(ii) signed by all of the owners of real property within the territory proposed to be annexed; and

(iii) containing an accurate description of the territory proposed to be annexed.

(b) For purposes of Subsection (4)(a), the owners of real property within the unincorporated territory proposed to be annexed shall be determined according to the last assessment roll for county taxes completed prior to the filing of the petition."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

H.B. 288, as amended, was returned to the House.

SECOND READING CALENDAR

On motion of Senator C. Peterson, the Senate authorized the drafting of a bill adjusting the "fee in lieu of" portion of the revenue code.

* * *

On motion of Senator McAllister, the circle was removed from **S.B. 196**, TRUST FOR DEVELOPMENTALLY DISABLED AMENDMENTS, and it was before the Senate. Senator McAllister explained the bill.

Senators Holmgren, Stephenson, Mayne, Nielson, Tanner, and Hillyard commented. Senator Holmgren declared a conflict of interest. The bill failed to pass on the following roll call:

Yeas, 9; Nays, 14; Absent, 6.

Voting in the affirmative were: Senators

Evans	Jones	Mansell	McAllister
Montgomery	Muhlestein	Nielson	C. Peterson
Stephenson			

Voting in the negative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Howell	Hull	Mantes	Mayne
Steele	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Blackham	Myrin	M. Peterson	Poulton
Steiner	Beattie		

S.B. 196 was filed.

* * *

On motion of Senator C. Peterson, and at 10:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 1997

The Speaker of the House has signed **2nd Sub. S.B. 121**, RECORDING JUDGMENTS ON REAL PROPERTY, by Senator L. Mansell, and it is transmitted for the signature of the President; and

The House passed, **Sub. S.B. 134**, JUVENILE COURT RECODIFICATION – PHASE 2, 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. 208**, MOTOR CARRIER PILOT PROGRAM, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated February 27, 1997 and passed **H.B. 11**, LIMITATION OF LANDOWNER LIABILITY AMENDMENTS, by Representative D. Tuttle, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 121, Sub. S.B. 134, and **S.B. 208** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

H.B. 11 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 27, 1997

The House passed, as amended, **H.B. 313**, ELECTRICAL DEREGULATION AND CUSTOMER CHOICE TASK FORCE, by Representative C. Fox, and it is transmitted for consideration; and

The House passed **H.B. 316**, TAX ASSESSMENTS, REFUNDS, AND CREDITS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 323**, COURT AMENDMENTS, by Representative C. Fox, and it is transmitted for consideration; and

The House passed **H.B. 330**, DEPUTY SHERIFFS - MERIT SYSTEM COMMISSION AMENDMENTS, by Representative G. Davis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 350**, GRANT APPLICATION AND APPROVAL PROCESS, by Representative R. Short, and it is transmitted for consideration; and

The House passed **H.B. 400**, NEW MUNICIPALITY FUNDING AMENDMENTS, by Representative D. Zolman, and it is transmitted for consideration; and

The House passed **H.B. 400**, COUNTY VOLUNTEER AND PAID-CALL FIREFIGHTERS' HOURS, by Representative S. Barth, and it is transmitted for consideration; and

The House passed **H.B. 404**, ENVIRONMENTAL QUALITY CODE AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 8**, RESOLUTION APPROVING DEVELOPMENT OF WASTE DISPOSAL FACILITY, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed H.C.R. 9, RESOLUTION SUPPORTING INCREASE OF PRIVATE ACTIVITY BONDING CAP, by Representative J. Haymond, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 313, H.B. 316, H.B. 323, H.B. 330, H.B. 350, H.B. 408, H.B. 400, H.B. 404, H.C.R. 8, and H.C.R. 9 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 27, 1997

The House passed, as amended, S.B. 155, COURT REPORTER AMENDMENTS, by Senator C. Peterson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator C. Peterson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.B. 155 was returned to the House.

STANDING COMMITTEE REPORTS

Mr. President: February 27, 1997

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 58, LABOR ORGANIZATION DEDUCTIONS, by Senator H. Stephenson, et al, with the following amendments:

1. Page 1, Line 15:
   After "ACTIVITIES;" delete the remainder of the line

2. Page 1, Line 16:
Delete line 16

3. Page 1, Line 17:
Delete "LABOR ORGANIZATION'S POLITICAL COMMITTEE OR FUND;"

4. Page 2, Lines 29–30:
Delete lines 29–30 and insert "(b) "Labor organization" includes each organization that represents state, county, public or higher education, or municipal employees."

5. Page 5, Lines 2 – 9:
Delete lines 2 through 9; and

The Business, Labor, and Economic Development Committee recommends S.B. 166, WORKFORCE SERVICES IMPLEMENTATION AND AMENDMENTS, by Senator D. Buhler, be replaced and favorably recommends Sub. S.B. 166, WORKFORCE SERVICES AND LABOR COMMISSION IMPLEMENTATION AND AMENDMENTS with the following amendments:

1. Page 2, Line 2:
After line 2 insert:
"23–19–36, as last amended by Chapter 20, Laws of Utah 1995"

2. Page 5, Line 31:
After line 31 insert:
"54–8b–10, as last amended by Chapter 292, Laws of Utah 1994"

3. Page 7, Line 5:
After line 5 insert:
"76–8–1203, as enacted by Chapter 122, Laws of Utah 1994
76–8–1204, as enacted by Chapter 122, Laws of Utah 1994
76–8–1205, as enacted by Chapter 122, Laws of Utah 1994"

4. Page 8, Line 10:
After line 10 insert:
"34A–1–310 (Effective 07/01/97), (Renumbered from 35A–3–808 (Effective 07/01/97), as renumbered and amended by Chapter 240, Laws of Utah 1996)"

5. Page 18, Lines 29 and 30:
Delete lines 29 and 30

6. Page 22, Line 25:
After line 25 insert:
"Section 5. Section 23-19-36 is amended to read:
23-19-36. Disabled, mentally retarded, and terminally ill persons — License to fish — Fees.
(1) A resident who is blind, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a license to fish upon:
(a) furnishing satisfactory proof of this fact to the Division of Wildlife Resources; and
(b) payment of a fee of 50 cents.
(2) A resident who is a mentally retarded person and is not eligible under Section 23-19-14 to fish without a license may receive a license to fish upon:
(a) furnishing verification of mental retardation, as defined in Section 62A-5-101, from a physician; and
(b) payment of a fee of $5.
(3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:
(a) upon furnishing verification from a physician; and
(b) if he qualifies for assistance under any low income public assistance program administered by [~~the Department of Human Services~~] a state agency."

7. Page 68, Line 28:
After "(1)" delete "(a)" and after "consisting of" delete "the"

8. Page 68, Lines 29-31:
Delete lines 29-31

9. Page 69, Lines 1-31:
Delete lines 1-31

10. Page 70, Lines 1-14
Delete lines 1-14 and insert:
"three members. The board may call and preside at adjudicative proceedings to review an order or decision that is subject to review by the Appeals Board under this title.
(2) (a) The governor shall appoint the members with the advice and consent of the Senate and in accordance with this section.
(b) One member of the board shall be appointed to represent employers. in making this appointment, the governor shall consider

nominations from employer organizations.
(c) One member of the board shall be appointed to represent employees. In making this appointment, the governor shall consider nominations from employee organizations.
(d) No more than two members may belong to the same political party.
(3) (a) The term of a member shall be six years beginning on March 1 of the year the member is appointed, except that the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that one member is appointed every two years.
(b) The governor may remove a member only for inefficiency, neglect of duty, malfeasance or misfeasance in office, or other good and sufficient cause.
(c) A member shall hold office until a successor is appointed and has qualified.
(4) A member shall be part-time and receive compensation as provided by Title 67, Chapter 19, State Personnel Management Act.
(5) (a) The chief officer of the board shall be the chair, who shall serve as the executive and administrative head of the board.
(b) The governor shall appoint and may remove at will the chair from the position of chair.
(6) A majority of the board shall constitute a quorum to transact business.
(7)(a) The commission shall provide the Appeals Board necessary staff support, except as provided in Subsection (7)(b).
(b) At the request of the Appeals Board, the attorney general shall act as an impartial aid to the Appeals Board in outlining the facts and the issues."

11. Page 71, Line 10:
After "conduct" delete "hearing" and insert "hearings"

12. Page 72, Line 9:
After "Appeals Board," delete "an appeal panel of "

13. Page 72, Line 13:
After "(ii)" delete the remainder of line 13

14. Page 72, Line 14:
Delete "purposes of this title."

15. Page 72, Line 21:
After "Appeals Board" delete ", through one of its panels,"

16. Page 73, Line 4:
After line 4 insert:
"(5)(a) A member of the Appeals Board may not participate in any case in which the member is an interested party. Each decision of a member of the Appeals Board shall represent the member's independent judgment.
(b) If a member of the Appeals Board may not participate in a case because the member is an interested party, the two members of the Appeals Board that may hear the case shall assign an individual to participate as a member of the board in that case if the individual:
(i) is not an interested party in the case; and
(ii) was not previously assigned to preside over any proceeding or take any administrative action related to the case."

17. Page 73, Line 5:
Delete "(5)" and insert "(6)"

18. Page 74, Line 30:
After line 30 insert:
"Section 73. Section 34A-1-310 (Effective 07/01/97), which is renumbered from Section 35A-3-808 (Effective 07/01/97) is renumbered and amended to read:[~~35A-3-808 (Effective 07/01/97)~~].
34A-1-310 (Effective 07/01/97). Record of proceedings before commission.
[~~(1)~~] A [~~full and complete~~] record shall be kept of all proceedings before the [~~department~~] commission on any investigation in accordance with Section 34A-1-302. [~~Testimony shall be recorded and may be transcribed when required by the department for further analysis, investigation, hearing, or court proceedings.~~]
[~~(2) Transcription requested by any party to the proceeding shall be provided at the requesting party's expense.~~]"

19. Page 155, Line 10:
After "be heard by" delete "an appeal panel of"

20. Page 155, Line 15:
After "decided by" reinstate "the"

21. Page 155, Line 16:
Reinstate "majority vote of the" and delete "an appeal panel of the" and after "Appeals Board" delete "in accordance with Section" and insert a period

22. Page 155, Line 17:
Delete line 17

23. Page 219, Line 20:
After "one third of" delete "the group is" and insert "the members are"

24. Page 227, Line 15:
After "conduct" delete "hearing" and insert "hearings"

25. Page 232, Line 1:
After "labor" insert "not representing public employees"

26. Page 235, Line 2:
After "workforce" bracket "developments" and insert "development"

27. Page 235, Line 19:
After "needs of" insert "the"

28. Page 236, Line 7:
After "client and" insert "the employment advisor's"

29. Page 239, Line 25:
Bracket "35A-8-205" and insert "35A-3-1205"

30. Page 296, Line 10:
After "agent," delete "or"

31. Page 296, Line 11:
Reinstate the bracketed language on line 11

32. Page 296, Line 12:
Reinstate "employees"

33. Page 313, Line 27:
After line 27 insert:
"Section 281. Section 54-8b-10 is amended to read:
54-8b-10. Imposing a surcharge to provide hearing and speech impaired persons with telecommunication devices — Definitions — Procedures for establishing program — Surcharge — Administration and disposition of surcharge moneys.
(1) As used in this section:
(a) "Certified deaf or severely hearing or speech impaired person" means any state resident who is so certified by a licensed physician, otolaryngologist, speech language pathologist, audiologist, or

qualified state agency and who also qualifies for assistance under any low income public assistance program administered by [~~the Department of Human Services~~] a state agency.

(b) "Telecommunication device" means any mechanical telephone adaptation device which enables a deaf or severely hearing or speech impaired person to use the telephone and which includes, but is not limited to:

(i) telecommunication devices for the deaf (TDD);

(ii) telephone amplifiers;

(iii) telephone signal devices;

(iv) artificial larynxes; and

(v) adaptive equipment for TDD keyboard access.

(2) The commission shall hold hearings to establish a program whereby any certified deaf or severely hearing or speech impaired customer of a telephone corporation which provides service through a local exchange may obtain a telecommunication device capable of serving the customer at no charge to him beyond the rate for basic service.

(3) The program shall provide a dual party relay system using third party intervention to connect a certified deaf or severely hearing or speech impaired person with a normal hearing person by way of telecommunication devices designed for that purpose.

(4) The commission shall impose a surcharge on each residence and business access line of each customer to the local exchange of any telephone corporation providing such lines in this state to cover the costs of the program. The commission shall establish by rule the amount to be charged, which may not exceed 25 cents per residence and business access line. The telephone corporation shall collect the surcharge from its customers and transfer the money collected to the commission under rules adopted by the commission. The surcharge shall be separately identified on customer bills.

(5) Any money collected from the surcharge imposed under Subsection (4) shall be deposited in the state treasury as nonlapsing dedicated credits to be administered as determined by the Public Service Commission. These dedicated credits may be used only:

(a) for the purchase, maintenance, repair, and distribution of the devices for telecommunication;

(b) for the acquisition, operation, maintenance, and repair of a dual party relay system;

(c) to reimburse telephone corporations for the expenses incurred in collecting and transferring to the commission the surcharge imposed by the commission;

(d) for the general administration of the program; and
(e) to train persons in the use of the devices.
(6) The telephone surcharge need not be collected by a local exchange company if the amount collected would be less than the actual administrative costs of the collection. In that case, the local exchange company shall submit to the commission, in lieu of the revenue from the surcharge collection, a breakdown of the anticipated costs and the expected revenue from the collection, showing that the costs exceed the revenue.
(7) The commission shall solicit the advice, counsel, and physical assistance of severely hearing or speech impaired persons and the organizations serving them in the design and implementation of the program."

34. Page 317, Line 2:
After "enforce final" bracket "department" and insert "commission"

35. Page 321, Line 8:
After "final" bracket "department" and insert "commission"

36. Page 321, Line 27:
After "before the" bracket "department" and insert "commission"

37. Page 321, Line 28:
After "or the" bracket "department" and insert "commission"

38. Page 366, Line 2:
After line 2 insert:
"Section 319. Section 76-8-1203 is amended to read:
76-8-1203. Disclosure required — Penalty.
(1) Each person who applies for public assistance shall disclose to the [~~Department of Human Services~~] state agency administering the public assistance each fact that may materially affect the determination of his eligibility to receive public assistance, including his current:
(a) marital status;
(b) household composition;
(c) employment;
(d) income;
(e) receipt of monetary and in-kind gifts; and
(f) other resources.
(2) Any person applying for public assistance who intentionally, knowingly, or recklessly fails to disclose any material fact required to be disclosed under Subsection (1) is guilty of a class B misdemeanor.

(3) Any [~~recipient~~] client who intentionally, knowingly, or recklessly fails to disclose to the [~~Department of Human Services~~] state agency administering the public assistance any change in a material fact required to be disclosed under Subsection (1), within ten days after the date of the change, is guilty of a class B misdemeanor if that failure to disclose results in an overpayment.

Section 320. Section 76-8-1204 is amended to read:

76-8-1204. Disclosure by provider required — Penalty.

(1) (a) Any provider who solicits, requests, or receives, actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, directly or indirectly, from a [~~recipient~~] client or [~~recipient's~~] client's family shall notify the [~~Department of Human Services~~] state agency administering the public assistance the client is receiving of the amount of payment or contribution in writing within ten days after receiving that payment or contribution.

(b) If the payment or contribution is to be made under an agreement, written or oral, the provider shall notify the [~~Department of Human Services~~] state agency administering the public assistance the client is receiving of the payment or contribution within ten days after entering into the agreement.

(2) Any person who intentionally, knowingly, or recklessly fails to notify the [~~Department of Human Services~~] state agency administering the public assistance the client is receiving as required by this section is guilty of a class B misdemeanor.

Section 321. Section 76-8-1205 is amended to read:

76-8-1205. Public assistance fraud defined.

Each of the following persons, who intentionally, knowingly, or recklessly commits any of the following acts, is guilty of public assistance fraud:

(1) any person who uses, transfers, acquires, traffics in, falsifies, or possesses any food stamp, food stamp identification card, certificate of eligibility for medical services, Medicaid identification card, or public assistance warrant in a manner not allowed by law;

(2) any person who fraudulently misappropriates any funds exchanged for food stamps, any food stamp, food stamp identification card, certificate of eligibility for medical services, Medicaid identification card, or other public assistance with which he has been entrusted or that has come into his possession in connection with his duties in administering any state or federally funded public assistance program;

(3) any person who receives an unauthorized payment as a result of acts

described in this section;
(4) any provider who receives payment or any [~~recipient~~] client who receives benefits after failing to comply with any applicable requirement in Sections 76-8-1203 and 76-8-1204;
(5) any provider who files a claim for payment under any state or federally funded public assistance program for goods or services not provided to or for a [~~recipient~~] client of that program;
(6) any provider who files or falsifies a claim, report, or document required by state or federal law, rule, or provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;
(7) any provider who fails to credit the state for payments received from other sources;
(8) any provider who bills a [~~recipient~~] client or a [~~recipient's~~] client's family for goods or services not provided, or bills in an amount greater than allowed by law or rule;
(9) any [~~recipient~~] client who, while receiving public assistance, acquires income or resources in excess of the amount he previously reported to the [~~Department of Human Services~~] state agency administering the public assistance, and fails to notify the [~~department~~] state agency to which the client previously reported within ten days after acquiring the excess income or resources;
(10) any person who fails to act as required under Section 76-8-1203 or 76-8-1204 with intent to obtain or help another obtain an "overpayment" as defined in Section 62A-9-129; and
(11) any person who obtains an overpayment by violation of Section 76-8-1203 or 76-8-1204."

Renumber remaining sections accordingly.

39. Page 371, Line 7:
Delete line 7

40. Page 371, Line 21:
After "and the" delete "Department of Labor" and insert "Labor Commission"

41. Page 371, Line 22:
After "and the" delete "Department of Labor" and insert "Labor Commission"

42. Page 372, Line 18:
After "amendments to" delete "Section" and insert "Sections 35A-3-1203 and"

43. Page 372, Line 19:
After "amendments to" delete "Section 35A-8-204" and insert "Sections 35A-8-203 and 35A-8-205"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on S.B. 171, HOMEOWNER'S INSURANCE, by Senator M. Peterson.

Steven Poulton, Chair; and

Mr. President: February 27, 1997

The Education Committee reports a favorable recommendation on S.B. 250, DEPARTMENT OF CORRECTIONS - EMERGENCY RELEASE, by Senator L. Hillyard; and

The Education Committee reports a favorable recommendation on H.B. 94, GUARDIAN AD LITEM AMENDMENTS, by Representative S. Barth; and

The Education Committee reports a favorable recommendation on H.B. 311, HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative B. Allen, with the following amendments:

1. Page 7, Lines 11-12:
Delete entire lines; and

The Education Committee reports a favorable recommendation on H.B. 358, CONSUMER WARRANTIES ON ASSISTIVE TECHNOLOGY, by Representative F. Hunsaker, with the following amendments:

1. Page 4, Line 23:
After "times", insert ", for the same reason,"

Lorin Jones, Chair; and

Mr. President: February 27, 1997

The Health and Environment Committee reports a favorable recommendation on H.B. 142, ESCAPE AND ABSCONDING AMENDMENTS, by Representative R. Killpack; and

The Health and Environment Committee reports a favorable recommendation on H.B. 278, CENTENNIAL NONMOTORIZED PATHS AND TRAIL CROSSINGS PROGRAM, by Representative A. Tyler.

Robert Muhlestein, Chair; and

Mr. President: February 26, 1997

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 61, INCOME TAX - EDUCATION TAX CREDIT, by Senator H. Stephenson, with the following amendments:

1. Page 1, Line 7:
   After "CIRCUMSTANCES" delete ": AND PROVIDING FOR RETROSPECTIVE OPERATION"

2. Page 1, Line 16:
   After "local" insert "public"

3. Page 2, Line 4:
   After "January 1," delete "1997" and insert "1998"

4. Page 2, Line 5:
   After "1," delete "2002" and insert "2003"

5. Page 2, Line 11:
   After "unit" delete "established" and after "53A-17a-103(1)" insert "as of January 1 of the year for which the credit is claimed"

6. Page 2, Line 14:
   After "district;" insert "and"

7. Page 2, Line 15:
   After "size" delete "; and" and insert a period.

8. Page 2, Line 16 & 17:
   Delete lines 16 and 17.

9. Page 2, Line 22:
   After line 22 insert:
   "(c)(i) The school board shall project by December 1 of each year the number of certificates of participation it shall grant for the next school year based on its current October 1 student count.
   (c)(ii) The number of students projected to receive certificates may not be included in the district's student count for state funding purposes for the next fiscal year."

10. Page 2, Line 23:
After "submit" insert "a certificate of participation issued by the school board under Subsection (4)(a)"

11. Page 2, Line 24:
After "claimed" delete the colon and insert a period

12. Page 2, Lines 25–26:
Delete lines 25–26

13. Page 2, Lines 29–30:
Delete lines 29–30; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 213, COURT COLLECTIONS, by Senator L. McAllister, with the following amendments:

1. Page 1, Line 7:
After "REQUIRING THE" bracket "DISTRICT"

2. Page 2, Line 9:
After "due to any" delete "district"

3. Page 5, Line 14:
After "If any" delete "district" and after "collected by the" delete "district"

4. Page 5, Line 15:
After "judgment, the" delete "district"

5. Page 5, Line 17:
After "If the" delete "district"

6. Page 5, Line 18:
After "1997–1998, the" delete "district"

7. Page 5, Line 22:
After "If the" delete "district"

8. Page 5, Line 31:
After "before the" delete "district"

9. Page 6, Line 2:
After "If any" delete "district"

10. Page 6, Line 3:
After "by the" delete "district"

11. Page 6, Line 4:
After "judgment, the" delete "district"

12. Page 6, Line 7:
After "If the" delete "district"

13. Page 6, Line 8:
After "fiscal year, the" delete "district"

14. Page 6, Line 12:
After "If the" delete "district"

Howard Nielson, Chair; and

Mr. President: February 26, 1997

The State and Local Affairs Committee recommends **S.B. 133**, APPEALS SETTLEMENT PROGRAM, by Senator C. Peterson, be replaced and favorably recommends **Sub. S.B. 133**, APPEALS AMENDMENTS; and

The State and Local Affairs Committee recommends **S.B. 146**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Senator L. McAllister, be replaced and favorably recommends **Sub. S.B. 146**, REAUTHORIZATION OF ADMINISTRATIVE RULES;and

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 268**, AMENDMENTS ON AFFORDABLE HOUSING, by Representative J. Haymond.

Mont Evans, Chair

On motion of Senator Holmgren, the committee reports were adopted. **S.B. 58, Sub. S.B. 166, S.B. 171, S.B. 250, H.B. 94, H.B. 311, H.B. 358, H.B. 142, H.B. 278, S.B. 61, S.B. 213, Sub. S.B. 133, Sub. S.B. 146**, and **H.B. 268** were placed on Second Reading Calendar.

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Mr. President: February 27, 1997

The Education Committee reports a favorable recommendation on **H.B. 138**, STUDENT EDUCATION/OCCUPATION PLAN AMENDMENTS, by

Representative L. Frandsen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Lorin Jones, Chair; and

Mr. President: February 26, 1997

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 301**, SALES TAX REFUND AMENDMENTS, by Representative J. Valentine, 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. 319**, INCOME TAX - FILING EXTENSIONS, by Representative J. Alexander, 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. 370**, RECORDING FEDERAL TAX LIENS, by Representative R. Siddoway, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard Nielson, Chair

On motion of Senator Holmgren, the committee reports were adopted. **H.B. 301, H.B. 138, H.B. 319**, and **H.B. 370** were read the second time and placed on Consent Calendar.

NOTIFICATION FROM STANDING COMMITTEES

The following bills referred to Standing Committees will be returned to the Secretary of the Senate:

Business, Labor, and Economic Development Standing Committee

H.B. 146	Commercial Tenant - Notice Of Unlawful Detainer (J. Swallow)
S.B. 48	Appropriation for Restoration of Brigham Young Academy (H. Nielson)
S.B. 109	Labor - Working Conditions (D. Buhler)
S.B. 131	Affordable Housing Amendments (P. Suazo)
S.J.R. 6	Resolution On Use Of Fort Douglas Area (B. Wharton)

Transportation and Public Safety Standing Committee

H.B. 247	B And C Roads Formula (M. Stephens)
Sub. H.C.R. 2	Resolution Opposing Governmental Regulations (D. Iverson)

S.B. 172	Utah Transit Authority Budget Approval (B. Wharton)
Education Standing Committee	
H.B. 261	Higher Education Presidential Authority (G. Davis)
Energy, Natural Resources, and Agriculture Standing Committee	
S.B. 45	Air Quality Board Powers (L. McAllister)
H.B. 131	Diligence And Underground Water Claims – Publication And Review (M. Styler)
H.B. 275	Wildland Fire (J. Gowans)
H.B. 283	Appropriation For Weber County Fairgrounds (G. Adair)
H.B. 289	Cougar And Bear Depredation Loss (B. Evans)
Health and Environment Standing Committee	
S.B. 228	Procurement Code Requirement Of Health Care Benefits For Contractors (E. Mayne)
Sub. H.B. 362	Informed Consent Amendments (R. Killpack)
Human Services Standing Committee	
S.B. 42	Juvenile Curfew (L. Jones)
S.B. 19	Prioritization of Child Support Collections (R. Muhlestein)
H.B. 137	Youth Corrections Amendments (S. Barth)
S.B. 192	Values-Oriented Treatment Program (R. Evans)
H.B. 257	Public Assistance Welfare Fraud (J. Murray)
H.B. 282	Work Programs For Prisoners Amendments (C. Fox)
H.B. 274	Foster Parent Director (N. Stephens)
H.J.R. 8	Resolution Repealing Marital Property Provisions (A. Bradshaw)
Revenue and Taxation Standing Committee	
H.B. 399	Public Safety Noncontributory Retirement – Conversion Window (S. Koehn)
S.B. 216	Business License Fee And Municipal Taxing Authority (L. Blackham)
H.B. 129	Centrally Assessed Taxpayers Amendments (R. Short)
S.B. 227	Cigarette Tax (S. Howell)
S.B. 47	Tax Incentives For Clean Fuels (L. McAllister)
State and Local Affairs Standing Committee	
H.B. 99	Requirements Of Statutorily Required Reports And Notices (D. Jones)
H.B. 236	Municipal Building Authority Bond Issuance (D. Ure)
H.B. 241	Salary Increases for Government Officials (M. Styler)
Sub. H.B. 248	Planning And Zoning – Subdivision Plats (C. Saunders)
H.B. 290	Appropriation For County Land Use Planning (D. Iverson)

H.C.R. 7	Resolution Calling For State's Amendments To Federal Constitution (M. Dillree)
Judiciary Standing Committee	
S.B. 111	Handgun Purchase Requirements (M. Waddoups)
S.B. 27	Dangerous Weapons – Restrictions (R. Steiner)
S.B. 38	Dangerous Weapons at Child–centered Schools and Facilities (M. Waddoups)
S.B. 39	Private Property Owners' Right to Prohibit Dangerous Weapons (M. Waddoups)
H.B. 286	Perjury Reform (G. Curtis)
Sub. H.B. 374	Marital Property Rights Amendments (A. Bradshaw)
S.B. 199	Immunity For Volunteers (J. Holmgren)
H.B. 132	Fugitive Bail Amendments (B. Holladay)
H.B. 96	Wrongful Lien Amendments (J. Swallow)
H.B. 143	Unlawful Detainer of Tenant (J. Swallow)
Sub. H.B. 78	Witness Immunity Amendments (D. Gladwell)
Sub. H.B. 91	Cohabitant Abuse Act Amendments (P. Larson)
S.B. 246	Parental Responsibility For Wrongful Conduct of Child (P. Suazo)
S.B. 185	Appropriation For Secure Youth Facilities (S. Howell)
H.B. 87	Computer Crimes Amendments (B. Holladay)
Sub. H.B. 75	Amendments To Statute Of Limitations (P. Buckner)
H.B. 149	Manufacturing or Possession of Instrument for Theft or Burglary Amendments (G. Davis)

* * *

On motion of Senator Hillyard, under suspension of the rules, S.B. 48 was lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

* * *

On motion of Senator C. Peterson, the 24–hour rule was suspended for consideration of bills today.

SECOND READING CALENDAR

On motion of Senator Taylor, the circle was removed from S.B. 244, PUBLIC NUDITY PROHIBITION, and it was before the Senate.

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

PUBLIC NUDITY PROHIBITION

Sub. S.B. 244 *Craig L. Taylor*

AN ACT RELATING TO CRIMINAL CODE; PROVIDING DEFINITIONS; MODIFYING THE ELEMENTS OF LEWDNESS AND GROSS LEWDNESS; AND MAKING TECHNICAL CORRECTIONS.

Senator Taylor explained the bill. Senators Mantes, Hull, Dmitrich, Steiner, Howell, and Hillyard commented. The bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Blackham	Evans	Jones	Mansell
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	Poulton	Steele	Stephenson
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Howell	Hull	Mantes	Mayne
Myrin	M. Peterson	Steiner	Suazo
Wharton			

* * *

Sub. S.B. 175, STATE TRANSPORTATION INFRASTRUCTURE BANK, was read the second time. Senator Waddoups explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Dmitrich	Hillyard	Myrin	Beattie

* * *

On motion of Senator Steele, the circle was removed from **Sub. S.B. 13**, TELECOMMUNICATION AMENDMENTS, and it was before the Senate. Senator Steele explained the bill.

Senator Steele moved the following amendments:

1. Page 1, Line 9:
After "INDEX;" insert "ALLOWING THE COMMISSION TO ADJUST CERTAIN RATES;"

2. Page 2, Line 16:
After "neutral" insert "relative to the last proceeding file pursuant to Subsection (3)(a)"

3. Page 2, Line 27:
After the semicolon delete "and"

4. Page 2, Line 29:
After "investments" delete the period and insert a semicolon and after line 29 insert:
"(D) changes in tax rates applied to the incumbent telephone corporation; or
(E) any other change external to the business operations of the incumbent telephone corporation resulting from:
(I) accounting rules adopted by the Financial Accounting Standards Board and approved by the commission;
(II) laws or rules enacted or adopted by a governmental entity having jurisdiction; or
(III) any other extraordinary events not reasonably foreseeable as of April 30, 1997."

5. Page 3, Line 17:
After "indices" delete "shall" and insert "may"

6. Page 3, Line 21:
After the semicolon delete "and"

7. Page 3, Line 24:
After "commission delete the period and insert a semicolon and after line 24 insert:
"(iv) changes in tax rates applied to the incumbent telephone corporation; or

(v) any other change external to the business operations of the incumbent telephone corporation resulting from:
(A) accounting rules adopted by the Financial Accounting Standards Board and approved by the commission;
(B) laws or rules enacted or adopted by a governmental entity having jurisdiction; or
(C) any other extraordinary events not reasonably foreseeable as of April 30, 1997."

Senator Steiner commented. The amendment passed on a voice vote.

Senator Steele moved the following amendments:

8. Page 2, Line 11:
After "shall" insert "be based on a 1996 test period and shall"

Senators Steiner, Buhler, and Blackham commented. The amendment passed on a voice vote.

Senators Mantes and Steele commented. The bill passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Buhler	Muhlestein

Absent or not voting were: Senators

Hillyard	Poulton

* * *

On motion of Senator C. Peterson, under suspension of the rules, S.B. 48, APPROPRIATION FOR RESTORATION OF BRIGHAM YOUNG ACADEMY, was read the second time. Senator C. Peterson explained the bill.

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

1. Page 1, Line 7:
   After "APPROPRIATING" delete "$2,000,000" and insert "$900,000"

2. Page 1, Line 14:
   After "1997–98" delete "$2,000,000" and insert "$900,000"

Senator Wharton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Evans	Myrin	Poulton
Taylor			

* * *

On motion of Senator Hillyard, under suspension of the rules, the following bills were removed from the Third Reading Table, placed at the top of the Third Reading Calendar, and circled: **H.B. 4, H.B. 60, H.B. 154, H.B. 40, H.B. 16, H.B. 76 , H.B. 243, and H.B. 242.**

On motion of Senator Hillyard, under suspension of the rules, the following bills were placed at the top of Second Reading Calendar and circled: **H.B. 32, H.B. 270, H.B. 69, 2nd Sub. H.B. 178, H.B. 187, and H.B. 93.**

On motion of Senator Hillyard, under suspension of the rules, the following bills were lifted from the Secretary of the Senate, placed on Second Reading Calendar, and circled: **H.B. 378, H.B. 290, H.B. 283, H.B. 275, H.B. 289, H.B. 323, H.B. 324, H.B. 331, Sub. H.B. 269, H.B. 115, and H.B. 121.**

On motion of Senator Hillyard, under suspension of the rules, the following bills were lifted from Third Reading Table and referred to the Secretary of the Senate: **H.B. 158, H.B. 194, H.B. 172, H.B. 66, Sub. H.B. 240, and H.B. 159.**

* * *

On motion of Senator Buhler, the Senate moved to the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buhler, the circle was removed from S.B. 8, APPROPRIATION FOR SOUND BARRIERS, and it was before the Senate. Senator Buhler explained the bill and referred it to the Secretary of the Senate.

* * *

On motion of Senator Buhler, the circle was removed from Sub. S.B. 81, ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS, and it was before the Senate.

Senator Buhler moved the following amendments:

1. Page 5, Line 2:
   Reinstate "purpose" and insert a comma. After "item" insert a comma.

Senator Steele commented. The amendment passed on a voice vote.

Senator Buhler explained the bill. On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator C. Peterson, and at 4:00, the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Beattie presiding.

SECOND READING CALENDAR

S.B. 204, CENTENNIAL LICENSE PLATE AMENDMENTS, was read the second time. Senator Hull explained the bill.

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

1. Page 14, Line 23:
   Delete all of line 23 and insert "If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override."

Senator Wharton commented. The bill passed on the following roll call:

Yeas, 16; Nays, 3; Absent, 10.

Voting in the affirmative were: Senators

Dmitrich	Evans	Holmgren	Howell
Hull	Jones	Mayne	McAllister
Montgomery	Muhlestein	Nielson	M. Peterson
Steele	Steiner	Taylor	Waddoups

Voting in the negative were: Senators

Mantes	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Buhler	Hillyard	Mansell
Myrin	C. Peterson	Poulton	Stephenson
Suazo	Tanner		

* * *

S.B. 211, SNOWMOBILE USER FEE, was read the second time. Senator Jones explained the bill. Senator Steiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Steiner
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Buhler	Hillyard	Mansell	C. Peterson
Poulton	Steele	Stephenson	Suazo

* * *

On motion of Senator Jones, S.B. 42 was lifted from the Rules Committee and placed on the bottom of the Second Reading Calendar.

* * *

On motion of Senator Mayne, the circle was removed from S.B. 241, REPORTING ELECTED OFFICIAL FUNDS, and it was before the Senate. Senator Mayne explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Hull	Jones	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Hillyard	Howell	Mansell
Poulton	Tanner		

* * *

On motion of Senator Blackham, the following bills were lifted from the Third Reading Table and placed on Third Reading Calendar under **H.B. 242**: **H.B. 35**, and **H.B. 81.**

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 210**, GROWTH IMPACT HIGHWAYS, and it was before the Senate.

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

GROWTH IMPACT HIGHWAYS

Sub. S.B. 210 *Leonard M. Blackham*

AN ACT RELATING TO HIGHWAYS; AUTHORIZING THE TRANSPORTATION COMMISSION TO ISSUE MATCHING GRANTS FOR LOCAL GOVERNMENT HIGHWAY PROJECTS UNDER CERTAIN CONDITIONS; AND PROVIDING A REPEAL DATE.

Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Jones
Mayne	McAllister	Montgomery	Muhlestein

Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Holmgren	Mantes	Steiner

Absent or not voting were: Senators

Buhler	Hillyard	Howell	Hull
Mansell			

* * *

On motion of Senator C. Peterson, the circle was removed from **Sub. S.B. 173, COUNTY ATTORNEY RESPONSIBILITIES**, and it was before the Senate. Senator C. Peterson explained the bill.

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

1. Page 7, Line 31:
   After "purposes of" delete "this Subsection" and insert "Subsections" and after "(5)" insert "(a)(vi), (b), and (c)"

Senator Wharton declared a conflict of interest. The bill passed on the following roll call:

Yeas, 15; Nays, 10; Absent, 4.

Voting in the affirmative were: Senators

Dmitrich	Evans	Howell	Hull
Jones	Mayne	McAllister	Muhlestein
Myrin	C. Peterson	M. Peterson	Steele
Steiner	Wharton	Beattie	

Voting in the negative were: Senators

Holmgren	Mansell	Mantes	Montgomery
Nielson	Poulton	Stephenson	Suazo
Tanner	Taylor		

Absent or not voting were: Senators

Blackham	Buhler	Hillyard	Waddoups

* * *

2nd Sub. S.B. 218, GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS, was read the second time. On motion of Senator Myrin, the bill was circled.

* * *

S.B. 224, LAND USE, TRANSPORTATION, AND AIR QUALITY TASK FORCE, was read the second time. Senator McAllister explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Evans	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Dmitrich	Wharton

Absent or not voting were: Senators

Blackham	Buhler	Hillyard	Mantes

* * *

On motion of Senator Holmgren, the circle was removed from S.B. 106, CLASS B AND C ROAD BID LIMIT, and it was before the Senate. On motion of Senator Holmgren, the bill was referred to the Secretary of the Senate for interim study.

* * *

On motion of Senator Holmgren, under suspension of the rules, S.B. 199, IMMUNITY FOR VOLUNTEERS, was lifted from the Rules Committee and referred to the Secretary of the Senate for interim study.

* * *

On motion of Senator Evans, under suspension of the rules, S.B. 192 was lifted from the Rules Committee and placed at the bottom of the Second Reading Calendar.

* * *

S.B. 58, LABOR ORGANIZATION DEDUCTIONS, was read the second time. On motion of Senator Stephenson, the bill was circled.

* * *

Sub. S.B. 166, WORKFORCE SERVICES IMPLEMENTATION AND AMENDMENTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

On motion of Senator M. Peterson, under suspension of the rules, **S.B. 171**, HOMEOWNER'S INSURANCE, was read the second time. Senator M. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Taylor

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 250**, DEPARTMENT OF CORRECTIONS – EMERGENCY RELEASE, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Howell	Mantes

* * *

S.B. 61, INCOME TAX EDUCATION TAX CREDIT, was read the second time. On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 213, COURT COLLECTIONS, was read the second time. On motion of Senator McAllister, the bill was circled.

* * *

Sub. S.B. 133, APPEALS SETTLEMENT PROGRAM, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

Sub. S.B. 146, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time. On motion of Senator McAllister, the bill was circled.

* * *

On motion of Senator Jones, under suspension of the rules, S.B. 42, JUVENILE CURFEW, was read the second time. This bill did not have a standing committee hearing.

Senator Jones explained the bill. Senators C. Peterson, M. Peterson, and Tanner commented. On motion of Senator Hillyard, the bill was referred to the Secretary of the Senate for interim study.

* * *

On motion of Senator Evans, under suspension of the rules, S.B. 192, VALUES–ORIENTED TREATMENT PROGRAM, was read the second time. This bill did not have a standing committee hearing.

Senator Evans explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Evans	Hillyard	Holmgren
Hull	Jones	Mansell	Mayne

McAllister	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Montgomery	M. Peterson	Steiner

Absent or not voting were: Senators

Blackham	Buhler	Howell	Mantes

* * *

On motion of Senator McAllister, the circle was removed from Sub. S.B. 146, REAUTHORIZATION OF ADMINISTRATIVE RULES, and it was before the Senate. Senator McAllister explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Howell	Mantes

* * *

On motion of Senator C. Peterson, the circle was removed from Sub. S.B. 133, APPEALS AMENDMENTS, and it was before the Senate. Senator C. Peterson explained the bill.

On motion of Senator C. Peterson, under suspension of the rules, Sub. S.B. 133 was read the first and second times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Mantes

* * *

On motion of Senator C. Peterson and at 5:45 p.m., the Senate adjourned until 8:00 a.m., Friday, February 28, 1997.

FORTIETH DAY

MORNING SESSION

The Senate was called to order at 8:15 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present, except Senator Jones, excused.

Prayer – Pastor France A. Davis, Pastor of the Calvary Baptist Church in Salt Lake City.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: February 28, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the thirty–ninth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 1997

The House passed, as substituted and amended, **Sub. H.B. 184**, COMMUNITY AND YOUTH PREVENTION PROGRAMS, by Representative L. Frandsen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 372**, INDUSTRIAL ASSISTANCE FUND – RURAL RESETTLEMENT PROGRAM, by Representative E. Olsen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 86**, RAW MILK MARKETING AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 114**, TEMPORARY ZONING REGULATION AMENDMENTS, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 117**, UNDERGROUND STORAGE TANK FUNDING, by Representative B. Wright, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 292**, REST STOP COMMEMORATING AMERICAN WEST, by Representative E. Olsen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 312**, MOTOR VEHICLE DEALER FRANCHISE ACT AMENDMENTS, by Representative C. Fox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 332**, SALES TAX - EXEMPTION FOR GOVERNMENT COPIES, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 361**, APPROPRIATION FOR UTAH STATE UNIVERSITY PASTURE AND FORAGE INITIATIVE, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 367**, STATE AGENCY'S CONTRACTS FOR COMPUTER SUPPORT, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 369**, HIGHER EDUCATION SUPPLEMENTAL SAVINGS INCENTIVE PROGRAM, by Representative K. Garn, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 385**, UTAH STATE CAPITOL PRESERVATION BOARD, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 392**, TRUANCY PREVENTION APPROPRIATION, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 184, H.B. 372, H.B. 86, H.B. 114, H.B. 117, H.B. 292, Sub. H.B. 312, H.B. 332, H.B. 361, H.B. 367, H.B. 369, Sub. H.B. 385**, and **H.B. 392** were read the first time and referred to the President of the Senate.

INTRODUCTION OF BILL

1997 BONDING AND DEBT FINANCING AUTHORIZATION

S.B. 2 *David L. Buhler*

AN ACT RELATING TO CAPITAL INFRASTRUCTURE; AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS FOR CAPITAL FACILITIES, LAND PURCHASES, COMPUTER SOFTWARE, COMPUTER HARDWARE,COMPUTER SYSTEM DEVELOPMENT, BUILDINGS, AND RELATED FACILITIES; SPECIFYING THE USE OF BOND PROCEEDS AND THE MANNER OF ISSUANCE; IMPOSING AND ABATING A PROPERTY TAX; CREATING SINKING FUNDS; APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY THE STATE BUILDING OWNERSIP AUTHORITY; AUTHORIZING OTHER CAPITAL FACILITY EXPENDITURES; PROVIDING FOR RELATED MATTERS; AND MAKING TECHNICAL CORRECTIONS, was read the first time and referred to the President of the Senate.

CONSENT CALENDAR

S.B. 223, ENVIRONMENTAL LAW AMENDMENTS, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Hull
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	Howell
Jones	Mantes	Taylor	

S.B. 223 was transmitted to the House.

* * *

S.J.R. 14, RESOLUTION AMENDING RULE OF EVIDENCE, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Hull
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	Howell
Jones	Mantes	Taylor	

S.J.R. 14 was transmitted to the House.

* * *

Sub. H.B. 265, MINING BOND AND USRETY FORFEITURE FUND, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Hull
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	Howell
Jones	Mantes	C. Peterson	Taylor

Sub. H.B. 265 was signed by the President of the Senate in open session and returned to the House.

* * *

H.C.R. 4, RESOLUTION SUPPORTING REALIGNMENT OF AIR FORCE BASE WORKLOAD, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Hull
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Dmitrich	Evans	Howell
Jones	Mantes	C. Peterson	Taylor

H.C.R. 4 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 317, CORPORATE INCOME 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

Buhler	Dmitrich	Hillyard	Holmgren
Hull	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Evans	Howell	Jones
Mantes	C. Peterson	Taylor	

H.B. 317 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 327, TRANSIENT ROOM TAX AMENDMENTS, was read the third time, explained by Senator Muhlestein, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Hull	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Evans	Howell	Jones
Mantes	Taylor	Waddoups	

H.B. 327 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

On motion of Senator Hillyard, **H.B. 35** and **H.B. 81** were circled.

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On motion of Senator Hillyard, **H.B. 94** and **H.B. 278** were placed on the Second Reading Calendar after **H.B. 121.**

* * *

Sub. S.B. 244, PUBLIC NUDITY PROHIBITION, was read the third time. On motion of Senator Montgomery, the bill was circled.

* * *

Sub. S.B. 175, STATE TRANSPORTATION INFRASTRUCTURE BANK, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson

Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Jones	Mantes	Taylor

Sub. S.B. 175 was transmitted to the House.

* * *

Sub. S.B. 13, TELECOMMUNICATION AMENDMENTS, was read the third time and explained by Senator Steele. Senator Wharton declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Mansell
Mayne	McAllister	Montgomery	Myrin
Nielson	C. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Buhler	Muhlestein	M. Peterson	Poulton

Absent or not voting were: Senators

Jones	Mantes	Taylor

Sub. S.B. 13 was transmitted to the House.

* * *

S.B. 48, APPROPRIATION FOR RESTORATION OF BRIGHAM YOUNG ACADEMY, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mansell

Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator Hillyard

Absent or not voting were: Senators

Jones	Mantes	Steele	Taylor

S.B. 48, as amended, was transmitted to the House.

* * *

S.B. 204, CENTENNIAL LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Hull, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton

Voting in the negative was: Senator Beattie

Absent or not voting were: Senators

Blackham	Jones	Mantes	Taylor

S.B. 204, as amended, was transmitted to the House.

* * *

S.B. 211, SNOWMOBILE USER FEE, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	C. Peterson	M. Peterson
Poulton	Steele	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator Nielson

Absent or not voting were: Senators

Jones	Mantes	Steiner	Taylor

S.B. 211 was transmitted to the House.

* * *

S.B. 241, REPORTING ELECTED OFFICIAL FUNDS, was read the third time and explained by Senator Mayne. Senator Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mayne	McAllister	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Jones	Mantes	Montgomery	Taylor

S.B. 241, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, **Sub. S.B. 210**, GROWTH IMPACT HIGHWAYS, was read the first, second, and third times. Senator Blackham explained the bill. Senators Holmgren and Mansell commented.

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

1. Page 1, Line 23:
After "that" insert "is" and after "least" delete "equals" and insert "150% of"

Senator Buhler commented. The bill passed on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Steele	Suazo	Tanner	Waddoups
Beattie			

Voting in the negative were: Senators

Buhler	Howell	Hull	Mantes
M. Peterson	Poulton	Steiner	Stephenson
Taylor	Wharton		

Absent or not voting were: Senators

Hillyard	Jones

Sub. S.B. 210, as amended, was transmitted to the House.

* * *

On motion of Senator Suazo, under suspension of the rules, **S.B. 246** was read the second time and placed at the bottom of Third Reading Calendar.

* * *

Sub. S.B. 173, COUNTY ATTORNEY RESPONSIBILITIES, was read the third time and explained by Senator C. Peterson. On motion of Senator C. Peterson, the bill was circled.

* * *

S.B. 224, LAND USE, TRANSPORTATION, AND AIR QUALITY TASK FORCE, was read the third time, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Hull	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Myrin	Wharton

Absent or not voting were: Senators

Hillyard	Howell	Jones	Mantes
Stephenson			

S.B. 224 was transmitted to the House.

* * *

S.B. 171, HOMEOWNER'S INSURANCE, was read the third time and explained by Senator M. Peterson. Senator Poulton declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Hull	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Hillyard	Howell	Jones

S.B. 171 was transmitted to the House.

* * *

S.B. 250, DEPARTMENT OF CORRECTIONS - EMERGENCY RELEASE, was read the third time. On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Evans, under suspension of the rules, **S.B. 192**, VALUES–ORIENTED TREATMENT PROGRAM, was read the third time and explained by Senator Evans. Senator Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Hillyard	Jones	C. Peterson

S.B. 192 was transmitted to the House.

* * *

Sub. S.B. 146, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the third time and explained by Senator McAllister. Senator Myrin commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Mansell	Mantes
Mayne	McAllister	Montgomery	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Muhlestein

Absent or not voting were: Senators

Hillyard	Hull	Jones	C. Peterson

Sub. S.B. 146 was transmitted to the House.

* * *

Sub. S.B. 133, APPEALS SETTLEMENT PROGRAM, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hillyard	Jones

Sub. S.B. 133 was transmitted to the House.

* * *

On motion of Senator Suazo, under suspension of the rules, S.B. 246, PARENTAL RESPONSIBILITY FOR WRONGFUL CONDUCT OF CHILD, was read the third time and explained by Senator Suazo. This bill did not have a standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Jones

S.B. 246 was transmitted to the House.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 250, DEPARTMENT OF CORRECTIONS – EMERGENCY RELEASE, and it was before the Senate. Senator Hillyard explained the bill. Senator Steiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Jones

S.B. 250 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, H.B. 361, H.B. 292, H.B. 392, Sub. H.B. 184, and H.B. 372 were placed on the Second Reading Calendar below H.B. 278.

* * *

On motion of Senator Buhler, the circle was removed from 3rd Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, and it was before the Senate. Senator Buhler explained the bill.

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

1. Page 6, Lines 3–9:
   Delete lines 3 through 9.

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

2. Page 11, Lines 13–16:
Delete lines 13 through 16.

Senator C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Jones

3rd Sub. S.B. 81, as amended, was transmitted to the House.

* * *

On motion of Senator Mayne, the Senate voted to reconsider its action on **S.B. 241.**

RECONSIDERATION OF S.B. 241

S.B. 241, REPORTING ELECTED OFFICIAL FUNDS, was before the Senate and explained by Senator Mayne.

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

1. Page 2, Line 10:
After "mean" insert ": (i)"

2. Page 2, Line 11:
After "money" insert ";or
(ii) campaign funds or accounts established by candidates under the authority of Title 20A, Chapter 11, Part 2, State Office Candidates — Campaign Organization and Financial Reporting Requirements, Title 20A, Chapter 11, Part 3, Candidates for Legislative Office — Campaign Organization and Financial Reporting Requirements, and Title 20A, Chapter 11, Part 3, Officeholder Financial Reporting Requirement

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Jones

S.B. 241, as amended, was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Myrin, the circle was removed from **2nd Sub. S.B. 218**, GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS, and it was before the Senate.

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

GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS

3rd Sub. S.B. 218 *Alarik Myrin*

AN ACT RELATING TO PUBLIC SAFETY AND STATE AFFAIRS; CREATING THE STATE OLYMPIC ENFORCEMENT COMMAND AND TRANSPORTATION COMMITTEE; ESTABLISHING THE POWERS OF THE COMMAND AND COMMITTEE; AMENDING OLYMPIC REPORTING AND APPROVAL REQUIREMENTS; MAKING TECHNICAL CORRECTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A REPEAL DATE.

Senator Myrin explained the bill. On motion of Senator Howell, the bill was circled.

THIRD READING CALENDAR

On motion of Senator Hillyard, the following bills were uncircled **H.B. 4, H.B. 60, H.B. 154, H.B. 40, H.B. 16, H.B. 76, H.B. 243, H.B. 242, H.B. 35**, and **H.B. 81.**

* * *

H.B. 4, PUBLIC SAFETY – MISSING PERSONS CENTER, was read the third time. Senator Howell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Steele

H.B. 4 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, under suspension of the rules, **S.B. 2** was read the second time and placed at the top of Third Reading Calendar. On motion of Senator C. Peterson, the bill was circled.

* * *

On motion of Senator C. Peterson, and at 10:00 a.m., the Senate sauntered.

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

* * *

H.B. 60, POST CONVICTION REMEDIES – DEATH PENALTY, was read the third time and explained by Senator Hillyard.

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

1. Page 2, lines 9–12:
   After "(c)" delete lines 9 through 12 and insert:

"The attorney general shall determine costs of counsel and other reasonable litigation expenses incurred in providing the representation provided for in this section and provide documentation to the Division of Finance for payment."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Jones

H.B. 60, as amended, was returned to the House.

* * *

H.B. 154, PROPERTY TAX - CIRCUIT BREAKER, was read the third time and explained by Senator Hillyard. Senator Muhlestein commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Jones	Tanner	Taylor

H.B. 154 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 40, RENEWAL OF DRIVERS LICENSES KIOSKS, was read the third time and explained by Senator Buhler. Senators Hillyard, Mantes, and Beattie commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Taylor

H.B. 40 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 16, UTAH SUMMER GAMES APPROPRIATION, was read the third time and explained by Senator Evans.

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

1. Page 1, Line 5:
   Delete $100,000 and insert $50,000

2. Page 1, Line 12:
   Delete "$100,000" and insert "$50,000"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister

Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Taylor

H.B. 16, as amended, was returned to the House.

* * *

On motion of Senator Hillyard, **H.B. 76** was circled.

* * *

H.B. 243, APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS, was read the third time.

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

1. Page 1, Line 6:
   Delete "$2,800,000" and insert "$200,000"

2. Page 1, Line 12:
   Delete "$2,800,000" and insert "$200,000"

Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Holmgren	Jones	Taylor

H.B. 243, as amended, was returned to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 61** was placed at the top of the Second Reading Calendar

SECOND READING CALENDAR

S.B. 61, INCOME TAX - EDUCATION TAX CREDIT, was before the Senate.

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

INCOME TAX - EDUCATION TAX CREDIT

Sub. S.B. 61 *Howard A. Stephenson*

AN ACT RELATING TO REVENUE AND TAXATION; PROVIDING AN INDIVIDUAL INCOME TAX CREDIT FOR EDUCATIONAL COSTS UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING DEFINITIONS.

On motion of Senator Hillyard, the bill was circled.

THIRD READING CALENDAR

H.B. 242, HIGHWAY PATROL - COMPUTER PURCHASE, was read the third time.

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

1. Page 1, Line 5:
   Delete "$460,000" and insert "$350,000"

2. Page 1, Line 12:
   Delete "$460,000" and insert "$350,000"

Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson

C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Taylor

H.B. 242, as amended, was returned to the House.

* * *

H.B. 35, ACCELERATED LEARNING AMENDMENTS, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative was: Senator

Poulton

Absent or not voting were: Senators

Jones	Mantes	Taylor

H.B. 35 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 81, APPROPRIATION FOR CLASSROOM SUPPLIES, was read the third time and explained by Senator Montgomery. Senator C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Beattie			

Absent or not voting were: Senators

Jones	Mantes	Taylor	Wharton

H.B. 81 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 76, UTAH BOTANICAL CENTER APPROPRIATION**, and it was read the third time.

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

1. Page 1, Line 5:
   Delete "$1,000,000" and insert "$250,000"

2. Page 1, Line 2:
   "$1,000,000" and insert "$250,000"

Senator Hillyard explained the bill. Senators C. Peterson and Holmgren commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Dmitrich	Hull	Jones	Suazo

H.B. 76, as amended, was transmitted to the House.

* * *

On motion of Senator Taylor, the circle was removed from **Sub. S.B. 244**, PUBLIC NUDITY PROHIBITION, and it was before the Senate. Senator Taylor explained the bill.

Senator Howell moved amendments that failed on a standing vote.

Senators Howell and Taylor commented. The bill failed on the following roll call:

Yeas, 13; Nays, 15; Absent, 1.

Voting in the affirmative were: Senators

Evans	Holmgren	Mansell	McAllister
Montgomery	Muhlestein	Nielson	Poulton
Steele	Stephenson	Taylor	Waddoups
Beattie			

Voting in the negative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Howell	Hull	Mantes	Mayne
Myrin	C. Peterson	M. Peterson	Steiner
Suazo	Tanner	Wharton	

Absent or not voting was: Senator
Jones

Sub. S.B. 244 was filed.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **Sub. S.B. 61**, INCOME TAX - EDUCATION TAX CREDIT. On motion of Senator Stephenson, **Sub. S.B. 61** was read the second and third time. Senator Stephenson explained the bill. Senator Wharton commented.

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

1. Page 2, Line 13:
   After "(b)(i)" delete "The" and insert "A" and after "board" insert "electing to implement the program authorized under this section"

2. Page 2, Line 18:
   After "(c)(i)" delete "The" and insert "A" and after "board" insert "electing to implement the program authorized under this section"

Senators Waddoups, Steele, Hull, Dmitrich, and Suazo commented.

Senators Suazo, McAllister, Hull, and Wharton declared conflicts of interest. The bill passed on the following roll call:

Yeas, 16; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Mansell	McAllister	Montgomery	Muhlestein
Myrin	C. Peterson	Poulton	Stephenson
Tanner	Taylor	Wharton	Beattie

Voting in the negative were: Senators

Blackham	Dmitrich	Howell	Hull
Mantes	Mayne	Nielson	M. Peterson
Steele	Steiner	Suazo	Waddoups

Absent or not voting was: Senator
Jones

Sub. S.B. 61, as amended, was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 88** was lifted from the Rules Committee and placed on the Second Reading Calendar below **H.B. 372**.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 66** was lifted from the Rules Committee and placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buhler, under suspension of the rules, **S.B. 2, 1997** BONDING AND DEBT FINANCING AUTHORIZATION, was read the third time and explained by Senator Buhler.

Senator Muhlestein moved amendments. Senators Buhler, Howell, Evans, Mayne, Nielson, Poulton, and Hillyard commented.

Senator Waddoups moved a substitute motion to amend. Senators Montgomery, Tanner, Buhler, Blackham, McAllister, and Dmitrich commented. The substitute motion to amend failed on a voice vote.

Senator Muhlestein's original motion to amend failed on a voice vote.

Senator M. Peterson declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Evans	Myrin	Stephenson

Absent or not voting was: Senator
Jones

S.B. 2 was transmitted to the House.

* * *

On motion of Senator C. Peterson, and at 12:15 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 1997

The Speaker of the House has signed S.B. 155, COURT REPORTER AMENDMENTS, by Senator C. Peterson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 280, SPECIAL DISTRICTS ANNEXATION AMENDMENTS, by Representative J. Arrington, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 155 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

H.B. 280 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as substituted and amended, **Sub. H.B. 67**, CHILDREN'S READING SKILLS, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 108**, MINERAL LEASE ACCOUNT AMENDMENTS, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 113**, CHILD CARE LICENSING AMENDMENTS, by Representative B. Chard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 254**, LONGEVITY AMENDMENTS FOR STATE EMPLOYEES, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 348**, SEX OFFENDER NOTIFICATION AMENDMENTS, by Representative B. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 380**, STATE AUDITOR REQUIREMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 382**, PERSONNEL MANAGEMENT ACT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 64**, PRIVATE PROPERTY PROTECTION ACT AMENDMENTS, by Representative E. Olsen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 79**, CHILD CUSTODY AND VISITATION AMENDMENTS, by Representative B. Holladay, and it is transmitted for consideration; and

The House passed, as substituted and amended, **Sub. H.B. 105**, CIVIL RELIEF ACT, by Representative P. Knudson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 112**, PREPLACEMENT AND POSTPLACEMENT ADOPTIVE EVALUATIONS, by Representative R. Killpack, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 124**, LICENSING OF DAY CARE FACILITIES, by Representative D. Jones, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 139**, EMPLOYEE LEASING COMPANY LICENSING ACT AMENDMENTS, by Representative B. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 141**, MEDICAL EDUCATION PROGRAM, by Representative J. Haymond, and it is transmitted for consideration; and

The House passed **H.B. 320**, ACTION FOR LOSS OF CONSORTIUM, by Representative C. Fox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **Sub. H.B. 67, H.B. 108, Sub. H.B. 113, H.B. 254, H.B. 348, H.B. 380, H.B. 382, Sub. H.B. 64, Sub. H.B. 79, Sub. H.B. 105, H.B. 112, 2nd Sub. H.B. 124, H.B. 139, H.B. 141**, and **H.B. 320** were read the first time and referred to the President of the Senate.

* * *

On motion of Senator Hillyard, the Senate voted to recall **H.B. 243** and **H.B. 242** from the House.

* * *

On motion of Senator Blackham, Congressman Merrill Cook spoke in Committee of the Whole. Senators C. Peterson, Beattie, Waddoups, and Waddoups commented.

SECOND READING CALENDAR

On motion of Senator Hillyard, **H.B. 32, H.B. 270, H.B. 69, 2nd Sub. H.B. 178, H.B. 187, H.B. 93, H.B. 378, H.B. 290, H.B. 283, H.B. 275, H.B. 289, H.B. 323, H.B. 324, H.B. 331, Sub. H.B. 269, H.B. 115**, and **H.B. 121** were uncircled.

THIRD READING CALENDAR

H.B. 66, APPROPRIATION FOR PIONEER DISPLAY, was read the third time, explained by Senator Tanner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Hull	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Holmgren	Howell	Jones
Taylor	Beattie		

H.B. 66, as amended, was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to recall **H.B. 60.**

* * *

On motion of Senator Hillyard, the Senate voted to reconsider its action on **H.B. 243.**

RECONSIDERATION OF H.B. 243

H.B. 243, APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS, was before the Senate.

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

Delete the amendments made previously.

1. Page 1, Line 6:
   Delete "$200,000" and insert "$350,000"

2. Page 1, Line 12:
   Delete "$200,000" and insert "$350,000"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Hull	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Waddoups	Wharton		

Absent or not voting were: Senators

Blackham	Holmgren	Howell	Jones
Tanner	Taylor	Beattie	

H.B. 243, as amended, was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to reconsider its action on **H.B. 242**.

RECONSIDERATION OF H.B. 242

H.B. 242, HIGHWAY PATROL – COMPUTER PURCHASE, was before the Senate.

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

Delete the amendments made previously.

1. Page 1, Line 5:
   Delete "$350,000" and insert "$200,000"

2. Page 1, Line 12:
   Delete "$350,000" and insert "$200,000"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Waddoups	Wharton

Absent or not voting were: Senators

Howell	Jones	Tanner	Taylor
Beattie			

H.B. 242, as amended, was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to reconsider its action on **H.B. 60**.

RECONSIDERATION OF H.B. 60

H.B. 60, POST CONVICTION REMEDIES - DEATH PENALTY, was before the Senate.

On motion of Senator Hillyard, the Senate voted to delete previously made amendments (see pages 732 and 733)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Howell	Jones	Beattie

H.B. 60 was signed by the President of the Senate in open session and returned to the House.

SECOND READING CALENDAR

H.B. 32, RECREATION IMPACT FEES, was read the second time. Senator Stephenson explained the bill. Senators Waddoups and Myrin commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mantes	Mayne	McAllister	Montgomery
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Wharton		

Voting in the negative were: Senators

Muhlestein	Poulton	Taylor	Waddoups

Absent or not voting were: Senators

Jones	Mansell	Beattie

* * *

On motion of Senator Steele, under suspension of the rules, **H.B. 270, STATE MUSEUM OF NATURAL HISTORY OUTREACH PROGRAMS,** was read the second and third times. Senator Steele explained the bill.

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

1. Page 1, Line 9:
   After "PROVIDING A" delete "$150,000" and insert "$100,000"

2. Page 2, Line 6:
   After "1997–98" delete "$75,000" and insert "$50,000" and after "General Fund and" delete "$75,000" and insert "$50,000"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Jones	Mansell	Mayne	Beattie

H.B. 270, as amended, returned to the House.

* * *

On motion of Senator Steele, under suspension of the rules, **H.B. 69**, SERIOUS HABITUAL YOUTH OFFENDER PROGRAM, was read the second and third times. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Hillyard	Hull	Jones	Mansell
Steele	Beattie		

H.B. 69 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator McAllister, under suspension of the rules, **2nd Sub. H.B. 178**, FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS, was read the third time.

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

FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS

3rd Sub. H.B. 178 *Nora B. Stephens*

AN ACT RELATING TO THE JUDICIAL CODE, REGARDING ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS; MAKING PILOT

PROJECT REGARDING FOSTER CARE CITIZEN REVIEW BOARDS PERMANENT AND STATEWIDE; REESTABLISHING THE RESPONSIBILITIES OF THOSE BOARDS AND OF THE STEERING COMMITTEE; CLARIFYING THE USE OF FOSTER CARE CITIZEN REVIEW BOARD REPORTS; GRANTING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Senator McAllister explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Voting in the negative were: Senators

Blackham	Dmitrich	Nielson

Absent or not voting were: Senators

Jones	Mansell	Beattie

3rd Sub. H.B. 178, as substituted by the Senate, was returned to the House.

* * *

On motion of Senator Steele, under suspension of the rules, **H.B. 187, STATE AND LOCAL PUBLIC SAFETY 800 MEGAHERTZ PROJECT,** was read the second and third times. Senator Steele explained the bill. Senators Hillyard and Nielson commented.

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

1. Page 10, Line 11:
   After "chapter" insert ", including contracts with private companies licensed under Title 26, Chapter 8, Emergency Medical Services System Act"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Hillyard	Jones	Mansell	C. Peterson

H.B. 187, as amended, was returned to the House.

* * *

On motion of Senator Muhlestein, under suspension of the rules, **H.B. 93**, APPROPRIATION FOR CHILDREN'S ART FACILITY EXPANSION, was read the second and third times.

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

1. Page 1, Line 7:
   Delete "$1,100,000" and insert "$300,000"

2. Page 1, Line 14:
   Delete "$1,100,000" and insert "$300,000"

Senator Muhlestein explained the bill and it passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Taylor

Absent or not voting were: Senators

Buhler	Hillyard	Jones	Mansell

H.B. 93, as amended, was returned to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, **H.B. 378**, APPROPRIATION FOR SEVIER VALLEY SPECIAL EVENTS CENTER, was 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 1:
   Delete "APPROPRIATION FOR"

2. Page 1, Line 6:
   After "RELATING TO" delete "APPROPRIATIONS; APPROPRIATING $1,500,000 FROM THE" and insert "CULTURAL AND RECREATIONAL FACILITIES; AFFIRMING SUPPORT FOR THE"

3. Page 1, Line 7:
   Delete line 7

4. Page 1, Line 8:
   Delete "DEVELOPMENT FOR"

5. Page 1, Lines 13–14:
   Delete lines 13 and 14

6. Page 1, Line 15:
   Delete "District" and insert "It is the intent of the Legislature that funding be provided through bonding as provided in S.B. 2"

The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator Taylor

Absent or not voting were: Senators

Buhler	Hillyard	Jones	Mansell

H.B. 378, as amended, was returned to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, **H.B. 290**, APPROPRIATION FOR COUNTY LAND USE PLANNING, was read the second and third times. This bill did not have a standing committee hearing.

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

1. Page 1, Line 5:
   Delete "$283,000" and insert "$150,000"

2. Page 1, Line 19:
   Delete "$283,000" and insert "$150,000"

Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Mantes	Mayne
Montgomery	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

McAllister	Muhlestein	Stephenson	Taylor

Absent or not voting were: Senators

Buhler	Hillyard	Jones	Mansell

H.B. 290, as amended, was returned to the House.

* * *

On motion of Senator Montgomery, under suspension of the rules, **H.B. 283**, APPROPRIATION FOR WEBER COUNTY FAIRGROUNDS, was read the second and third times. This bill did not have a standing committee hearing.

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

1. Page 1, Line 5:
   Delete "$1,700,000" and insert "$500,000"

2. Page 1, Line 11:
   Delete "$1,700,000" and insert "$500,000"

Senators Muhlestein, Suazo, Hull, and Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Hull	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Stephenson	Taylor

Absent or not voting were: Senators

Buhler	Hillyard	Jones	Mansell

H.B. 283, as amended, was returned to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, **H.B. 275**, WILDLAND FIRE, was read the second and third times. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Holmgren
Howell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Hillyard	Hull	Jones
Mansell	Taylor		

H.B. 275 was signed by the President of the Senate in open session and returned to the House.

* * *

At the request of the House of Representatives, on motion of Senator Blackham, the Senate voted to send **H.B. 88** back to the House and insert **Sub. H.B. 64** and **2nd Sub. H.B. 124** in its place on the Second Reading Calendar.

* * *

On motion of Senator Myrin, under suspension of the rules, **H.B. 289**, COUGAR AND BEAR DEPREDATION LOSS, was read the second time.

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

1. Page 1, Line 7:
   Delete "$150,000" and insert "$50,000"

2. Page 2, Line 17:
   Delete "$150,000" and insert "$50,000"

Senator Myrin explained the bill. Senators Dmitrich, Hull, Blackham, and C. Peterson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Hillyard	Jones	Mantes

* * *

On motion of Senator C. Peterson, under suspension of the rules, **H.B. 323**, COURT AMENDMENTS, was read the second and third times. This bill did not

have a standing committee hearing. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Hillyard	Jones	Mantes	Myrin

H.B. 323 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, under suspension of the rules, **H.B. 324**, JUSTICE COURT AMENDMENTS, was read the second and third times. This bill did not have a standing committee hearing. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Hillyard	Jones	Mansell	Mantes
Myrin			

H.B. 324 was signed by the President of the Senate in open session and returned to the House.

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H.B. 331, HOSPITAL TAX AMENDMENTS, was read the second time. This bill did not have a standing committee hearing. On motion of Senator C. Peterson, the bill was circled.

* * *

On motion of Senator Tanner, under suspension of the rules, Sub. H.B. 269, FAMILY EMPLOYMENT PROGRAM, was read the second time. This bill did not have a standing committee hearing.

Senator Tanner moved the following amendments:

1. Page 1, Line 17:
   After line 17 insert:
   "23-19-36, as last amended by Chapter 20, Laws of Utah 1995"

2. Page 1, Line 22:
   After line 22 insert:
   "54-8b-10, as last amended by Chapter 292, Laws of Utah 1994"

3. Page 2, Line 6:
   After line 6 insert:
   "76-8-1203, as enacted by Chapter 122, Laws of Utah 1994
   76-8-1204, as enacted by Chapter 122, Laws of Utah 1994

4. Page 4, Line 20:
   After line 20 insert:
   "Section 1. Section 23-19-36 is amended to read:
   23-19-36. Disabled, mentally retarded, and terminally ill persons — License to fish — Fees.
   (1) A resident who is blind, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a license to fish upon:
   (a) furnishing satisfactory proof of this fact to the Division of Wildlife Resources; and
   (b) payment of a fee of 50 cents.
   (2) A resident who is a mentally retarded person and is not eligible under Section 23-19-14 to fish without a license may receive a license to fish upon:
   (a) furnishing verification of mental retardation, as defined in Section

62A-5-101, from a physician; and
(b) payment of a fee of $5.
(3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:
(a) upon furnishing verification from a physician; and
(b) if he qualifies for assistance under any low income public assistance program administered by [~~the Department of Human Services~~] a state agency."

Renumber remaining sections accordingly.

5. Page 31, Line 25
Lilac 2-26-97:
After "state funds" insert "for services and supports under this chapter"

6. Page 38, Line 26:
After line 26 insert:
"Section 50. Section 54-8b-10 is amended to read:
54-8b-10. Imposing a surcharge to provide hearing and speech impaired persons with telecommunication devices — Definitions — Procedures for establishing program — Surcharge — Administration and disposition of surcharge moneys.
(1) As used in this section:
(a) "Certified deaf or severely hearing or speech impaired person" means any state resident who is so certified by a licensed physician, otolaryngologist, speech language pathologist, audiologist, or qualified state agency and who also qualifies for assistance under any low income public assistance program administered by [~~the Department of Human Services~~] a state agency.
(b) "Telecommunication device" means any mechanical telephone adaptation device which enables a deaf or severely hearing or speech impaired person to use the telephone and which includes, but is not limited to:
(i) telecommunication devices for the deaf (TDD);
(ii) telephone amplifiers;
(iii) telephone signal devices;
(iv) artificial larynxes; and
(v) adaptive equipment for TDD keyboard access.
(2) The commission shall hold hearings to establish a program whereby any certified deaf or severely hearing or speech impaired customer of a telephone corporation which provides service through a local exchange may obtain a telecommunication device capable of serving

the customer at no charge to him beyond the rate for basic service.
(3) The program shall provide a dual party relay system using third party intervention to connect a certified deaf or severely hearing or speech impaired person with a normal hearing person by way of telecommunication devices designed for that purpose.
(4) The commission shall impose a surcharge on each residence and business access line of each customer to the local exchange of any telephone corporation providing such lines in this state to cover the costs of the program. The commission shall establish by rule the amount to be charged, which may not exceed 25 cents per residence and business access line. The telephone corporation shall collect the surcharge from its customers and transfer the money collected to the commission under rules adopted by the commission. The surcharge shall be separately identified on customer bills.
(5) Any money collected from the surcharge imposed under Subsection (4) shall be deposited in the state treasury as nonlapsing dedicated credits to be administered as determined by the Public Service Commission. These dedicated credits may be used only:
(a) for the purchase, maintenance, repair, and distribution of the devices for telecommunication;
(b) for the acquisition, operation, maintenance, and repair of a dual party relay system;
(c) to reimburse telephone corporations for the expenses incurred in collecting and transferring to the commission the surcharge imposed by the commission;
(d) for the general administration of the program; and
(e) to train persons in the use of the devices.
(6) The telephone surcharge need not be collected by a local exchange company if the amount collected would be less than the actual administrative costs of the collection. In that case, the local exchange company shall submit to the commission, in lieu of the revenue from the surcharge collection, a breakdown of the anticipated costs and the expected revenue from the collection, showing that the costs exceed the revenue.
(7) The commission shall solicit the advice, counsel, and physical assistance of severely hearing or speech impaired persons and the organizations serving them in the design and implementation of the program."

Renumber remaining sections accordingly.

7. Page 47, Line 22:
After line 22 insert:
"Section 63. Section 76-8-1203 is amended to read:
76-8-1203. Disclosure required — Penalty.
(1) Each person who applies for public assistance shall disclose to the [~~Department of Human Services~~] state agency administering the public assistance each fact that may materially affect the determination of his eligibility to receive public assistance, including his current:
(a) marital status;
(b) household composition;
(c) employment;
(d) income;
(e) receipt of monetary and in-kind gifts; and
(f) other resources.
(2) Any person applying for public assistance who intentionally, knowingly, or recklessly fails to disclose any material fact required to be disclosed under Subsection (1) is guilty of a class B misdemeanor.
(3) Any [~~recipient~~] client who intentionally, knowingly, or recklessly fails to disclose to the [~~Department of Human Services~~] state agency administering the public assistance any change in a material fact required to be disclosed under Subsection (1), within ten days after the date of the change, is guilty of a class B misdemeanor if that failure to disclose results in an overpayment.

Section 64. Section 76-8-1204 is amended to read:
76-8-1204. Disclosure by provider required — Penalty.
(1) (a) Any provider who solicits, requests, or receives, actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, directly or indirectly, from a [~~recipient~~] client or [~~recipient's~~] client's family shall notify the [~~Department of Human Services~~] state agency administering the public assistance the client is receiving of the amount of payment or contribution in writing within ten days after receiving that payment or contribution.
(b) If the payment or contribution is to be made under an agreement, written or oral, the provider shall notify the [~~Department of Human Services~~] state agency administering the public assistance the client is receiving of the payment or contribution within ten days after entering into the agreement.
(2) Any person who intentionally, knowingly, or recklessly fails to notify the [~~Department of Human Services~~] state agency administering

the public assistance the client is receiving as required by this section is guilty of a class B misdemeanor.

Renumber remaining sections accordingly.

8. Page 48, Line 18:
After "reported to the" bracket "Department of Human Services" and insert "state agency administering the public assistance"

9. Page 48, Line 19:
After "notify" bracket "the department" and insert "that agency"

Senators Waddoups and Nielson commented. The amendment passed on a voice vote.

Senator Taylor commented. Senator Tanner explained the bill

Senator Nielson moved amendments. Senators Tanner, M. Peterson, and Steele commented.

On motion of Senator C. Peterson, and at 4:25 p.m., the Senate sauntered.

The Senate was called to order at 4:55 p.m., with President Beattie presiding.

Senator Nielson withdrew his motion to amend. On motion of Senator Tanner, Sub. H.B. 269 was circled.

* * *

On motion of Senator Hillyard, H.B. 115 and H.B. 121 were circled.

* * *

On motion of Senator Suazo, under suspension of the rules, H.B. 94, GUARDIAN AD LITEM AMENDMENTS, was read the second and third times. Senator Suazo explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Mansell
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Dmitrich	Jones	Mantes	Mayne
Steiner			

H.B. 94 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Buhler, under suspension of the rules, **H.B. 278**, CENTENNIAL NONMOTORIZED PATHS AND TRAIL CROSSINGS PROGRAM, was read the second and third times.

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

1. Page 1, Line 8:
   Delete "$250,000" and insert "$200,000"

2. Page 2, Line 23:
   Delete "$250,000" and insert "$200,000"

Senator Buhler explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Mansell
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Howell	Jones	Mantes	Mayne
Steiner	Stephenson	Wharton	

H.B. 278, as amended, was returned to the House.

THIRD READING CALENDAR

On motion of Senator Buhler, the circle was removed from **S.B. 220**, TRAIL ENHANCEMENTS, and it was returned to the Secretary of the Senate.

SECOND READING CALENDAR

On motion of Senator Myrin, under suspension of the rules, **H.B. 361**, APPROPRIATION FOR UTAH STATE UNIVERSITY PASTURE AND FORAGE, was read the second and third times. This bill did not have a standing committee hearing. Senator Beattie declared a conflict of interest. Senator Myrin explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Mansell	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Blackham	Dmitrich	Jones	Mantes
Mayne	C. Peterson	Stephenson	Wharton

H.B. 361 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 292**, REST STOP COMMEMORATING AMERICAN WEST, was read the second and third times. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Evans	Hillyard	Holmgren	Howell
Hull	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Buhler

Absent or not voting were: Senators

Blackham	Dmitrich	Jones	Mantes
Mayne	C. Peterson	M. Peterson	Steele

H.B. 292 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Nielson, under suspension of the rules, **H.B. 392**, TRUANCY PREVENTION APPROPRIATION, was read the second and third times. This bill did not have a standing committee hearing. Senator Nielson explained the bill. Senator Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Hull	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Dmitrich	Howell	Jones
Mantes	C. Peterson	M. Peterson	

H.B. 392 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **Sub. H.B. 184**, COMMUNITY AND YOUTH PREVENTION, was read the second and third times. This bill did not have a standing committee hearing. Senator Hillyard explained the bill and it passed on the following roll call:

Yeas, 20; Nays, 2; Absent, 7.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Mansell	Mayne

McAllister	Montgomery	Muhlestein	Myrin
Nielson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Wharton

Voting in the negative were: Senators

Waddoups	Beattie

Absent or not voting were: Senators

Blackham	Howell	Jones	Mantes
C. Peterson	M. Peterson	Taylor	

Sub. H.B. 184 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. 372**, INDUSTRIAL ASSISTANCE FUND - RURAL RESETTLEMENT PROGRAM, was read the second time. This bill did not have a standing committee hearing. On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Myrin, under suspension of the rules, **Sub. H.B. 64**, PRIVATE PROPERTY PROTECTION ACT AMENDMENTS, was read the second and third times. This bill did not have a standing committee hearing. Senator Myrin declared a conflict of interest. Senator Myrin explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Howell	Jones	Mantes
C. Peterson	M. Peterson	Taylor	

Sub. H.B. 64 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. 372**, INDUSTRIAL ASSISTANCE FUND - RURAL RESETTLEMENT PROGRAM, and it was before the Senate. On motion of Senator Blackham, under suspension of the rules, **H.B. 372** was read the third time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Howell	Jones	Mantes
C. Peterson	Taylor		

H.B. 372 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, **2nd Sub. H.B. 124**, LICENSING OF DAY CARE FACILITIES, was read the second and third times. Senator Stephenson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Hillyard	Holmgren
Hull	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Evans	Howell	Jones
Mantes	C. Peterson	Suazo	Taylor

2nd Sub. H.B. 124 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator McAllister, the circle was removed from **S.B. 213**, COURT COLLECTIONS, and it was before the Senate. On motion of Senator McAllister, **S.B. 213** was returned to Secretary of the Senate.

THIRD READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.B. 32**, RECREATION IMPACT FEES, was read the third time. Senator Stephenson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Mayne	McAllister
Montgomery	Myrin	M. Peterson	Steiner
Stephenson	Wharton	Beattie	

Voting in the negative were: Senators

Mansell	Muhlestein	Nielson	Poulton
Waddoups			

Absent or not voting were: Senators

Blackham	Howell	Jones	Mantes
C. Peterson	Steele	Suazo	Tanner
Taylor			

H.B. 32 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. 289**, COUGAR AND BEAR DEPREDATION LOSS, was read the third time and explained by Senator Myrin. Senator Montgomery 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

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steiner
Stephenson	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Howell	Jones	Mantes
C. Peterson	Steele	Suazo	Taylor

H.B. 289, as amended, was returned to the House.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from H.B. 331, HOSPITAL TAX AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. On motion of Senator Hillyard, under suspension of the rules, H.B. 331 was read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Hull	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Howell	Jones	Mantes
C. Peterson	Steele		

H.B. 331 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Myrin, the circle was removed from 3rd Sub. S.B. 218, GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS, and it was before the Senate. On motion of Senator Myrin, under suspension of the rules, 3rd Sub. S.B. 218 was read the second and third times.

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

1. Page 10, Line 21:
After "committee" insert "and state agencies"

Senator Myrin explained the bill. Senators Montgomery and Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Evans	Jones	Steele

3rd Sub. S.B. 218, as amended, was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator C. Peterson, the circle was removed from Sub. S.B. 173, COUNTY ATTORNEY RESPONSIBILITIES, and it was before the Senate.

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

COUNTY AND DISTRICT ATTORNEYS

2nd Sub. S.B. 173 *Craig A. Peterson*

AN ACT RELATING TO COUNTIES; PROHIBITING A COUNTY ATTORNEY AND A DISTRICT ATTORNEY FROM INVESTIGATING OR PROSECUTING COUNTY OFFICERS; REQUIRING THE REFERRAL OF A CRIMINAL INVESTIGATION OR PROSECUTION AGAINST A COUNTY OFFICER TO OTHER COUNSEL; AND MAKING TECHNICAL CORRECTIONS.

On motion of Senator C. Peterson, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Buhler, the circle was removed from **Sub. S.B. 166**, WORKFORCE SERVICES IMPLEMENTATION AND AMENDMENTS, and it was before the Senate.

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

1. Page 71, Line 5:
   After "(2)" delete "In" and insert "If, in"

2. Page 71, Line 16:
   After "transcribed" delete "unless the"

3. Page 71, Line 17:
   Delete "disputed matter is appealed"

4. Page 77, Line 20:
   After "employee" insert "or is in violation of state law"

5. Page 77, Line 26:
   After line 26 insert "(iii) Chapter 5, Utah Antidiscrimination Act;"

6. Page 77, Line 27:
   Delete "(iii)" and insert "(iv)"

7. Page 77, Line 28:
   Delete "(iv)" and insert "(v)"

8. Page 77, Line 29:
   At the beginning of line 29 delete "(v)" and insert "(vi)" and after "through" delete "(iv)" and insert "(v)"

9. Page 130, Line 17:
   Delete "division" and insert "administrative law judge"

10. Page 137, Line 22:
    Delete "division" and insert "commission"

11. Page 137, Line 24:
    After "conducted by the" delete "division" and insert "commission"

12. Page 139, Line 20:
    Delete "division" and insert "commission"

13. Page 143, Line 12:
Delete "division" and insert "commission"

14. Page 144, Line 17:
Delete "division" and insert "commission"

15. Page 144, Line 19:
After "use by the" delete "division" and insert "commission"

16. Page 144, Line 24:
After "commission for use by the" delete "division, the division" and insert "commission, the commission"

17. Page 145, Line 7:
After "activities of the" delete "division" and insert "commission"

18. Page 183, Line 23:
Bracket "division under the supervision of an"

19. Page 194, Line 31:
Bracket "Division of Adjudication" and insert "division"

20. Page 195, Line 2:
Bracket "Division of Adjudication" and insert "division"

21. Page 195, Line 4:
Bracket "Division of Adjudication" and insert "division"

22. Page 197, Line 1:
Delete "Division of"

23. Page 197, Line 2:
Delete "Industrial Accidents" and insert "division"

24. Page 224, Line 16:
Bracket "and"

25. Page 224, Line 17:
After "services" insert "and; (h) strategies to provide assistance to employees facing employment dislocation and their employers"

26. Page 225, Line 4:
Delete "and"

27. Page 225, Line 5:
After "training" insert ": and (k) strategies to provide assistance to employees facing employment dislocation and their employers"

28. Page 287, Lines 12–14:
Delete and bracket language on lines 12–14

29. Page 368, Line 5:
After "35A–4–502;" delete "and" and insert "(ii) the antidiscrimination advisory council created in Section 34A–5–105; and"

30. Page 368, Line 6:
Delete "(ii)" and insert "(iii)"

31. Page 368, Line 11:
Delete line 11

32. Page 368, Line 12:
Delete "(c)" and insert "(b)"

33. Page 368, Line 13:
Delete "(d)" and insert "(c)"

34. Page 374, Line 12:
After line 12 insert:
"(13) If this bill and H.B. 220, Employment Security Amendments, both pass, the amendment to Subsection 35A–4–502(5)(b) in this bill supersedes the amendments to Subsection 35A–4–502(5)(b) in H.B. 220.
(14) If this bill and S.B. 167, Executive Compensation, both pass, the salary range for the Commissioner of the Labor Commission shall be increased to the same salary range established in S.B. 167 for the Commissioner of Insurance."

Senator Buhler explained the bill. Senator Mayne commented. On motion of Senator Buhler, Sub. S.B. 166 was read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
Jones Steele

Sub. S.B. 166, as amended, was transmitted to the House.

* * *

On motion of Senator C. Peterson, under suspension of the rules, S.B. 167, EXECUTIVE COMPENSATION, was placed at the top of the Second Reading Calendar. On motion of Senator C. Peterson, under suspension of the rules, S.B. 167 was read the second time. Senator C. Peterson explained the bill. On motion of Senator C. Peterson, the bill was circled.

* * *

On motion of Senator C. Peterson, S.B. 209 and S.B. 58 were placed on Second Reading Calendar below H.B. 121.

* * *

On motion of Senator Hillyard, the following bills remain on the Second Reading Calendar in this order: H.B. 48, H.B. 180, H.J.R. 4, 2nd Sub. H.B. 219, H.B. 41, H.B. 266, H.B. 19, H.B. 145, Sub. H.B. 71, Sub. H.B. 181, H.B. 295, 4th Sub. H.B. 54, Sub. H.B. 207, and H.B. 267.

The following House bills were removed from the calendar and referred to the Secretary of the Senate: H.J.R. 17, H.B. 13, Sub. H.B. 72, H.B. 56, H.B. 264, H.B. 77, H.B. 342, H.B. 343, H.B. 46, H.B. 89, H.B. 92, H.B. 179, Sub. H.B. 95, H.B. 175, H.B. 239, Sub. H.B. 30, Sub. H.B. 244, H.B. 291, Sub. H.B. 272, H.B. 311, H.B. 358, H.B. 142, H.B. 222, and H.B. 268.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 1997

The House passed, as amended, Sub. S.B. 16, APPROPRIATION FOR TUACAHN FOUNDATION, by Senator L. Jones, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Steele

Sub. S.B. 16 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 28, DISTRICT COURT JUDGE INCREASE, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Steele

S.B. 28 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, Sub. S.B. 105, ECCLES COMMUNITY ART CENTER GRANT, by Senator N. Tanner, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Tanner, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Jones	Steele

Sub. S.B. 105 was returned to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, H.B. 313 was lifted from the Rules Committee and placed on top of the Second Reading Calendar.

* * *

On motion of Senator C. Peterson and at 6:15 p.m., the Senate adjourned until 8:00 a.m., Monday, March 3, 1997.

FORTY-THIRD DAY

MORNING SESSION

The Senate was called to order at 8:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – President J. Roger Fluhman, President of the Bountiful Utah L.D.S. Stake.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: March 3, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the fortieth day and find it correct with minor amendments noted on the final copy.

Lorin Jones, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: February 14, 1997

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

PUBLIC SERVICE COMMISSION

Stephen F. Mecham reappointed as a member of the Public Service Commission for a term to expire March 1, 2003. Section 54-1-1.5, Utah Code Annotated 1953, as amended.

INDUSTRIAL COMMISSION OF UTAH

R. Lee Ellertson reappointed as a member of the Industrial Commission of Utah for a term to expire March 1, 2003. Section 35-1-1, Utah Code Annotated 1953, as amended.

STATE ENGINEER

Robert L. Morgan reappointed as the State Engineer for a term to expire March 1, 2001. Section 73-2-1, Utah Code Annotated 1953, as amended.

UTAH HORSE RACING COMMISSION

Edison J. Stephens reappointed as a member of the Utah Horse Racing Commission for a term to expire December 31, 2000. Section 4-38-3, Utah Code Annotated 1953, as amended.

UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL

Jane O. Piercey reappointed as a member of the Utah Substance Abuse and Anti-Violence Coordinating Council for a term to expire February 1, 1999. Section 63-25a-201, Utah Code Annotated 1953, as amended.

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Richard J. Carling reappointed as a citizen member of the Commission on Criminal and Juvenile Justice for a term to expire January 4, 1999. Section 63-25a-102, Utah Code Annotated 1953, as amended.

Senator Joseph L. Hull appointed as a member of the Commission on Criminal and Juvenile Justice for a term to expire January 4, 1999. Section 63-25a-102, Utah Code Annotated 1953, as amended.

Greg G. Skordas reappointed as a member of the Commission on Criminal and Juvenile Justice for a term to expire January 1, 1999. Section 63-25a-102, Utah Code Annotated 1953, as amended.

BOARD OF SUBSTANCE ABUSE

Dixie K. Thompson appointed to fill the unexpired term of Vivian Fisher on the Board of Substance Abuse, a term to expire April 1, 1999. Section 62A-8-108, Utah Code Annotated 1953, as amended.

BOARD OF SERVICES FOR PEOPLE WITH DISABILITIES

Helen C. Roth appointed to fill the unexpired term of Debra Ann Mair on the Board of Services for People with Disabilities, a term to expire April 1, 1999. Section 62A-1-105 and 62A-5-105, Utah Code Annotated 1953, as amended.

BOARD OF PARKS AND RECREATION

Norman L. Nielsen appointed as an at large member of the Board of Parks and Recreation for a term to expire July 1, 1999. Section 63-11-14, Utah Code Annotated 1953, as amended.

YOUTH PAROLE AUTHORITY

Tyrone J. Aranda appointed to fill the unexpired term of Consuelo Alires on the Youth Parole Authority, a term to expire April 1, 1997. Section 62A-7-109, Utah Code Annotated 1953, as amended.

BOARD OF YOUTH CORRECTIONS

Myron T. Benson appointed to fill the unexpired term of Dale E. Stratford on the Board of Youth Corrections, a term to expire April 1, 1999. Section 62A-1-105 and 62A-1-107, 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, 2002. Section 77-27-2, Utah Code Annotated 1953, as amended.

Richard G. Harper appointed as a pro tempore member of the Board of Pardons and Parole for a term to expire February 28, 2002. Section 77-27-2, Utah Code Annotated 1953, as amended.

WATER QUALITY BOARD

Richard D. Atkinson appointed as a representative of the minerals industry on the Water Quality Board for a term to expire March 1, 2001. Section 19-5-103, Utah Code Annotated 1953, as amended.

Mayor Lynn F. Pett reappointed as a municipal official on the Water Quality Board for a term to expire March 1, 2001. Section 19-5-103, Utah Code Annotated 1953, as amended.

Leroy H. Wullstein reappointed as a representative of fish, wildlife and recreation interests on the Water Quality Board for a term to expire March 1, 2001. Section 19-5-103, Utah Code Annotated 1953, as amended.

AIR QUALITY BOARD

J. Howard Van Boerum reappointed as a member of the Air Quality Board for a term to expire May 8, 2001. Section 19-2-103, Utah Code Annotated 1953, as amended.

Shelly Cordon Tuescher reappointed as a member of the Air Quality Board for a term to expire May 8, 2001. Section 19-2-103, Utah Code Annotated 1953, as amended.

King S. Udall appointed as the practicing physician on the Air Quality Board for a term to expire March 1, 2001. Section 19-2-103, Utah Code Annotated 1953, as amended.

Karl Brooks appointed to represent the public on the Air Quality Board for a term to expire March 1, 2001. Section 19-2-103, Utah Code Annotated 1953, as amended.

Richard R. Olson appointed to represent agriculture on the Air Quality Board for a term to expire March 1, 1997. Section 19-2-103, Utah Code Annotated 1593, as amended.

BOARD OF WATER RESOURCES

Joseph A. Beykirch reappointed as a representative of the Bear River District on the Board of Water Resources for a term to expire March 1, 2001. Section 73-10-2, Utah Code Annotated 1953, as amended.

M. Karlynn Hinman reappointed as a representative of the Weber District on the Board of Water Resources for a term to expire March 1, 2001. Section 73-10-2, Utah Code Annotated 1953, as amended.

Larry S. Ross reappointed as a representative of the Green River District on the Board of Water Resources for a term to expire March 1, 2001. Section 73-10-2, Utah Code Annotated 1953, as amended.

Bill Marcovecchio appointed as a representative of the Salt Lake District on the Board of Water Resources beginning on April 22, 1997, for a term to expire April 21, 2001. Section 73-10-2, Utah Code Annotated 1953, as amended.

BOARD OF OIL, GAS AND MINING

Thomas Faddies reappointed as a member of the Board of Oil, Gas and Mining for a term to expire March 1, 2001. Section 40-6-4, Utah Code Annotated 1953, as amended.

Raymond Murray reappointed as a member of the Board of Oil, Gas and Mining for a term to expire March 1, 2001. Section 40-6-4, Utah Code Annotated 1953, as amended.

Stephanie Cartwright appointed as a member knowledgeable in ecological and environmental matters on the Board of Oil, Gas and Mining for a term to expire March 1, 2001. Section 40-6-4, Utah Code Annotated 1953, as amended.

Allan Mashburn appointed as a member knowledgeable in oil and gas matters on the Board of Oil, Gas and Mining for a term to expire March 1, 2001. Section 40-6-4, Utah Code Annotated 1953, as amended.

BOARD OF BUSINESS AND ECONOMIC DEVELOPMENT

Bob Mendenhall appointed to fill the unexpired term of Ladd Christensen on the Board of Business and Economic Development, a term to expire April 21, 1997. Section 9-2-203, Utah Code Annotated 1953, as amended.

Barbara Zimonja appointed to fill the unexpired term of Terri Holbrooke on the Board of Business and Economic Development, a term to expire April 21, 1997. Section 9-2-203, Utah Code Annotated 1953, as amended.

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

Dear President Beattie and Members of the Senate: February 20, 1997

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

Afton G. Blood reappointed as a representative of the Upper Sevier District on the Central Utah Waters Conservancy District Board of Directors for a term to expire March 15, 2001. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Leo Brady reappointed as a representative of Duchesne County on the Central Utah Water Conservancy District Board of Directors for a term to expire March 15, 2001. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Harley Gillman reappointed as a representative of Utah County on the Central Utah Water Conservancy District Board of Directors for a term to expire March 15, 2001. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Claude R. Hicken reappointed as a representative of Wasatch and Summit Counties on the Central Utah Water Conservancy District Board of Directors for a term to expire March 15, 2001. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Rondal McKee reappointed as a representative of Uintah County on the Central Utah Water Conservancy District Board of Directors for a term to expire January 15, 2001. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Patricia O'Rorke reappointed as a representative of Salt Lake County on the Central Utah Water Conservancy District Board of Directors for a term to expire January 15, 2001. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

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

Dear President Beattie and Members of the Senate: February 26, 1997

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

WATER QUALITY BOARD

Robert G. Adams appointed as a representative of the food processing industry on the Water Quality Board for a term to expire March 1, 2001. Section 19-5-103, Utah Code Annotated 1953, as amended.

Thank you for your timely consideration and confirmation of this appointment.

Michael O. Leavitt, Governor

Communications filed.

On motion of Senator Howell, the Senate voted to waive the 15-day requirement on the Governor's communications for the purpose of acting on the nominees.

On motion of Senator Myrin, the Senate voted to consent to the Governor's appointments as read by Sandy Tenney. Senator Nielson commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Mansell

Absent or not voting was: Senator
Evans

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 1997

The House passed, S.B. 48, APPROPRIATION FOR RESTORATION OF BRIGHAM YOUNG ACADEMY, by Senator H. Nielson, 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. 25, SENTENCING GUIDELINES, 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. 50, SALES TAX REFUND ON DONATED FOOD, by Senator H. Stephenson, 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. 116, EXTENSION OF CHILD VISITATION PILOT PROGRAM, 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, Sub. S.B. 152, CRIME VICTIMS' RIGHTS AMENDMENTS, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 153, APPROPRIATION TO STUDY CENTRALIZED URBAN PROGRAMS FOR NATIVE AMERICANS, by Senator P. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 164, UTAH STATE CAPITOL BUILDING CENTENNIAL STUDY, by Senator N. Tanner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 198, APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM OF UTAH, by Senator P. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 2, 1997 BONDING AND DEBT FINANCING AUTHORIZATION, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 29, SALES TAX EXEMPTION FOR SCRAP RECYCLERS, by Senator D. Buhler, 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. 36, INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION, by Senator R. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 89, JUVENILE JUDGES - SHORT TERM COMMITMENT OF YOUTH, by Senator N. Tanner, 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. 144, ELECTRONIC LAW LIBRARY, 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. 182, CHILDREN'S JUSTICE CENTER PROGRAM, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 201, APPROPRIATION FOR BIOTECH PROGRAM AT UTAH STATE UNIVERSITY, 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. 41, COAL TAX CREDIT, 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. 48, S.B. 25, S.B. 50, S.B. 116, Sub. S.B. 152, S.B. 153, S.B. 164, Sub. S.B. 198, S.B. 2, S.B. 29, S.B. 36, S.B. 89, S.B. 144, S.B. 182, S.B. 201, and S.B. 41 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, 1997

The House concurred in the Senate amendments and passed H.B. 66, APPROPRIATION FOR PIONEER DISPLAY, by Representative B. Allen, and it is transmitted for the signature of the President; and

The House concurred with the Senate substitution and passed 3rd Sub. H.B. 178, FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS, by Representative N. Stephens, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 16, UTAH SUMMER GAMES APPROPRIATION, by Representative D. Bowman, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 76, UTAH BOTANICAL CENTER APPROPRIATION, 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. 93, APPROPRIATION FOR CHILDREN'S ART FACILITY EXPANSION, by Representative J. Haymond, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 187, STATE AND LOCAL PUBLIC SAFETY 800 MEGAHERTZ PROJECT, by Representative B. Chard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 242, HIGHWAY PATROL - COMPUTER PURCHASE, by Representative G. Adair, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 243, APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS, by Representative G. Adair, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 270, STATE MUSEUM OF NATURAL HISTORY OUTREACH PROGRAMS, by Representative E. Olsen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 278, CENTENNIAL NONMOTORIZED PATHS AND TRAIL CROSSINGS PROGRAM, by Representative A. Tyler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 283, APPROPRIATION FOR WEBER COUNTY FAIRGROUNDS, by Representative G. Adair, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 289, COUGAR AND BEAR DEPREDATION LOSS, by Representative B. Evans, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 290, APPROPRIATION FOR COUNTY LAND USE PLANNING, by Representative D. Iverson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 378, APPROPRIATION FOR SEVIER VALLEY SPECIAL EVENTS CENTER, by Representative B. Johnson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 66, 3rd Sub. H.B. 178, H.B. 16, H.B. 76, H.B. 93, H.B. 187, H.B. 242, H.B. 243, H.B. 270, H.B. 278, H.B. 283, H.B. 289, H.B. 290, and H.B. 378 were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as substituted, Sub. H.B. 293, MAGISTRATE AUTHORITY, by Representative B. Harward, and it is transmitted for consideration; and

The House passed, as amended, H.B. 127, UTILITY SITING AMENDMENTS, by Representative P. Knudson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 389, CENTENNIAL CHARTER SCHOOLS TASK FORCE, by Representative B. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 322, STATE FAIR PARK AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration.

The House passed, as substituted, Sub. H.B. 359, ENDANGERED SPECIES MITIGATION FUND, by Representative T. Hatch, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. Sub. H.B. 293, H.B. 127, H.B. 389, H.B. 322, and Sub. H.B. 359 were read the first time and referred to the President of the Senate.

* * *

Mr. President: February 28, 1997

The House substituted and passed, Sub. S.B. 24, APPROPRIATION FOR FORESTRY EXTENSION SERVICES, by Senator A. Myrin, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Myrin, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackburn	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister

Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Evans

Sub. S.B. 24 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 72, DIVISION OF STATE HISTORY DUTIES, by Senator L. McAllister, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator McAllister, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Mansell

Absent or not voting was: Senator
Evans

S.B. 72 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, Sub. S.B. 74, INDIGENT DEFENSE PROVISIONS, by Senator L. Blackham, 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. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Jones	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Mansell

Absent or not voting were: Senators

Buhler	Evans	Hull	Taylor

Sub. S.B. 74 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 83, JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM, by Senator C. Peterson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator C. Peterson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Poulton

S.B. 83 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 90, JUVENILE COURT POWERS, by Senator N. Tanner, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Tanner, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Poulton

S.B. 90 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 126, APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM, by Senator R. Montgomery, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Montgomery, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Stephenson	Taylor

Absent or not voting were: Senators

Evans	Poulton

S.B. 126 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, Sub. S.B. 139, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, by Senator L. McAllister, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator McAllister, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator

Evans

Sub. S.B. 139 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 140, APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS, by Senator R. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator C. Peterson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Evans

S.B. 140 was returned to the House.

* * *

Mr. President: February 28, 1997

The House passed, as amended, S.B. 162, APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION, by Senator C. Peterson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator C. Peterson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Evans

S.B. 162 was returned to the House.

* * *

On motion of Senator Hillyard, H.B. 389 was lifted from the Rules Committee and placed on the Second Reading Calendar under H.B. 313.

CONSENT CALENDAR

Sub. H.B. 80, REAL PROPERTY - PRESUMPTION OF TITLE, was read the third time, explained by Senator Mansell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. H.B. 80, as amended, was returned to the House.

SECOND READING CALENDAR

H.B. 313, ELECTRICAL DEREGULATION AND CUSTOMER CHOICE TASK FORCE, was read the second time. Senator C. Peterson explained the bill.

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

1. Page 1, Lines 13g-13gl
   Lilac Copy:

Delete lines 13g–13g1 and insert:
"(b) what are the alternative methods, and the appropriateness of each method, for measuring the value of stranded costs;"

Senators Hillyard, Montgomery, Buhler, and Steiner commented. The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Mansell	Taylor

Absent or not voting was: Senator
Nielson

* * *

H.B. 389, CENTENNIAL CHARTER SCHOOLS TASK FORCE, was read the second time. Senator Tanner explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Dmitrich	Howell	Hull	Mantes
Steiner	Suazo	Wharton	

* * *

On motion of Senator C. Peterson, the circle was removed from **S.B. 209**, STATE PAY PLAN REVISIONS, and it was before the Senate. On motion of Senator C. Peterson, the bill was returned to the Secretary of the Senate.

* * *

On motion of Senator Tanner, the circle was removed from **Sub. H.B. 269**, FAMILY EMPLOYMENT PROGRAM, and it was before the Senate. Senator Tanner explained the bill. Senator M. Peterson commented.

Senator Nielson moved the following amendments:

1. Page 22, Line 8:
   Delete "(3) A" and insert "(3)(a) Except as provided in Subsection (3)(b), a"
2. Page 22, Line 10:
   Delete "(a)" and insert "(i)"
3. Page 22, Line 11:
   Delete "(b)" and insert "(ii)"
4. Page 22, Line 11:
   After line 11 insert:
   "(b) A parent client may participate in education or training for an additional six months beyond the 24 month limit if good cause is shown and the extension is approved by the director. A parent recipient who receives such an extension remains subject to Subsection (4)."

Senators Taylor, M. Peterson, Steele, and Mansell commented. The amendment failed to pass on the following roll call:

Yeas, 13; Nays, 14; Absent, 2.

Voting in the affirmative were: Senators

Dmitrich	Howell	Hull	Mayne
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Waddoups
Wharton			

Voting in the negative were: Senators

Blackham	Buhler	Evans	Holmgren
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Stephenson	Tanner
Taylor	Beattie		

Absent or not voting were: Senators
Hillyard Mantes

Senator M. Peterson, moved the following amendment:

1. Page 22, Line 2:
After "part" insert:
", except that a parent client may not be considered to be in violation of his employment plan for refusing to accept employment that pays less than the federal poverty level wage for a family of four and does not offer subsidized health benefits"

Senators Blackham, Wharton, Tanner, M. Peterson, Stephenson, Taylor, and Mayne commented. The amendment failed to pass on the following roll call:

Yeas, 9; Nays, 17; Absent, 3.

Voting in the affirmative were: Senators

Dmitrich	Howell	Hull	Mayne
Nielson	M. Peterson	Steiner	Suzzo
Wharton			

Voting in the negative were: Senators

Blackham	Buhler	Evans	Holmgren
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	C. Peterson	Poulton
Steele	Stephenson	Tanner	Taylor
Beattie			

Absent or not voting were: Senators

Hillyard	Mantes	Waddoups

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Steele	Steiner	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative were: Senators
M. Peterson Poulton Suazo

Absent or not voting were: Senators
Hillyard Mantes

* * *

On motion of Senator C. Peterson, and at 10:20 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: February 28, 1997

This is to inform you that on February 28, 1997, I have signed the following bills of the 1997 General Session of the Fifty-Second Legislature and have forwarded them to the Lieutenant Governor for filing.

S.B. 3	CONSTRUCTION CONTRACTORS
S.B. 7	PHARMACY ACT - OPEN DRUG FORMULARY
H.B. 196	PEDESTRIAN RIGHT-OF-WAY

Michael O. Leavitt, Governor

Communication filed.

* * *

Mr. President: February 28, 1997

This is to inform you that on February 28, 1997, I have allowed H.B. 18, HIGHER EDUCATION REVENUE BONDS, to become a law without my signature and have transmitted it to the Lieutenant Governor for filing.

I have allowed H.B. 18 to become a law without my signature because this bill has a provision whereby the Governor may request from the Legislature an appropriation in the event of a shortage in debt service reserve funds. It is expected that the interest costs may be lower because of this provision.

However, I believe that the state's general funds should not be considered the source of the debt repayment for higher education revenue bonds. The Board of Regents should set up its own mechanism to provide this back-up coverage in order to achieve interest savings without committing the state's general funds.

Michael O. Leavitt, Governor

Communication filed.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 1997

The Speaker of the House has signed Sub. S.B. 16, APPROPRIATION FOR TUACAHN FOUNDATION, by Senator L. Jones, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 28, DISTRICT COURT JUDGE INCREASE, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, S.B. 40, STATE SCHOOL BOARD ELECTION PROCEDURES, by Senator H. Nielson, 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. 54, DRUG DEALER'S LIABILITY ACT, by Senator C. Taylor, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 57, STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS, by Senator G. Mantes, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 69, REAL ESTATE AGENT BACKGROUND CHECK, 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 Sub. S.B. 105, ECCLES COMMUNITY ART CENTER GRANT, by Senator N. Tanner, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 24, APPROPRIATION FOR FORESTRY EXTENSION SERVICES, by Senator A. Myrin, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 72, DIVISION OF STATE HISTORY DUTIES, by Senator L. McAllister, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 74, INDIGENT DEFENSE PROVISIONS, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 83, JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM, by Senator C. Peterson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 90, JUVENILE COURT POWERS, by Senator N. Tanner, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 126, APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM, by Senator R. Montgomery, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 139, CLEAN BURNING STOVE TAX CREDIT AMENDMENTS, by Senator L. McAllister, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 140, APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS, by Senator R. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 162, APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION, by Senator C. Peterson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Sub. S.B. 16, S.B. 28, S.B. 40, S.B. 54, Sub. S.B. 57, S.B. 69, Sub. S.B. 105, Sub. S.B. 24, S.B. 72, Sub. S.B. 74, S.B. 83, S.B. 90, S.B. 126, Sub. S.B. 139, S.B. 140, and S.B. 162 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 3, 1997

The House passed, as amended, H.B. 111, TRANSPORTATION CORRIDOR FUNDING, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed H.B. 1, APPROPRIATIONS ACT, by Representative M. Stephens, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 111 and H.B. 1 were read the first time and referred to the President of the Senate.

* * *

Mr. President: March 3, 1997

The House has rejected Sub. S.B. 136, RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS, by Senator C. Peterson, and it is transmitted for filing; and

The House has rejected 3rd Sub. S.B. 125, HARDSHIP DRIVER PERMIT FOR YOUTH, by Senator L. Blackham, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

Communications filed. Sub. S.B. 136 and 3rd Sub. S.B. 125 were filed.

* * *

Mr. President: March 3, 1997

The House passed, as amended, S.B. 122, HEALTH POLICY COMMISSION AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Stephenson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Mantes

S.B. 122 was returned to the House.

* * *

Mr. President: March 3, 1997

The House passed, as amended, Sub. S.B. 115, INSURANCE LAW AMENDMENTS, by Senator L. 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Blackham	Dmitrich

Sub. S.B. 115 was returned to the House.

INTRODUCTION OF BILL

UNIFORM FEES ON TANGIBLE PERSONAL PROPERTY

S.B. 251 *Craig A. Peterson*

AN ACT RELATING TO THE PROPERTY TAX ACT; DECREASING THE UNIFORM FEE ON TANGIBLE PERSONAL PROPERTY; PROVIDING FOR AN INCREASE THE CERTIFIED TAX RATE AND THE CERTIFIED REVENUE LEVY TO OFFSET A DECREASE IN UNIFORM FEES UNDER CERTAIN CIRCUMSTANCES; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE., was read the first time and referred to the President of the Senate.

* * *

On motion of Senator McAllister, a bill dealing with gasoline tax was authorized for drafting.

SECOND READING CALENDAR

On motion of Senator Myrin, the circle was removed from **H.B. 115**, COOPERATIVE WILDLIFE MANAGEMENT UNITS, and it was read the second time. Senator Myrin explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

Evans	Suazo	Wharton

Absent or not voting were: Senators

Montgomery	Poulton	Tanner

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 1997

The House passed, as amended, H.B. 2, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.B. 2 were read the first time and referred to the President of the Senate.

* * *

On motion of Senator C. Peterson, under suspension of the rules, S.B. 1, H.B. 1, and H.B. 2 were placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator McAllister, under suspension of the rules, S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, was read the second and third times. Senator McAllister explained the bill. Senators Steele and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	McAllister	Montgomery	Myrin
Nielson	C. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Howell	Mantes	Mayne	Muhlestein
M. Peterson	Suazo	Wharton	

S.B. 1 was transmitted to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, the following bills were authorized for drafting: registration fee on motor vehicles, collection of diesel fuel tax, and use of underground motor fuel tax.

* * *

On motion of Senator Blackham, H.B. 145 was returned to the Secretary of the Senate.

SECOND READING CALENDAR

On motion of Senator Holmgren, under suspension of the rules, H.B. 1, APPROPRIATIONS ACT, was read the second and third times. Senator McAllister explained the bill.

Senator Holmgren moved the following amendment:

1. Page 239, Line 20:
   Delete line 20 and on line 19 change the figure to "$5,000,000"

Senators Holmgren, Hull, Tanner, Suazo, and Montgomery commented. The amendment failed on the following roll call:

Yeas, 12; Nays, 16; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Jones
Mansell	McAllister	Muhlestein	Nielson
C. Peterson	Poulton	Stephenson	Taylor

Voting in the negative were: Senators

Blackham	Dmitrich	Howell	Hull
Mantes	Mayne	Montgomery	Myrin
M. Peterson	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Evans

Senator Waddoups commented. Senator Hull declared a conflict of interest. The bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Jones	Mansell	McAllister	Montgomery
Myrin	Nielson	C. Peterson	Steele
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Holmgren	Howell	Hull
Mantes	Mayne	Muhlestein	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Wharton			

H.B. 1 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Montgomery, under suspension of the rules, H.B. 2, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was read the second and third times. Senator Montgomery explained the bill.

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

1. Page 17, Line 23
   Lilac 3-03-97:
   Reinsert "20%" and delete "15%"

2. Page 18, Lines 3a-3j
   Lilac 3-03-97:
   Delete lines 3a through 3j

Senator M. Peterson commented. Senator Steele declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Steele	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Howell	Hull	Mantes	M. Peterson
Steiner	Suazo		

H.B. 2, as amended, was returned to the House.

THIRD READING CALENDAR

On motion of Senator C. Peterson, the circle was removed from **2nd Sub. S.B. 173, COUNTY AND DISTRICT ATTORNEYS,** and it was before the Senate. Senator C. Peterson explained the bill.

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

1. Page 7, Line 10:
   After "if" insert ": (i)"

2. Page 7, Line 11:
   After "17-18-1.7(5)(b)" insert:
   ": and
   (ii) the supervising judge determines that a special prosecutor is needed to investigate an allegation of criminal wrongdoing or to prosecute a criminal action against a county officer, as defined in Section 17-16-2."

Senator Hillyard commented. Senator Wharton declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mayne	McAllister	Myrin
C. Peterson	M. Peterson	Steele	Steiner
Suazo	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Mansell	Mantes	Montgomery	Muhlestein
Nielson	Poulton	Stephenson	Tanner
Taylor			

2nd Sub. S.B. 173, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, the Senate voted to reconsider its action on Sub. S.B. 244 and place it at the top of Third Reading Calendar.

RECONSIDERATION OF SUB. S.B. 244

Sub. S.B. 244, PUBLIC NUDITY PROHIBITION, was before the Senate.

Senator Taylor moved the following amendments:

1. Page 1, Lines 17 and 18:
   Delete "portion of the breast below the top" and insert "part"

Senator Wharton commented. The amendment passed on a voice vote.

The bill passed on the following roll call:

Yeas, 16; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Jones
Mansell	McAllister	Montgomery	Muhlestein
Nielson	C. Peterson	Poulton	Stephenson
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Holmgren	Howell	Hull
Mantes	Mayne	Myrin	M. Peterson
Steele	Steiner	Suazo	Wharton

Absent or not voting was: Senator
Buhler

Sub. S.B. 244, as amended, was transmitted to the House.

INTENT LANGUAGE FOR S.B. 244

Senator Taylor moved the following intent language to be spread upon the pages of the Senate Journal. Senator Hull commented. The motion passed.

In passing Sub. S.B. 244, Public Nudity Prohibition, the Legislature intends the following:

"Public place" includes, but is not limited to, a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import. Removal of the definition of "public place" in the 1st Substitute was not intended to allow avoidance of this statute by designating a business or entity as a "private club" or by words of like import. Private clubs are just one of the many types of business establishments or other public places in which lewd or grossly lewd acts may be prosecuted. Removal of the "public place" definition was intended to eliminate any argument that the definition of "public place" found in Section 76-10-1201 is limiting, and to clarify that public place should also include its general meaning.

SECOND READING CALENDAR

H.B. 48, AMENDMENTS TO CAPITAL SENTENCING, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Hillyard	Holmgren	Howell
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Steele	Stephenson	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Evans	Steiner	Suazo	Wharton

Absent or not voting were: Senators

Blackham	Buhler	M. Peterson

* * *

On motion of Senator Hillyard, the circle was removed from H.B. 121, CRIMINAL JUSTICE BOARDS AND COMMISSIONS AMENDMENTS, and it was read the second time. Senator Hillyard explained the bill.

Senator Poulton moved the following substitute bill.

CRIMINAL JUSTICE BOARDS AND COMMISSIONS AMENDMENTS

Sub. H.B. 121 *Afton B. Bradshaw*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; MAKING CHANGES IN THE MAKEUP OF THE COMMITTEES OF THE UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL; CHANGING THE MAKEUP OF THE ANTI-VIOLENCE COMMITTEE; CLARIFYING THE CRIME VICTIMS' REPARATIONS BOARD PROVISIONS BY EXTENDING THE DEFINITION OF VICTIM TO INCLUDE THOSE INJURED PHYSICALLY AND PSYCHOLOGICALLY IN THE ZONE OF DANGER; LENGTHENING THE PERIOD OF ELIGIBILITY FOR DISCOVERY OF REMAINS OF HOMICIDE VICTIMS; DELETING THE REQUIREMENT THAT APPLICANTS FOR POSITIONS ON THE BOARD OF PARDONS AND PAROLE SUBMIT APPLICATIONS TO THE DEPARTMENT OF HUMAN RESOURCE MANAGEMENT FOR SCREENING; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

Senators Hull, Poulton, and Hillyard commented. The motion to substitute the bill failed on a voice vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

H.B. 180, SUNSET REAUTHORIZATIONS, was read the second time. On motion of Senator Mansell, the bill was circled.

* * *

H.J.R. 4, TRANSFERABILITY OF STATE COLLEGE CREDITS RESOLUTION, was read the second time. On motion of Senator Waddoups, the bill was circled.

* * *

2nd Sub. H.B. 219, POWERS OF MAYORS, was read the second time. Senator Holmgren explained the bill. Senators Dmitrich and Evans commented. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Hillyard	Holmgren	Howell
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Blackham	Dmitrich	Evans	Hull
Myrin	Nielson	Taylor	

Absent or not voting was: Senator
Stephenson

COMMUNICATION FROM THE GOVERNOR

Dear President Beattie and Members of the Senate: March 3, 1997

A typographical error was found on my previous appointment communication. To avoid confusion, I am resubmitting the appointment of Richard Olson to the Air Quality Board with the corrected term expiration date.

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

AIR QUALITY BOARD

Richard R. Olson appointed to represent agriculture on the Air Quality Board for a term to expire March 1, 2001. Section 19-2-103, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt, Governor

Communication filed.

On motion of Senator C. Peterson, the 15–day rule was suspended.

On motion of Senator Myrin, the Senate voted to consent to the appointment as read by Sandy Tenney. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hull	Stephenson

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 1997

The House passed, as amended, Sub. S.B. 146, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Senator L. McAllister, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator McAllister, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator

Muhlestein

Absent or not voting was: Senator
Taylor

Sub. S.B. 146 was returned to the House.

* * *

Mr. President: March 3, 1997

The House passed, as amended, S.B. 165, MANAGEMENT OF INSTITUTIONAL FUNDS ACT, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Taylor

S.B. 165 was returned to the House.

INTRODUCTION OF BILL

MOTOR FUEL TAX INCREASE

S.B. 253 *LeRay McAllister*

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING CERTAIN FUEL TAX PROVISION; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

On motion of Senator McAllister, under suspension of the rules, S.B. 253 was placed at the top of the Second Reading Calendar and circled.

SECOND READING CALENDAR

On motion of Senator C. Peterson, the circle was removed from H.B. 180, SUNSET REAUTHORIZATIONS, and it was before the Senate. Senator C. Peterson explained the bill. Senator Hull commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Stephenson	Suazo	Tanner
Wharton	Beattie		

Voting in the negative were: Senators

Mansell	Waddoups

Absent or not voting were: Senators

Hillyard	Jones	Steele	Steiner
Taylor			

COMMUNICATION FROM THE HOUSE

Mr. President: March 3, 1997

The House passed, as amended, S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. McAllister, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator McAllister, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Holmgren	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Howell	Hull	M. Peterson	Suazo

Absent or not voting were: Senators

Dmitrich	Evans	Hillyard	Steiner

S.B. 1 was returned to the House.

INTRODUCTION OF BILLS

COLLECTION OF FUEL TAX

S.B. 252 *Howard A. Stephenson*

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING PROCEDURES FOR THE TAXATION OF SPECIAL FUELS INCLUDING DIESEL FUEL; PROVIDING DEFINITIONS; AMENDING PENALTIES; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

USE OF MOTOR FUEL TAX

S.B. 254 *Leonard M. Blackham*

AN ACT RELATING TO REVENUE AND TAXATION; REPEALING THE ENVIRONMENTAL SURCHARGE ON PETROLEUM; AMENDING CERTAIN FUEL TAX PROVISIONS; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the President of the Senate.

* * *

On motion of Senator Blackham, under suspension of the rules, S.B. 252 and S.B. 254 were placed at the top of the Second Reading Calendar and circled.

* * *

On motion of Senator Mantes, Happy Birthday was sung to Matt Hillyard in Committee of the Whole.

* * *

On motion of Senator C. Peterson, under suspension of the rules, S.B. 237 was placed at the bottom of the Second Reading Calendar.

SECOND READING CALENDAR

H.B. 41, RESTRICTIONS ON WEAPONS IN AIRPORTS, was read the second time. Senator Mayne explained the bill and declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

H.B. 266, UTAH DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONSTRUCT TOLL ROADS AND LANES, was read the second time.

Senator Waddoups moved the following amendments:

1. Page 2, Line 9,
   lilac 2–18–97:
   After line 9 insert:
   "(6) The commission may provide funds for public or private tollway pilot projects from General Fund monies appropriated by the Legislature to the commission for that purpose."

Senator Holmgren commented. The amendment passed on a standing vote.

Senator Waddoups explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Holmgren	M. Peterson	Suazo

Absent or not voting was: Senator
Blackham

* * *

H.B. 19, REAL PROPERTY IMPROVEMENTS AGREEMENTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

Sub. H.B. 71, TELECOMMUNICATIONS – UNIVERSAL SERVICE AMENDMENTS, was read the second time. Senator Steele explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Tanner

* * *

Sub. H.B. 181, REDUCTION AND SUMMARIZATION OF ANNUAL REPORTS, was read the second time. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Steele

* * *

On motion of Senator C. Peterson, the circle was removed from **L.B. 19**, REAL PROPERTY IMPROVEMENTS AGREEMENTS, and it was before the Senate.

Senator Waddoups moved the following amendments:

1. Page 2, Line 14:
   After "(2)" delete "An" and insert "Except as provided in Subsection (3), an"

2. Page 2, Line 15:
   After line 15 insert:
   "(3)(a) When an indemnification provision is included in a contract related to a construction project between an owner and party listed in Subsection (1)(a), in any action for damages described in Subsection (1)(b)(i), the fault of the owner shall be apportioned among the parties listed in Subsection (1)(a) pro rata based on the proportional share of fault of each of the parties listed in Subsection (1)(a), if:
   (i) the damages are caused in part by the owner; and
   (ii) the owner is not operating as a party defined in Subsection (1)(a) on the construction project.
   (b) If the owner is solely at fault in causing the damages, the indemnification provision is against public policy and is void and unenforceable."

3. Page 2, Line 16:
   Delete "(3)" and insert "(4)"

Senators Myrin, Waddoups, Beattie, and Poulton commented. The amendments passed on a voice vote. Senator Poulton declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

* * *

H.B. 295, LIMITED LIABILITY COMPANY ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Wharton	Beattie

Absent or not voting was: Senator
Waddoups

* * *

4th Sub. H.B. 54, DANGEROUS WEAPON PENALTY ENHANCEMENT, was read the second time On motion of Senator Hull, the bill was circled.

* * *

Sub. H.B. 207, OUT OF STATE FIREARM PERMIT, was read the second time. Senator Mayne explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Wharton	Beattie	

Absent or not voting were: Senators

Steele	Waddoups

* * *

On motion of Senator Hull, the circle was removed from **4th Sub. H.B. 54**, DANGEROUS WEAPON PENALTY ENHANCEMENT, and it was before the Senate. Senator Hull explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Wharton	Beattie	

Absent or not voting were: Senators

Steele	Waddoups

* * *

H.B. 267, COUNCIL ON EXCELLENCE IN GOVERNMENT, was read the second time. Senator Evans explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Wharton	Beattie	

Absent or not voting were: Senators
Steele Waddoups

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 58, LABOR ORGANIZATION DEDUCTIONS, and it was before the Senate.

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

LABOR ORGANIZATION DEDUCTIONS

Sub. S.B. 58 *Howard A. Stephenson*

AN ACT RELATING TO LABOR AND ELECTION LAW; REQUIRING LABOR ORGANIZATIONS TO ESTABLISH A SEPARATE FUND FOR POLITICAL PURPOSES; ESTABLISHING REGISTRATION AND DISCLOSURE REQUIREMENTS FOR THE FUND; ESTABLISHING CERTAIN CRIMINAL PROVISIONS GOVERNING A LABOR ORGANIZATION'S POLITICAL ACTIVITIES; AND MAKING TECHNICAL CORRECTIONS.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Blackham, under suspension of the rules, H.B. 369, H.J.R. 22, H.B. 117, H.B. 298, H.B. 400, H.J.R. 15, Sub. H.B. 359, H.B. 320, H.B. 282, H.B. 382, Sub. H.B. 312, H.B. 247, 2nd Sub. H.B. 98, H.B. 129, and Sub. H.B. 341 were lifted from the Rules Committee and placed on the bottom of Second Reading Calendar.

* * *

On motion of Senator C. Peterson and at 6:20 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 4, 1997.

FORTY–FOURTH DAY

MORNING SESSION

The Senate was called to order at 8:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.
Prayer – Mr. Art Tracy, Navajo Spiritual Leader from Bountiful, Utah.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: March 4, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the forty–third day and find it correct with minor amendments noted on the final copy.

Robert Muhlestein, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 1997

The House passed, S.B. 46, PHYSICIAN ASSISTANT PRACTICE ACT AMENDMENTS, by Senator R. Steiner, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 82, ELECTION LAW – CANDIDATE ISSUES, by Senator L. Poulton, 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 Sub. S.B. 115, INSURANCE LAW AMENDMENTS, by Senator L. Poulton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 122, HEALTH POLICY COMMISSION AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, S.B. 154, CHANGES TO DIVISION OF STATE HISTORY, by Senator L. McAllister, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 159, PROTECTIVE SERVICE OFFICERS AMENDMENTS, by Senator L. Beattie, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 161, MOTOR VEHICLE COMPLIANCE WITH INSURANCE, REGISTRATION, AND SALES TAX REQUIREMENTS, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 163, UNIFORM COMMERCIAL CODE ARTICLE 5 – LETTERS OF CREDIT, 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. 190, VOLUNTARY RELEASE CLEANUP PROGRAM, by Senator L. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 195, WASTE DISPOSAL FEE AMENDMENT, by Senator J. Holmgren, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 202, PROCUREMENT CODE – DESIGN BUILD AMENDMENTS, by Senator L. Beattie, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 207, NEW MOTOR VEHICLE BROKER, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 219, PRIVILEGE TAX 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. 221, COUNTY OFFICERS – OFFICIAL BOND, 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. 236, STATE FISH AMENDMENTS, by Senator P. Suazo, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 250, DEPARTMENT OF CORRECTIONS – EMERGENCY RELEASE, 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.J.R. 1, RESOLUTION AMENDING LEGISLATOR ELIGIBILITY STANDARDS, by Senator L. Beattie, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed Sub. H.B. 80, REAL PROPERTY – PRESUMPTION OF TITLE, by Representative J. Swallow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 46, Sub. S.B. 82, Sub. S.B. 115, S.B. 122, S.B. 154, S.B. 159, Sub. S.B. 161, S.B. 163, S.B. 190, Sub. S.B. 195, S.B. 202, S.B. 207, S.B. 219, S.B. 221, S.B. 236, S.B. 250, 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.

Sub. H.B. 80 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: March 3, 1997

The House passed, as substituted and amended, 4th Sub. H.B. 363, MUNICIPAL AND COUNTY LAW AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. 4th Sub. H.B. 363 was read the first time. On motion of Senator C. Peterson, under suspension of the rules, the bill was placed at the bottom of the Second Reading Calendar.

* * *

Mr. President: March 3, 1997

The House refused to concur with the Senate Amendments to H.B. 2, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative B. Wright, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Montgomery, the Senate voted to refuse to recede from its amendments to H.B. 2. President Beattie appointed a conference committee consisting of Senators Montgomery, Taylor, and Hull to meet with a like committee from the House.

CONSENT CALENDAR

H.B. 138, STUDENT EDUCATION/OCCUPATION PLAN AMENDMENTS, 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

Blackham	Buhler	Evans	Holmgren
Hull	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Dmitrich	Hillyard	Howell	Mantes
Nielson	Steiner		

H.B. 138 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 301, SALES TAX REFUND AMENDMENTS, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Holmgren
Hull	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Dmitrich	Hillyard	Howell	Mantes
Nielson			

H.B. 301 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 319, INCOME TAX – FILING EXTENSIONS, 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

Blackham	Buhler	Evans	Holmgren
Hull	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Dmitrich	Hillyard	Howell	Mantes
Nielson			

H.B. 319 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 370, RECORDING FEDERAL TAX LIENS, 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

Blackham	Buhler	Evans	Holmgren
Hull	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Dmitrich	Hillyard	Howell	Mantes
Nielson			

H.B. 370 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

H.B. 313, ELECTRICAL DEREGULATION AND CUSTOMER CHOICE TASK FORCE, was read the third time. On motion of Senator Holmgren, the bill was circled.

* * *

H.B. 389, CENTENNIAL CHARTER SCHOOLS TASK FORCE, was read the third time, explained by Senator Tanner, and passed on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Holmgren
Mansell	McAllister	Montgomery	Muhlestein
Myrin	M. Peterson	Poulton	Steele
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Dmitrich	Hull	Jones	Mayne
Steiner			

Absent or not voting were: Senators

Hillyard	Howell	Mantes	Nielson
C. Peterson	Suazo		

H.B. 389 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 269, FAMILY EMPLOYMENT PROGRAM, was read the third time and explained by Senator Tanner. Senator Wharton commented. On motion of Senator Tanner, the bill was circled.

* * *

H.B. 115, COOPERATIVE WILDLIFE MANAGEMENT UNITS, was read the third time, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Howell	Mantes	Montgomery
Nielson	Taylor		

H.B. 115 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 48, AMENDMENTS TO CAPITAL SENTENCING, was read the third time and explained by Senator Hillyard. Senator Buhler commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Muhlestein	Myrin
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative were: Senators

Evans	Steiner	Wharton	

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Nielson

H.B. 48 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 121, CRIMINAL JUSTICE BOARDS AND COMMISSIONS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	Muhlestein	Myrin

C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Howell	Mantes	McAllister	Montgomery
Nielson			

H.B. 121 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Tanner, the circle was removed from Sub. H.B. 269, FAMILY EMPLOYMENT PROGRAM, and it was before the Senate.

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

1. Page 22, Line 8:
   Delete "(3) A" and insert "(3)(a) Except as provided in Subsection (3)(b), a"

2. Page 22, Line 10:
   Delete "(a)" and insert "(i)"

3. Page 22, Line 11:
   Delete "(b)" and insert "(ii)"

4. Page 22, Line 11:
   After line 11 insert:
   "(b) A parent client may participate in education or training for up to six months beyond the 24-month limit of Subsection (3)(a) if:
   (i) the parent client is employed for 80 or more hours a month; and (ii) the extension is for good cause shown and approved by the director.
   (c) A parent client who receives an extension under Subsection (3)(b) remains subject to Subsection (4)."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mayne	McAllister	Muhlestein
Myrin	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative was: Senator
M. Peterson

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Nielson
C. Peterson	Taylor		

Sub. H.B. 269, as amended, was returned to the House.

* * *

2nd Sub. H.B. 219, POWERS OF MAYORS, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

Yeas, 18; Nays, 4; Absent, 7.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Holmgren	Hull
Jones	Mansell	Mayne	McAllister
Muhlestein	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Blackham	Evans	Hillyard	Myrin

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Nielson
C. Peterson	Steiner	Taylor	

2nd Sub. H.B. 219 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 180, SUNSET REAUTHORIZATIONS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Muhlestein
Myrin	C. Peterson	M. Peterson	Poulton
Steele	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Nielson
Steiner	Taylor		

H.B. 180 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, the circle was removed from **H.B. 313**, ELECTRICAL DEREGULATION AND CUSTOMER CHOICE TASK FORCE, and it was before the Senate. Senator C. Peterson explained the bill. Senators Wharton and Mayne declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Muhlestein
Myrin	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Nielson
Taylor			

H.B. 313, as amended, was returned to the House.

* * *

H.B. 41, RESTRICTIONS ON WEAPONS IN AIRPORTS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Taylor

H.B. 41 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 266, UTAH DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONSTRUCT TOLL ROADS AND LANES, was read the third time and explained by Senator Waddoups. Senator Holmgren commented. Senator C. Peterson declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Hull	Jones	Mansell
Mayne	McAllister	Muhlestein	Myrin
Nielson	C. Peterson	Steele	Steiner
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Holmgren	M. Peterson	Suazo

Absent or not voting were: Senators

Howell	Mantes	Montgomery	Poulton

H.B. 266, as amended, was returned to the House.

* * *

Sub. H.B. 71, TELECOMMUNICATIONS – UNIVERSAL SERVICE AMENDMENTS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Howell	Mantes	Wharton

Sub. H.B. 71 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 181, REDUCTION AND SUMMARIZATION OF ANNUAL REPORTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mantes	Stephenson	Wharton

Sub. H.B. 181 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 19, REAL PROPERTY IMPROVEMENTS AGREEMENTS, was read the third time. On motion of Senator Waddoups, the bill was circled.

* * *

H.B. 295, LIMITED LIABILITY COMPANY 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mantes	Stephenson	Wharton

H.B. 295 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 207, OUT OF STATE FIREARM PERMIT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mantes	Stephenson	Wharton

Sub. H.B. 207 was signed by the President of the Senate in open session and returned to the House.

* * *

4th Sub. H.B. 54, DANGEROUS WEAPON PENALTY ENHANCEMENT, was read the third time, explained by Senator Hull, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mantes	Stephenson	Wharton

4th Sub. H.B. 54 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 267, COUNCIL ON EXCELLENCE IN GOVERNMENT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mantes	Stephenson	Wharton

H.B. 267 was signed by the President of the Senate in open session and returned to the House.

SECOND READING CALENDAR

On motion of Senator Buhler, under suspension of the rules, S.B. 237, TAX REFUNDS TO PROMOTE HOTEL DEVELOPMENT, was read the first, second, and third times. This bill did not have a standing committee hearing.

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

TAX REBATES TO PROMOTE HOTEL DEVELOPMENT

2nd. Sub. S.B. 237 *David L. Buhler*

AN ACT RELATING TO COUNTIES AND THE SALES AND USE TAX ACT; PROVIDING THAT A COUNTY LEGISLATIVE BODY MAY AUTHORIZE BY ORDINANCE A TEMPORARY AND LIMITED REBATE OF THE TRANSIENT ROOM TAX AND CERTAIN PORTIONS OF THE TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX TO PROMOTE THE CONSTRUCTION OF ADDITIONAL HOTEL GUEST ROOMS AND MEETING SPACE BEFORE THE OLYMPIC WINTER GAMES OF 2002 TO SUPPORT DEVELOPMENT OF A STATEWIDE CONVENTION CENTER; EXPANDING THE PURPOSES FOR WHICH REVENUES GENERATED BY THE TRANSIENT ROOM TAX CERTAIN PORTIONS OF THE TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX MAY BE USED; AND MAKING TECHNICAL CHANGES.

Senator Buhler explained the bill. Senators M. Peterson, Mayne, Hillyard, Beattie, Waddoups, and Myrin commented. Senators Waddoups and Wharton declared conflicts of interest. The bill passed on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Jones	Mansell
Montgomery	Muhlestein	Myrin	C. Peterson
Steele	Tanner	Wharton	Beattie

Voting in the negative were: Senators

Hull	Mantes	Mayne	McAllister
Nielson	M. Peterson	Steiner	Suazo
Waddoups			

Absent or not voting were: Senators

Hillyard	Poulton	Stephenson	Taylor

2nd Sub. S.B. 237 was transmitted to the House.

COMMUNICATION FROM THE HOUSE

Mr. President: March 4, 1997

The Speaker of the House has appointed a Conference Committee consisting of Representative B. Wright, Representative B. Johnson, and Representative J. Buffmire to meet with a like committee from the Senate to consider or amend H.B. 2, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative B. Wright.

Carole E. Peterson, Chief Clerk

Communication filed.

SECOND READING CALENDAR

H.B. 369, HIGHER EDUCATION SUPPLEMENTAL SAVINGS INCENTIVE PROGRAM, was read the second time and explained by Senator C. Peterson. Senators Wharton and M. Peterson 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

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Hillyard	Mayne	Stephenson
Taylor	Beattie		

* * *

H.J.R. 22, RESOLUTION RECOGNIZING ROCKVILLE OPEN SPACE PROJECT, was read the second time. Senator Dmitrich explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Suazo	Taylor	Waddoups	Wharton

Absent or not voting were: Senators

Blackham	Hillyard	Stephenson	Tanner
Beattie			

* * *

H.B. 117, UNDERGROUND STORAGE TANK FUNDING, was read the second time. Senator Holmgren explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups			

Absent or not voting were: Senators

Blackham	Stephenson	Wharton	Beattie

* * *

On motion of Senator C. Peterson, under suspension of the rules, S.B. 251 was lifted from the Rules Committee, placed at the top of the Second Reading Calendar and circled.

* * *

On motion of Senator Myrin, under suspension of the rules, S.J.R. 11 was lifted from the Rules Committee, placed at the top of the Second Reading Calendar and circled.

* * *

H.B. 298, UNIFORM SECURITIES ACT AMENDMENTS, was read the second time. This bill did not have a standing committee hearing.

Senator Buhler explained the bill. Senator Muhlestein declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Blackham	Stephenson	Beattie

* * *

H.B. 400, COUNTY VOLUNTEER AND PAID-CALL FIREFIGHTERS' HOURS, was read the second time. Senator Suazo explained the bill. Senators

commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Jones	Mansell
Mayne	McAllister	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Blackham	Hull	Mantes	Montgomery
Poulton	Stephenson	Beattie	

* * *

H.J.R. 15, RESOLUTION URGING PROPER PROTECTION AND MANAGEMENT OF WILDLIFE, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

Sub. H.B. 359, ENDANGERED SPECIES MITIGATION FUND, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 320, ACTION FOR LOSS OF CONSORTIUM, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

H.B. 282, WORK PROGRAMS FOR PRISONERS AMENDMENTS, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 382, PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

Sub. H.B. 312, MOTOR VEHICLE DEALER FRANCHISE ACT, was read the second time. Senator C. Peterson explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Jones	Mansell
Mantes	Mayne	McAllister	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Blackham	Hull	Montgomery	Poulton
Stephenson	Beattie		

* * *

On motion of Senator C. Peterson, and at 10:15 a.m., the Senate recessed.

The Senate reassembled at 11:00 a.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 1997

The Speaker of the House has signed S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. McAllister, and it is transmitted for the signature of the President; and

The House passed, S.B. 56, SCHOOL BUS PARKING ZONES, 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. 71, LANDLORD - TENANT AMENDMENTS, by Senator R. Montgomery, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 98, COUNTIES - SUBDIVISION DEFINED, by Senator L. McAllister, 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 Sub. S.B. 146, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Senator L. McAllister, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 165, MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, S.B. 184, SALES TAX - TELEPHONE EXEMPTION, 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. 1, S.B. 56, S.B. 71, S.B. 98, Sub. S.B. 146, S.B. 165, and S.B. 184 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, 1997

The House substituted and passed, Sub. S.B. 203, AGRICULTURAL PROTECTION AREA AMENDMENTS, by Senator L. Blackham, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	McAllister	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Mantes	Mayne	Montgomery	Stephenson
Taylor			

Sub. S.B. 203 was returned to the House.

* * *

Mr. President: March 4, 1997

The House has rejected Sub. S.B. 61, INCOME TAX – EDUCATION TAX CREDIT, by Senator H. Stephenson, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

Communication filed. Sub. S.B. 61 was filed.

SECOND READING CALENDAR

H.B. 247, B AND C ROADS FORMULA, was read the second time. On motion of Senator Blackham, the bill was circled.

* * *

2nd Sub. H.B. 98, LOCAL TAXING AUTHORITY, was read the second time.

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

1. Page 10, Lines 6 and 22:
   Delete "75%" and insert "66⅔"

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

2. Page 16, Line 2:
   Delete "July 1, 1997" and insert "January 1, 1998"

Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	McAllister	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Mantes	Mayne	Montgomery
C. Peterson	Taylor		

* * *

H.B. 129, CENTRALLY ASSESSED TAXPAYERS AMENDMENTS, was read the second time. Senator Blackham explained the bill. This bill did not have a standing committee hearing. Senator Mansell commented. The bill passed on the following roll call:

Yeas, 17; Nays, 0; Absent, 12.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	McAllister	Muhlestein	Myrin
Nielson	Steele	Stephenson	Tanner
Beattie			

Absent or not voting were: Senators

Evans	Mantes	Mayne	Montgomery
C. Peterson	M. Peterson	Poulton	Steiner
Suazo	Taylor	Waddoups	Wharton

* * *

Sub. H.B. 341, MODIFIED SCHOOL WEEK PILOT PROGRAM, was read the second time. Senator Blackham explained the bill. Senators Hillyard and Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
McAllister	Montgomery	Muhlestein	Nielson
Poulton	Steele	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Evans	Howell	Mantes	Mayne
Myrin	C. Peterson	M. Peterson	Steiner
Suazo			

* * *

4th Sub. H.B. 363, MUNICIPAL AND COUNTY LAW AMENDMENTS, was read the second time. Senator Beattie explained the bill. Senator Hull commented.

Senator Hull moved some amendments. Senators Beattie, Hull, C. Peterson, Nielson, Taylor, and Poulton commented. The amendment failed to pass on the following roll call:

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

Voting in the affirmative were: Senators

Dmitrich	Howell	Hull	Mantes
Mayne	Montgomery	Muhlestein	Nielson
M. Peterson	Suazo	Taylor	

Voting in the negative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	McAllister
Myrin	C. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Waddoups
Wharton	Beattie		

* * *

On motion of Senator C. Peterson, and at 12:15 p.m., the Senate recessed.

AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 1997

The House passed, S.B. 186, PROPERTY TAX - REAL AND PERSONAL PROPERTY ASSESSMENT 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. 249, REORGANIZATION OF DEPARTMENT OF ADMINISTRATIVE SERVICES, by Senator G. Mantes, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 266, UTAH DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONSTRUCT TOLL ROADS AND LANES, by Representative B. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed Sub. H.B. 269, FAMILY EMPLOYMENT PROGRAM, by Representative L. Frandsen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 313, ELECTRICAL DEREGULATION AND CUSTOMER CHOICE TASK FORCE, by Representative C. Fox, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 186 and S.B. 249 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

H.B. 266, Sub. H.B. 269, and H.B. 313 were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: March 4, 1997

The House passed, as amended, Sub. S.B. 78, ELECTION LAW - POLITICAL PARTIES, by Senator P. Suazo, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Suazo, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Mantes	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steiner	Suazo	Tanner
Waddoups			

Voting in the negative were: Senators

Dmitrich	Jones	Mansell	Mayne
Poulton	Steele	Stephenson	Wharton

Absent or not voting were: Senators

Buhler	McAllister	Taylor	Beattie

Sub. S.B. 78 was returned to the House.

* * *

Mr. President: March 4, 1997

The House passed, as amended, S.B. 204, CENTENNIAL LICENSE PLATE AMENDMENTS, by Senator J. Hull, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hull, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Waddoups	Wharton	

Voting in the negative was: Senator

Evans

Absent or not voting were: Senators

Buhler	McAllister	Suazo	Taylor
Beattie			

S.B. 204 was returned to the House.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 4, 1997

The Joint Conference Committee comprised of Senators Montgomery, Taylor, and Hull, and Reps. Wright, Johnson, and Buffmire, recommends H.B. 2, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative B. Wright, be amended as follows:

1. Page 17, Line 23:
   Goldenrod March 3, 1997
   Delete "20%" and insert "18½"

2. Page 18, Lines 3a to 3j:
   Goldenrod March 3, 1997
   Reinstate bracketed language.

3. Page 18, Line 3c
   Goldenrod March 3, 1997
   In the reinstated language, delete "15%" and insert "18½"

4. Page 18, Line 3e:
   Goldenrod March 3, 1997
   In the reinstated language, delete "10%" and insert "12%"

Robert F. Montgomery, Senate Chair
Bill Wright, House Chair

Report filed. On motion of Senator Montgomery, the Senate voted to adopt the Joint Conference Committee Report. Senator Hull declared a conflict of interest. The bill passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton

Voting in the negative were: Senators

Hull	Mayne	M. Peterson	Suazo

Absent or not voting was: Senator
Beattie

H.B. 2, as amended, was returned to the House.

SECOND READING CALENDAR

On motion of Senator C. Peterson, 4th Sub. H.B. 363 was circled.

* * *

On motion of Senator Myrin, under suspension of the rules, S.J.R. 11, OLYMPIC FACILITIES REPAYMENT RESOLUTION, was read the second and third times. Senator Myrin explained the bill.

Senator Howell moved the following amendments:

1. Page 1, Line 6:
   After "APRIL 1999;" delete "AND"

2. Page 1, Line 8:
   After "COMMITTEE" insert "; AND AMENDING THE PAYMENT SCHEDULE"

3. Page 5, Line 6:
   After line 6 insert:
   "BE IT FURTHER RESOLVED that the organizing committee shall pay the purchase price as follows:
   (1) the in-kind capital contributions provided by the organizing committee to the Winter Sports Park prior to the closing date referred to in the August 1, 1994 Winter Sports Facility Purchase Agreement shall be considered an initial payment on the purchase price; and
   (2) by no later than March 7, 2002, the organizing committee shall pay:
   (a) to the state:
   (i) the balance of the purchase price less $40,000,000; and
   (ii) the net interest saved by the organizing committee in changing the payment dates from those required in the August 1, 1994 Winter Sports Facility Purchase Agreement; and
   (b) to a legacy fund controlled by the Utah Athletic Foundation, $40,000,000."

4. Page 5, Line 8:
   After "committee's revenues" insert "and payment of the purchase price,"

5. Page 5, Line 9:
After "state" insert "or payment of the purchase price"

Senators Myrin, Nielson, McAllister, and Hillyard commented.

On motion of Senator Howell, Gordon Crabtree spoke in Committee of the Whole. Senators Myrin and Hillyard commented.

Senator Hillyard made a substitute motion to refer Senator Howell's amendment to interim study. The substitute motion passed.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton			

Absent or not voting were: Senators

Blackham	Mayne	Steiner	Beattie

S.J.R. 11, as amended, was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from H.B. 19, REAL PROPERTY IMPROVEMENTS AGREEMENTS, and it was before the Senate.

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

1. Page 2, Line 15a
Goldenrod 3-3-97:
After "(3)" delete "(a)"

2. Page 2, Line 15f
Goldenrod 3-3-97:
Delete "(i)" and insert "(a)"

3. Page 2, Line 15g–15j
Goldenrod 3–3–97:
Delete lines 15g through 15j and insert:
"(b) the cause of the damages defined in Subsection (1)(b)(i) did not arise at the time and during the phase of the project when the owner was operating as a party defined in Subsection (1)(a)."

Senator Waddoups explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Mantes	Beattie

H.B. 19, as amended, was returned to the House.

* * *

Senator Holmgren declared a conflict of interest on H.B. 1 and H.B. 66.

* * *

On motion of Senator McAllister, under suspension of the rules, Sub. H.B. 113 was lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator McAllister, under suspension of the rules, Sub. H.B. 113, OFFICE OF CHILD CARE AMENDMENTS, was read the second and third times.

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

1. Page 7, Line 16
Lilac copy dated Feb. 27, 1997:
After "environment." insert "In"

2. Page 7, Line 17
Lilac copy dated Feb. 27, 1997:
After "equipment;" insert "and"

3. Page 7, Line 18
Lilac copy dated Feb. 27, 1997:
Delete line 18

4. Page 7, Line 19
Lilac copy dated Feb. 27, 1997:
Delete "(iii)" and insert "(ii)" and after "caregivers" delete "for" and insert "considering"

5. Page 7a, Line 21n
Lilac copy dated Feb. 27, 1997:
Insert "and" at the end of line 21n

6. Page 7a, Lines 22–24
Lilac copy dated Feb. 27, 1997:
Delete lines 22 through 24 and renumber remaining subsection as appropriate.

Senator McAllister explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Mansell	Beattie

Sub. H.B. 113, as amended, was returned to the House.

* * *

On motion of Senator Stephenson, the circle was removed from H.J.R. 4, TRANSFERABILITY OF STATE COLLEGE CREDITS RESOLUTION, and it

was before the Senate. Senator Stephenson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
Montgomery	Muhlestein	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

McAllister	Myrin

* * *

On motion of Senator Blackham, the circle was removed from Sub. H.B. 359, ENDANGERED SPECIES MITIGATION, and it was before the Senate. Senator Blackham explained the bill. Senators Hillyard, Taylor, and Tanner commented. The bill failed to pass on the following roll call:

Yeas, 12; Nays, 11; Absent, 6.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Howell	McAllister	Montgomery	C. Peterson
Poulton	Steele	Steiner	Beattie

Voting in the negative were: Senators

Hillyard	Holmgren	Hull	Mansell
Mantes	Muhlestein	Nielson	Suazo
Tanner	Taylor	Waddoups	

Absent or not voting were: Senators

Jones	Mayne	Myrin	M. Peterson
Stephenson	Wharton		

On motion of Senator Holmgren, the bill will be held for 24 hours.

* * *

On motion of Senator Hillyard, under suspension of the rules, Sub. H.B. 72, H.B. 367, 2nd Sub. H.B. 198, H.B. 332, H.B. 316, Sub. H.B. 78, H.B. 257, H.B. 236, H.B. 143, Sub. H.B. 248, H.B. 96, H.B. 286, H.B. 300, H.B. 230, H.B. 239, and H.B. 358 were lifted from the Rules Committee and placed on the bottom of the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 1997

The House passed, as amended, S.B. 15, PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE, by Senator R. Montgomery, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Montgomery, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton			

Voting in the negative were: Senators

Dmitrich	Howell

Absent or not voting were: Senators

Hull	Mansell	Myrin	Stephenson
Taylor	Beattie		

S.B. 15 was returned to the House.

* * *

Mr. President: March 4, 1997

The House passed, as amended, S.B. 149, CHIROPRACTIC PRACTICE AMENDMENTS, by Senator D. Steele, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Steele, the Senate refused to concur in the House amendments and request the House to recede. S.B. 149 was returned to the House.

* * *

On motion of Senator Hillyard, and at 4:35 p.m., the Senate sauntered.

The Senate was called to order at 5:25 p.m., with Senator C. Peterson presiding.

* * *

On motion of Senator Blackham, Representative Haymond spoke in Committee of the Whole concerning the Historical Centennial Book.

COMMUNICATION FROM THE HOUSE

Mr. President: March 4, 1997

The House passed, as amended, S.B. 84, PUBLIC TRANSIT DISTRICT BOARDS, by Senator L. Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the Senate voted to concur in the House amendments. Senator Hillyard, Nielson, and Holmgren commented. Senator C. Peterson and Wharton declared conflicts of interest. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Howell	Hull	Jones	Mansell
Mantes	Mayne	Montgomery	Muhlestein
Myrin	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton

Voting in the negative were: Senators

Hillyard	Holmgren	McAllister	Nielson

Absent or not voting was: Senator
Beattie

S.B. 84 was returned to the House.

THIRD READING CALENDAR

On motion of Senator M. Peterson, the circle was removed from S.B. 30, ACCOUNTABILITY AND OVERSIGHT OF UTAH TRANSIT AUTHORITY. On motion of Senator M. Peterson, the bill was returned to the Secretary of the Senate.

SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from H.B. 282, WORK PROGRAMS FOR PRISONERS AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Howell	Beattie

* * *

On motion of Senator Blackham, the circle was removed from H.B. 382, PERSONNEL MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. Senators Poulton and Muhlestein commented. Senator Evans declared a conflict of interest. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton		

Voting in the negative was: Senator
Mantes

Absent or not voting were: Senators
Stephenson Beattie

* * *

Senator Holmgren, under suspension of the rules, gave notice to the body that he will move for reconsideration of **Sub. H.B. 359.**

* * *

On motion of Senator Blackham, the circle was removed from **H.B. 320**, ACTION FOR LOSS OF CONSORTIUM, and it was before the Senate. Senator Blackham explained the bill.

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

1. Page 2, Line 14:
After line 14 insert:
"(8) Damages awarded for loss of consortium which a governmental entity is required to pay, when combined with any award to the injured person which a governmental entity is required to pay, may not exceed the liability limit for one person in any one occurrence under Title 63, Chapter 30, Governmental Immunity Act."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton			

Voting in the negative was: Senator
Montgomery

Absent or not voting were: Senators

Stephenson	Taylor	Beattie

* * *

On motion of Senator Holmgren, the Senate voted to reconsider its action on Sub. H.B. 359 and place the bill at the top of Second Reading Calendar.

RECONSIDERATION OF SUB. H.B. 359

Sub. H.B. 359, ENDANGERED SPECIES MITIGATION FUND, was before the Senate and explained by Senator Blackham. Senator Tanner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	C. Peterson
M. Peterson	Poulton	Steele	Suazo
Waddoups	Wharton		

Voting in the negative were: Senators

Mantes	Nielson	Steiner	Stephenson
Tanner	Taylor		

Absent or not voting was: Senator
Beattie

* * *

Sub. H.B. 72, PROCUREMENT OF ARCHITECT, ENGINEER, OR SURVEYOR SERVICES, was read the second time. Senator Nielson explained the bill.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 367, STATE AGENCY'S CONTRACTS FOR COMPUTER SUPPORT, was read the second time, under suspension of the rules. On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, 2nd Sub. H.B. 198, AMENDMENTS TO HOMESTEAD EXEMPTIONS, was read the second

time. Senator Hillyard explained the bill. Senators Steiner and Buhler commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Wharton		

Absent or not voting were: Senators

Taylor	Waddoups	Beattie

* * *

On motion of Senator Blackham, the circle was removed from **Sub. H.B. 72**, PROCUREMENT OF ARCHITECT, ENGINEER, OR SURVEYOR SERVICES, and it was before the Senate. Senator Nielson explained the bill. Senator C. Peterson 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

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Wharton			

Absent or not voting were: Senators

Buhler	Steele	Waddoups	Beattie

* * *

On motion of Senator Blackham, the circle was removed from **H.B. 367**, STATE AGENCY'S CONTRACTS FOR COMPUTER SUPPORT, and it was before the Senate. Senator Blackham explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Wharton
Beattie			

Absent or not voting were: Senators

Holmgren	Mayne	Taylor	Waddoups

* * *

On motion of Senator Hillyard, the following bills were returned to the Secretary of the Senate from the Second Reading Calendar: **H.B. 332, H.B. 316, Sub. H.B. 78, H.B. 257, H.B. 236, H.B. 143, Sub. H.B. 248, H.B. 96, H.B. 286, 2nd Sub. H.B. 300, H.B. 230, H.B. 239,** and **H.B. 358.**

* * *

On motion of Senator C. Peterson and at 6:30 p.m., the Senate adjourned until 8:00 a.m., Wednesday, February 5, 1997.

FORTY-FIFTH DAY

MORNING SESSION

The Senate was called to order at 8:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present.

Prayer – Elder Ben B. Banks, Area President of Utah South, Church of Jesus Christ of Latter-Day Saints.

READING OF TITLES OF BILLS AND RESOLUTIONS

(Please refer to Day 1, Page 13)

DAILY SENATE JOURNAL

Mr. President: March 5, 1997

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the forty-fourth day and find it correct with minor amendments noted on the final copy.

Pete Suazo, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 1997

The House passed, Sub. S.B. 33, CHILD VISITATION GUIDELINES, by Senator R. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 124, TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING, by Senator L. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 133, APPEALS AMENDMENTS, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 150, CONDUCT RELATED TO SCHOOL ACTIVITIES, 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, Sub. S.B. 166, WORKFORCE SERVICES AND LABOR COMMISSION IMPLEMENTATION AND AMENDMENTS, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 200, NIGHTLY RENTAL PROPERTY MANAGERS, by Senator A. Myrin, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 217, RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY, by Senator R. Muhlestein, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Sub. S.B. 33, S.B. 124, Sub. S.B. 133, S.B. 150, Sub. S.B. 166, S.B. 200, and S.B. 217 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, 1997

The House adopted the Joint Conference Committee Report dated March 4, 1997 and passed H.B. 2, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative B. Wright, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 19, REAL PROPERTY IMPROVEMENTS AGREEMENTS, by Representative D. Ure, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed Sub. H.B. 113, CHILD CARE LICENSING AMENDMENTS, by Representative B. Chard, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 2, H.B. 19, and Sub. H.B. 113 were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: March 4, 1997

The House passed, as amended, Sub. S.B. 210, GROWTH IMPACT HIGHWAYS, by Senator L. Blackham, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Stephenson
Suazo	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Howell	Steiner	Tanner

Sub. S.B. 210 was returned to the House.

* * *

Mr. President: March 4, 1997

The House passed, as amended, S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, by Senator D. Buhler, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Buhler, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery

Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Stephenson
Suazo	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Howell	Steiner	Tanner

S.B. 96 was returned to the House.

* * *

Mr. President: March 4, 1997

The House has rejected 2nd Sub. S.B. 49, SECOND HAND SMOKE AMENDMENTS, by Senator L. Beattie, and it is transmitted for filing; and

The House has rejected S.B. 135, BUILDING CODE AMENDMENTS, by Senator C. Peterson, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

Communications filed. 2nd Sub. S.B. 49 and S.B. 135 were filed.

SPECIAL RECOGNITION

The 1997 Utah Legislature commends and thanks the Utah Education Network and UtahLink for their outstanding support services rendered on behalf of the legislature by providing computer support and training for the first fully computerized general session.

COMMUNICATION FROM THE HOUSE

Mr. President: March 4, 1997

The House passed, as amended, S.B. 52, WATERCRAFT - LIABILITY INSURANCE, by Senator N. Tanner, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Tanner, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mantes

Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
M. Peterson

Absent or not voting were: Senators

Evans	Howell	Mansell	Taylor

S.B. 52 was returned to the House.

THIRD READING CALENDAR

H.B. 369, HIGHER EDUCATION SUPPLEMENTAL SAVINGS INCENTIVE PROGRAM, was read the third time and explained by Senator C. Peterson. Senator M. Peterson 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Muhlestein
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Howell	Montgomery	Myrin

H.B. 369 was signed by the President of the Senate in open session and returned to the House.

* * *

H.J.R. 22, RESOLUTION RECOGNIZING ROCKVILLE OPEN SPACE PROJECT, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Muhlestein
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Evans	Howell	Montgomery	Myrin
Wharton			

H.J.R. 22 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 117, UNDERGROUND STORAGE TANK FUNDING, was read the third time, explained by Senator Holmgren, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Beattie			

Absent or not voting were: Senators

Evans	Howell	Taylor	Wharton

H.B. 117 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 298, UNIFORM SECURITIES ACT AMENDMENTS, was read the third time, explained by Senator Buhler, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Hull	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Dmitrich	Evans	Howell	Mantes
Wharton			

H.B. 298 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 400, COUNTY VOLUNTEER AND PAID-CALL FIREFIGHTERS' HOURS, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Evans	Howell	Mantes	Wharton

H.B. 400 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 312, MOTOR VEHICLE DEALER FRANCHISE ACT AMENDMENTS, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Evans	Howell	M. Peterson	Wharton

Sub. H.B. 312 was signed by the President of the Senate in open session and returned to the House.

* * *

2nd Sub. H.B. 98, LOCAL TAXING AUTHORITY, 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

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Evans	Howell	Wharton

2nd Sub. H.B. 98, as amended, was returned to the House.

* * *

H.B. 129, CENTRALLY ASSESSED TAXPAYERS AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Dmitrich

H.B. 129 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 341, MODIFIED SCHOOL WEEK PILOT PROGRAM, was read the third time and explained by Senator Blackham. Senators M. Peterson, Holmgren, Hull, Stephenson, Myrin, M. Peterson, and Blackham commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Mantes	M. Peterson	Steiner

Sub. H.B. 341 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, S.B. 247 and S.B. 243 were lifted from the Rules Committee, placed on the Second Reading Calendar and circled.

* * *

On motion of Senator C. Peterson, under suspension of the rules, the following bills were lifed from the Rules Committee and placed on the Second Reading Calendar under 4th Sub. H.B. 363: H.B. 332, H.B. 316, Sub. H.B. 78, H.B. 257, H.B. 236, H.B. 143, Sub. H.B. 248, H.B. 96, H.B. 286, 2nd Sub. H.B. 300, H.B. 230, H.B. 239, H.B. 358, H.B. 114, H.B. 111, H.B. 137, H.B. 141, H.B. 311, H.B. 322, H.J.R. 17, H.B. 17, H.B. 175, H.B. 131, H.B. 329, H.B. 305, H.B. 106, Sub. H.B. 7, H.B. 139, H.B. 127, H.B. 300, and H.B. 107.

THIRD READING CALENDAR

H.J.R. 4, TRANSFERABILITY OF STATE COLLEGE CREDITS RESOLUTION, was read the third time and explained by Senator Stephenson. Senator M. Peterson and Tanner declared conflict of interests. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Taylor

H.J.R. 4 was signed by the President of the Senate in open session and returned to the House.

* * *

Senator Tanner made remarks regarding H.J.R. 4 and moved that the remarks be printed upon the pages of the Senate Journal.

"This bill might better be called the Richard L. Evans Memorial Bill. I don't say this "tongue in cheek." That very prominent man and revered citizen served with me on the original Board of Regents some 20 years ago and, as we sat together, he said, "My first goal is to see that there is equity in the transfer of credits in this system." Now, it is a sad commentary, that it has taken 20 years for

the system to recognize the needs of students. I don't know how long it will take this bill to be activated by the institutions, but I hope that they feel the urgency we all feel – that students feel they are part of a patron friendly system. The higher education institutions ought to make this an act of the first consequence and make Richard smile a little posthumously."

* * *

H.B. 282, WORK PROGRAMS FOR PRISONERS AMENDMENTS, 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

Blackham	Buhler	Dmitrich	Evans
Holmgren	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Hillyard	Howell	Mayne	Wharton

H.B. 282 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 382, PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators
Mayne Suazo Wharton

H.B. 382 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 320, ACTION FOR LOSS OF CONSORTIUM, was read the third time, explained by Senator C. Peterson, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Voting in the negative was: Senator
Montgomery

Absent or not voting were: Senators
Mayne Wharton

H.B. 320, as amended, was returned to the House.

* * *

Sub. H.B. 359, ENDANGERED SPECIES MITIGATION, was read the third time.

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

1. Page 6, Line 12:
   After line 12 insert:
   "(c) for Great Salt Lake wetlands mitigation projects in connection with the western transportation corridor;"

   Renumber remaining subsections

The bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Beattie

Voting in the negative were: Senators

Mantes	Poulton	Stephenson	Suazo
Tanner	Taylor	Waddoups	

Absent or not voting were: Senators

Mayne	Wharton

Sub. H.B. 359, as amended, was returned to the House.

* * *

2nd Sub. H.B. 198, AMENDMENT TO HOMESTEAD EXEMPTIONS, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mayne	Steiner	Wharton

2nd Sub. H.B. 198 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 72, PROCUREMENT OF ARCHITECT, ENGINEER, OR SURVEYOR SERVICES BY POLITICAL SUBDIVISIONS, was read the third time, explained by Senator Nielson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Buhler	Mayne	Myrin	Wharton

Sub. H.B. 72 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 367, STATE AGENCY'S CONTRACTS FOR COMPUTER SUPPORT, 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Nielson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Mayne	Myrin	C. Peterson	Wharton

H.B. 367 was signed by the President of the Senate in open session and returned to the House.

SECOND READING CALENDAR

On motion of Senator Hillyard, all bills on Second Reading Calendar will be considered read the second and third times, under suspension of the rules.

* * *

On motion of Senator Blackham, the circle was removed from **H.J.R. 15**, RESOLUTION URGING PROPER PROTECTION AND MANAGEMENT OF WILDLIFE, and it was read the third time, under suspension of the rules. Senator Blackham explained the bill. Senator Myrin commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

Mantes	Mayne	Poulton	Wharton

H.J.R. 15 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 332, SALES TAX – EXEMPTION FOR GOVERNMENT COPIES, under suspension of the rules, was read the second time. On motion of Senator C. Peterson, the bill was circled.

* * *

On motion of Senator C. Peterson, the circle was removed from **H.B. 247**, B AND C ROADS FORMULA, and it was read the third time, under suspension of the rules. Senator C. Peterson explained the bill. Senator Holmgren commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery

Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Beattie			

Voting in the negative was: Senator
Evans

Absent or not voting were: Senators

Mayne	Poulton	Wharton

H.B. 247 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, the circle was removed from H.B. 332, SALES TAX – EXEMPTION FOR GOVERNMENT COPIES, and it was read the third time, under suspension of the rules. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Beattie

Absent or not voting were: Senators

Dmitrich	Mayne	Poulton	Taylor
Wharton			

H.B. 332 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 316, TAX ASSESSMENTS, REFUNDS, AND CREDITS, under suspension of the rules, was read the second and third times, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Dmitrich	Mayne	Poulton
Taylor			

H.B. 316 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 78, WITNESS IMMUNITY AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Mayne	Poulton	Stephenson
Taylor			

Sub. H.B. 78 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 257, PUBLIC ASSISTANCE WELFARE FRAUD, under suspension of the rules, was read the second and third times, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mantes
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Blackham	Howell	Hull	Mayne
Poulton	Stephenson	Taylor	

H.B. 257 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator M. Peterson, and at 10:15 a.m., the Senate sauntered.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The Speaker of the House has signed S.B. 15, PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE, by Senator R. Montgomery, and it is transmitted for the signature of the President; and

The House passed, S.B. 64, WELFARE REFORM AMENDMENTS TO CHILD SUPPORT, by Senator N. Tanner, 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 Sub. S.B. 78, ELECTION LAW - POLITICAL PARTIES, by Senator P. Suazo, and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 79, ELECTION LAW - ELECTION PROCESS, by Senator R. Evans, 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. 84, PUBLIC TRANSIT DISTRICT BOARDS, by Senator L. Mansell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 203, AGRICULTURAL PROTECTION AREA 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. 204, CENTENNIAL LICENSE PLATE AMENDMENTS, by Senator J. Hull, and it is transmitted for the signature of the President; and

The House passed, S.B. 214, FEES ON SALE OF FACTORY BUILT HOUSING, 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. 15, S.B. 64, Sub. S.B. 78, Sub. S.B. 79, S.B. 84, Sub. S.B. 203, S.B. 204, and S.B. 214 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Hillyard, Senator Steele taught an email class to the Senators in Committee of the Whole.

COMMUNICATION FROM THE HOUSE

Mr. President: March 5, 1997

The House passed, upon reconsideration, as amended, H.B. 88, TOURISM MARKETING PERFORMANCE FUND, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.B. 88 was read the first time. On motion of Senator Myrin, under suspension of the rules, H.B. 88 was lifted from the Rules Committee, placed at the top of Second Reading Calendar and circled

SECOND READING CALENDAR

H.B. 236, MUNICIPAL BUILDING AUTHORITY BOND ISSUANCE, under suspension of the rules, was read the second and third times, and explained by Senator Poulton. This bill did not have a standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones

Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton		

Absent or not voting were: Senators

Howell	Mayne	Beattie

H.B. 236 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 143, UNLAWFUL DETAINER OF TENANT, was read the second and third time.

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

UNLAWFUL DETAINER AMENDMENTS

Sub. H.B. 143 *John E. Swallow*

AN ACT RELATING TO JUDICIAL CODE; AMENDING PROVISIONS ON FORCIBLE ENTRY AND DETAINER; PROVIDING DEFINITIONS; PERMITTING SERVICE OF NOTICE TO QUIT OR THE COURT'S ORDER TO BE MAILED AT THE COMMERCIAL TENANT'S USUAL PLACE OF BUSINESS; ELIMINATING THE DEFENDANT;S RIGHT TO A HEARING TO CONTEST THE TERMS OF THE RESTITUTION ORDER; MAKING TECHNICAL CHANGES; AND PROVIDING A COORDINATION CLAUSE

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

1. Page 5, Line 4:
   After "by the court" insert "according to the formula set forth in Subsection 78-36-8.5(2)(b)"

On motion of Senator Montgomery, the bill was circled.

* * *

Sub. H.B. 248, PLANNING AND ZONING - SUBDIVISION PLATS, under suspension of the rules, was read the second and third times, explained by Senator Montgomery, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	

Absent or not voting were: Senators

Mayne	Beattie

Sub. H.B. 248 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Montgomery, the circle was removed from Sub. H.B. 143, UNLAWFUL DETAINER OF TENANT. Senator Montgomery explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator

Steele

Sub. H.B. 143, as amended, was returned to the House.

* * *

H.B. 96, WRONGFUL LIEN AMENDMENTS, was read the second time. On motion of Senator Mansell, the bill was circled.

* * *

On motion of Senator Beattie, the circle was removed from 4th Sub. H.B. 363, MUNICIPAL AND COUNTY LAW AMENDMENTS, and it was considered read the third time. Senator Beattie explained the bill. Senator Montgomery commented.

Senator Hull commented. Senator Taylor moved to substitute the bill with 7th Sub. H.B. 363 and include a page of amendments. Senators Mayne, Montgomery, Hull, and Beattie commented. The motion to substitute and amend failed on the following roll call:

Yeas, 13; Nays, 15; Absent, 1.

Voting in the affirmative were: Senators

Dmitrich	Evans	Howell	Hull
Mantes	Montgomery	Nielson	M. Peterson
Poulton	Steiner	Suazo	Tanner
Taylor			

Voting in the negative were: Senators

Blackham	Buhler	Hillyard	Holmgren
Jones	Mansell	Mayne	McAllister
Muhlestein	Myrin	C. Peterson	Steele
Waddoups	Wharton	Beattie	

Absent or not voting was: Senator
Stephenson

Senator Hull moved to substitute the bill with 7th Sub. H.B. 363. The motion to substitute failed on the following roll call:

Yeas, 13; Nays, 16; Absent, 0.

Voting in the affirmative were: Senators

Dmitrich	Howell	Hull	Mantes
Montgomery	Nielson	M. Peterson	Poulton
Steiner	Suazo	Tanner	Taylor
Waddoups			

Voting in the negative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	Mayne
McAllister	Muhlestein	Myrin	C. Peterson
Steele	Stephenson	Wharton	Beattie

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

1. Page 46, Lines 21 and 23:
After "municipality" insert "or other governmental entity"

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

2. Page 25, Line 3:
After line 3 insert:

"(c) If the results of the feasibility study under Subsection (4)(a) meet the requirements of Subsection 10-2-109(3), the county legislative body may approve the incorporation petition, if the county legislative body determines that the incorporation is in the best interests of the citizens of the county and the proposed town."

3. Page 37, Line 6:
After "(1)" insert "(a)"

4. Page 37, Line 7:
After "10-2-407(3)(a)(i)(A)" insert "and except as provided in Subsection (1)(b)"

5. Page 37, Line 9:
Delete "(a)" and insert "(i)"

6. Page 37, Line 11:
Delete "(b)" and insert "(ii)" and after line 11 insert:

"(b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility study with respect to a proposed annexation that meets the criteria of Subsection 10-2-407(2)(e)."

Senator Montgomery moved to substitute the bill with 5th Sub. H.B. 363. The motion failed on a standing vote.

Senator Howell moved two separate amendments that failed on voice votes.

Senator McAllister moved an amendment. Senators Hull, Taylor, and Poulton commented. The amendment failed on a voice vote.

Senators Hull, Wharton, Montgomery, Mayne, and Beattie commented.

The bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mayne
Myrin	C. Peterson	Poulton	Steele
Stephenson	Suazo	Waddoups	Wharton
Beattie			

Voting in the negative were: Senators

Buhler	Howell	Hull	Mantes
McAllister	Montgomery	Muhlestein	Nielson
M. Peterson	Tanner	Taylor	

Absent or not voting was: Senator
Steiner

4th Sub. H.B. 363, as amended, was returned to the House.

* * *

On motion of Senator C. Peterson, H.B. 175 was returned to the Secretary of the Senate.

* * *

On motion of Senator C. Peterson, and at 12:35 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The Speaker of the House has signed S.B. 52, WATERCRAFT - LIABILITY INSURANCE, by Senator N. Tanner, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 96, CITY AUTHORITY OVER CERTAIN RENTAL UNITS, by Senator D. Buhler, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 210, GROWTH IMPACT HIGHWAYS, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The House passed, S.B. 223, ENVIRONMENTAL LAW AMENDMENTS, by Senator J. Holmgren, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 240, ROCKY MOUNTAIN PRESIDENTIAL PRIMARY TASK FORCE APPOINTMENTS, by Senator L. Beattie, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 14, RESOLUTION AMENDING RULE OF EVIDENCE, by Senator J. Holmgren, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 52, S.B. 96, Sub. S.B. 210, S.B. 223, S.B. 240, and S.J.R. 14 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, 1997

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 98, LOCAL TAXING AUTHORITY, by Representative J. Valentine, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 320, ACTION FOR LOSS OF CONSORTIUM, by Representative C. Fox, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed Sub. H.B. 359, ENDANGERED SPECIES MITIGATION FUND, by Representative T. Hatch, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. 2nd Sub. H.B. 98, H.B. 320, and Sub. H.B. 359 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, 1997

The House passed, upon reconsideration, as amended, H.B. 125, NATURAL GAS TECHNICIAN CERTIFICATION ACT, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 307, CHILD WELFARE REFORM ACT AMENDMENTS, by Representative J.Haymond, and it is transmitted for consideration; and

The House passed, as substituted and amended, Sub. H.B. 336, BAIL REFORM, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed H.B. 366, SOIL CONSERVATION DISTRICTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, H.B. 411, ACCESS HIGHWAY DESIGNATION, by Representative J. Hickman, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 125, 2nd Sub. H.B. 307, Sub. H.B. 336, H.B. 366, and H.B. 411 were read the first time and referred to the President of the Senate.

* * *

Mr. President: March 5, 1997

The House passed, as amended, 2nd Sub. S.B. 60, OPEN ENROLLMENT AMENDMENTS, by Senator G. Mantes, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mantes, the Senate voted to concur in the House amendments. Senators Holmgren, Wharton, Montgomery, Hillyard, and Mantes commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mantes
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Stephenson
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Howell	Hull	Mayne
McAllister	Steele	Steiner	Suazo
Tanner			

2nd Sub. S.B. 60 was returned to the House.

* * *

Mr. President: March 5, 1997

The House passed, as amended, S.B. 180, MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS, by Senator J. Holmgren, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Holmgren, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mantes
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	Poulton	Tanner
Taylor	Waddoups	Beattie	

Voting in the negative were: Senators

M. Peterson	Steiner	Stephenson	Suazo
Wharton			

Absent or not voting were: Senators

Buhler	Howell	Hull	Mayne
Steele			

S.B. 180 was returned to the House.

* * *

Mr. President: March 5, 1997

The House has rejected S.B. 211, SNOWMOBILE USER FEE, by Senator L. Jones, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

Communication filed. S.B. 211 was filed.

* * *

Mr. President: March 5, 1997

The House refuses to recede from its amendments to S.B. 149, CHIROPRACTIC PRACTICE AMENDMENTS, by Senator D. Steele, and has

appointed a Conference Committee consisting of Rep. Holladay, Rep. Bradshaw, Rep. Arent to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

Communication filed.

SECOND READING CALENDAR

On motion of Senator Mansell, the circle was removed from H.B. 96, WRONGFUL LIEN AMENDMENTS, and it was read the third time, under suspension of the rules. Senator Mansell explained the bill.

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

1. Page 2, Line 12
   Lilac copy February 20, 1997:
   After "means a person" insert "claiming an interest in real property"

2. Page 3, Line 8
   Lilac copy February 20, 1997:
   After "county recorder shall" insert "immediately" and after "original document" delete ", and" and insert "together with"

3. Page 3, Line 9
   Lilac copy February 20, 1997:
   After "pursuant to this section" insert a comma

4. Page 3, Line 19
   Lilac copy February 20, 1997:
   After "(1)" delete "A person" and insert "A lien claimant"

5. Page 3, Line 24
   Lilac copy February 20, 1997:
   After "real property" insert "delivered personally or mailed to the last known address of the lien claimant"

6. Page 6, Line 12:
   After "lien claimant." insert "The dismissal order shall contain a legal description of the real property. The prevailing lien claimant may record a certified copy of the dismissal order."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Jones	Mayne

H.B. 96, as amended, was returned to the House.

* * *

Senator Taylor moved to recall Sub. H.B. 184 from the House for reconsideration. Senators Hillyard, Montgomery, Stephenson, and Taylor commented. The motion failed on a standing vote.

* * *

H.B. 286, PERJURY REFORM, under suspension of the rules, was read the second and third times. Senator Mansell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	Hull	Mayne

H.B. 286 was signed by the President of the Senate in open session and returned to the House.

* * *

2nd Sub. H.B. 300, EXPANDED CONSERVATORSHIP AND GUARDIANSHIP SERVICES FOR ELDERLY, under suspension of the rules,

was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
Mantes	McAllister	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Howell	Hull	Mayne	Montgomery

2nd Sub. H.B. 300 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Myrin, the circle was removed from H.B. 88, TOURISM MARKETING PERFORMANCE FUND, and it was read the second and third times, under suspension of the rules.

Senator Myrin moved the following amendments:

1. Page 1, Line 10a
   Lilac copy March 5, 1997:
   After "$200,000 FROM THE GENERAL FUND" insert "FOR FISCAL YEAR 1997–1998"

2. Page 3, Line 5b
   Lilac copy March 5, 1997:
   After "$200,000" insert "for the upcoming fiscal year"

3. Page 3, Line 6
   Lilac copy March 5, 1997:
   After the stricken language delete "as provided in Subsection (3)"

4. Page 4, Line 23b
   Lilac copy March 5, 1997:
   After "GENERAL FUND" insert " for fiscal year 1997–1998 $200,000"

5. Page 4, Line 23c
Lilac copy March 5, 1997:
After "fund" delete "$200,000"

Senator Poulton commented. The amendment passed on a voice vote.

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mantes
McAllister	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Howell	Hull	Mayne
Montgomery			

H.B. 88, as amended, was returned to the House.

* * *

H.B. 230, OLENE WALKER HOUSING TRUST FUND AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator Holmgren. Senator Poulton commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Jones	Mansell	Mantes
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative was: Senator
Taylor

Absent or not voting were: Senators

Buhler	Howell	Hull	Mayne

H.B. 230 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 239, SECURITIES ISSUANCE BY ELECTRICAL CORPORATIONS, under suspension of the rules, was read the second and third times, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Buhler	Mayne	M. Peterson	Suazo
Wharton			

H.B. 239 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 358, CONSUMER WARRANTIES ON ASSISTIVE TECHNOLOGY, under suspension of the rules, was read the second and third times, explained by Senator McAllister, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators
Buhler Howell M. Peterson

H.B. 358, as amended, was returned to the House.

COMMUNICATION FROM THE HOUSE

Mr. President: March 5, 1997

The House passed, as amended, S.B. 188, INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR, by Senator S. Howell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Howell, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Stephenson

S.B. 188 was returned to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, H.B. 175 was lifted from the Rules Committee and placed on the Second Reading Calendar after H.B. 17.

SECOND READING CALENDAR

H.B. 114, TEMPORARY ZONING REGULATION AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Taylor, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mantes	Mayne	McAllister	Montgomery
Myrin	Nielson	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Muhlestein	Poulton	

Absent or not voting were: Senators

Hull	Mansell	Wharton

H.B. 114 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 111, TRANSPORTATION CORRIDOR FUNDING, under suspension of the rules, was read the second and third times and explained by Senator Hillyard. Senators Nielson, Holmgren, Stephenson, and Tanner commented. The bill failed to pass on the following roll call:

Yeas, 12; Nays, 15; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Hillyard	Holmgren	Jones
Mantes	McAllister	Montgomery	C. Peterson
Steele	Tanner	Taylor	Beattie

Voting in the negative were: Senators

Buhler	Dmitrich	Evans	Howell
Hull	Mayne	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Stephenson
Suazo	Waddoups	Wharton	

Absent or not voting were: Senators

Mansell	Steiner

H.B. 111 was returned to the House for filing.

* * *

H.B. 137, YOUTH CORRECTIONS AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Suazo, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Mansell	Steiner	Wharton

H.B. 137 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 141, MEDICAL EDUCATION PROGRAM, under suspension of the rules, was read the second and third times. This bill did not have a standing committee hearing. Senator Holmgren explained the bill. Senators Taylor, Tanner, and M. Peterson commented. Senator M. Peterson declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Steiner	Suazo	Tanner	Waddoups
Beattie			

Voting in the negative were: Senators

Poulton	Taylor

Absent or not voting were: Senators

Howell	Hull	Mansell	Steele
Stephenson	Wharton		

H.B. 141 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 311, HUMAN RESOURCE MANAGEMENT AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Buhler, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Hull	Mansell	Steele	Stephenson
Wharton			

H.B. 311, as amended, was returned to the House.

* * *

On motion of Senator C. Peterson, the circle was removed from S.B. 243, BONDS FOR HIGHWAY FUNDING, and it was read the second and third times, under suspension of the rules. Senator Hillyard explained the bill.

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

1. Page 4, Line 20:
   After "(1)" insert "(a)" and after line 20 insert:
   "(b) During fiscal years 1997-1998 and 1998-1999, the commission may not issue more than $350,000,000 in total bonds under this part."

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Mansell	C. Peterson

S.B. 243, as amended, was returned to the House.

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 252, COLLECTION OF FUEL TAX, and it was read the second and third times. This bill did not have a standing committee hearing.

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

COLLECTION OF FUEL TAX

Sub. S.B. 252 *Howard A. Stephenson*

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING PROCEDURES FOR THE TAXATION OF SPECIAL FUELS INCLUDING DIESEL FUEL; PROVIDING DEFINITIONS; AMENDING PENALTIES; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

Senator Stephenson explained the bill. Senator Steiner commented.

On motion of Senator Dmitrich the bill was amended as follows:

1. Page 1, Line 26:
   After line 26 insert:
   "ENACTS:
   59-13-321, Utah Code Annotated 1953"

2. Page 18, Line 2:
After line 2 insert:
"Section 17. Section 59-13-321 is enacted to read:
59-13-321Wholesaler option for rack distributions tax payments - notification - security.
(1) As used in this section "wholesaler" means a person who receives a rack distribution of diesel fuel from a supplier for purposes of resale.
(2) (a) Upon agreement of wholesaler and supplier, the payment of the taxes to the supplier under this part may be made on or before one business day prior to the time that the supplier is required to remit those taxes to the commission.
(b) The wholesaler shall provide written notification to the supplier of the wholesaler's intent to exercise the payment option under Subsection (2)(a) at least 30 days prior to the payment.
(c) The wholesaler's payment of the taxes under Subsection (2)(a) shall be made by electronic funds transfer.
(3) Upon the wholesaler's exercise of the payment option provided in Subsection (2), the supplier may require security for the payment of the taxes if no security exists between the wholesaler and the supplier.
(4) At the option of the supplier, the wholesaler's exercise of the payment option provided under this section may be terminated if the wholesaler fails to:
(a) remit timely payment of the taxes as provided in Subsection (2); or
(b) provide security as provided in Subsection (3)."

Renumber remaining sections accordingly

Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Sub. S.B. 252, as amended, was transmitted to the House.

* * *

On motion of Senator McAllister, the circle was removed from S.B. 253, MOTOR FUEL TAX INCREASE, and it was read the second and third times, under suspension of the rules.

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

SALES TAX REDUCTION, FUEL TAXES, AND REPEAL OF ENVIRONMENTAL SURCHARGE ON PETROLEUM

Sub. S.B. 253 *LeRay McAllister*

AN ACT RELATING TO REVENUE AND TAXATION; INCREASING VARIOUS FUEL TAX RATES; REDUCING THE STATE SALES AND USE TAX RATE; REPEALING THE ENVIRONMENTAL SURCHARGE ON PETROLEUM; MAKING TECHNICAL CHANGES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A COORDINATION CLAUSE.

Senator McAllister explained the bill.

Senator Howell moved the following amendments:

1. Page 1, Line 8:
   After "TAX RATE;" insert "REPEALING INCREASES;"

2. Page 6, Line 24:
   After "1997;" delete "and"

3. Page 6, Line 25:
   After "1997" delete the period and insert "through June 30, 2007; and

4. Page 6, Line 25:
   After line 25 insert:
   "(d) 4.875% beginning on July 1, 2007."

5. Page 10, Line 5:
   After "1997" insert "through June 30, 2007"

6. Page 10, Line 6:
   After line 6 insert:
   "(iii) Beginning on July 1, 2007, a tax is imposed at the rate of 19 cents per gallon upon all motor fuel that is sold, used, or received for sale or use in this state."

Senators Hillyard, Howell, Waddoups, and McAllister commented. The amendment failed on a standing vote.

Senators Mayne, Wharton, and McAllister commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	Poulton	Steele	Stephenson
Tanner	Taylor	Beattie	

Voting in the negative were: Senators

Howell	Hull	Mantes	Mayne
Myrin	M. Peterson	Steiner	Suazo
Waddoups	Wharton		

Sub. S.B. 253 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House requests the return of 2nd Sub. S.B. 49, SECOND HAND SMOKE AMENDMENTS, by Senator L. Beattie, for reconsideration.

Carole E. Peterson, Chief Clerk

Communication filed. 2nd Sub. S.B. 49 was returned to the House.

On motion of Senator C. Peterson, and at 4:25 a.m., the Senate sauntered.

The Senate was called to order at 4:45 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House concurred in the Senate amendments and passed Sub. H.B. 143, UNLAWFUL DETAINER AMENDMENTS, by Representative J. Swallow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 4th Sub. H.B. 363, MUNICIPAL AND COUNTY LAW AMENDMENTS, by Representative M. Brown, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Sub. H.B. 143 and H.B. 363 were signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: March 5, 1997

The House passed, as amended, S.J.R. 12, RESOLUTION ON OZONE AND PARTICULATE MATTER, by Senator M. Dmitrich, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Dmitrich, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Jones	Mansell
Mantes	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Beattie		

Absent or not voting were: Senators

Howell	Hull	Mayne	C. Peterson
Poulton	Stephenson	Wharton	

S.J.R. 12 was returned to the House.

* * *

Mr. President: March 5, 1997

The House passed, as amended, Sub. S.B. 175, STATE TRANSPORTATION INFRASTRUCTURE BANK, 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. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Mayne	Stephenson	Taylor

Sub. S.B. 175 was returned to the House.

* * *

Mr. President: March 5, 1997

The House substituted, amended, and passed, S.B. 14, OUTDOOR ADVERTISING AMENDMENTS, by Senator L. Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative was: Senator

Steiner

Absent or not voting were: Senators

Hull	Taylor

S.B. 14 was returned to the House.

* * *

Mr. President: March 5, 1997

The House passed, as amended, S.J.R. 10, RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Stephenson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

S.J.R. 10 was returned to the House.

* * *

Mr. President: March 5, 1997

The House refuses to recede from its amendments to S.B. 149, CHIROPRACTIC PRACTICE AMENDMENTS, by Senator D. Steele, and has reappointed a Conference Committee consisting of Rep. Holladay, Rep. Bradshaw, Rep. Tuttle to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

Communication filed. The President appointed a conference committee consisting of Senators Steele, C. Peterson, and Hull.

* * *

Mr. President: March 5, 1997

The House substituted and passed, 4th Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, by Senator D. Buhler, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communication filed.

On motion of Senator Buhler, the Senate refused to concur in the House amendments to 4th Sub. S.B. 81 and ask the House to recede.

SECOND READING CALENDAR

On motion of Senator Hillyard, S.B. 254, USE OF MOTOR FUEL TAX, was uncircled and referred to the Secretary of the Senate.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 251, UNIFORM FEES ON TANGIBLE PERSONAL PROPERTY, and it was read the second and third times, under suspension of the rules. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Howell	M. Peterson	Steele

S.B. 251 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, the following bills were lifted from the Rules Committee and placed at the bottom of the Second

Reading Calendar: Sub. H.B. 385, H.B. 404, H.C.R. 8 , H.B. 92, H.B. 346, H.B. 56, Sub. H.B. 30, H.B. 46, H.B. 52, H.B. 222, H.B. 376, H.C.R. 6, Sub. H.C.R. 2, H.B. 268, H.B. 307, H.B. 6, H.J.R. 8, Sub. H.B. 374, H.B. 366 and Sub. H.B. 105.

* * *

On motion of Senator C. Peterson, the circle was removed from S.B. 167, EXECUTIVE COMPENSATION, and it was read the second and third times, under suspension of the rules. Senator C. Peterson explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Evans

Absent or not voting was: Senator
Steele

S.B. 167 was transmitted to the House.

* * *

On motion of Senator McAllister, the circle was removed from S.B. 247, SUPPLEMENTAL APPROPRIATIONS ACT II, and it was read the second and third times, under suspension of the rules.

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

SUPPLEMENTAL APPROPRIATIONS ACT II

Sub. S.B. 247 *LeRay McAllister*

AN ACT RELATING TO APPROPRIATIONS; PROVIDING APPROPRIATIONS FOR SUPPORT OF STATE GOVERNMENT FOR THE

FISCAL YEAR BEGINNING JULY 1, 1997 AND ENDING JUNE 30, 1998, AND BEGINNING FISCAL YEAR JULY 1, 1996 AND ENDING JUNE 30, 1997 FOR THE USE AND SUPPORT OF CERTAIN STATE DEPARTMENTS AND AGENCIES OF STATE GOVERNMENT AND PROVIDE APPROPRIATE FUNDS FOR THE BILLS PASSED IN THE 1997 GENERAL SESSION WITH FISCAL IMPACT AND FOR OTHER PURPOSES AS IN THIS ACT PROVIDED; AND PROVIDING AN EFFECTIVE DATE.

Senator McAllister explained the bill. Senator Montgomery commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister
Montgomery	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Mantes	Muhlestein

Sub. S.B. 247 was transmitted to the House.

* * *

H.B. 322, STATE FAIR PARK AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator C. Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Howell

H.B. 322 was signed by the President of the Senate in open session and returned to the House.

* * *

H.J.R. 17, RESOLUTION REGARDING FUTURE OPERATION AND DEVELOPMENT OF THIS IS THE PLACE STATE PARK, under suspension of the rules, was read the second and third times, explained by Senator Myrin, and passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Mansell	Poulton	Stephenson	Taylor

Absent or not voting was: Senator
Mayne

H.J.R. 17, as amended, was returned to the House.

* * *

H.B. 17, COUNTERFEIT FINANCIAL TRANSACTION CARD AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
C. Peterson

H.B. 17, as amended, was returned to the House.

* * *

H.B. 175, WORKERS' COMPENSATION FUND OF UTAH, under suspension of the rules, was read the second and third times.

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

1. Page 1, Line 12
Revised Lilac 2-14-97:
After "COMMISSION;" delete the remainder of line 12

2. Page 1, Line 13:
Revised Lilac 2-14-97:
Delete "GENERAL FUND;"

3. Page 10, Line 30
Lilac 2-13-97:
After "(1)" delete "There is created" and insert "The commissioner of insurance shall examine the Workers' Compensation Fund of Utah in accordance with Section 31A-2-203 and this act. The commissioner of insurance shall designate as the examiner in charge"

4. Page 10, Line 31
Lilac 2-13-97:
After "November 30," delete "1998" and insert "1997"

5. Page 11, Lines 13-16
Lilac 2-13-97:
Delete lines 13-16 and insert "(2) The commissioner of insurance shall serve as the chair of the commission."

6. Page 11, Line 19
Lilac 2-13-97:
After "(4)(a)" delete "Salaries and expenses of the" and insert "The"

7. Page 11, Line 20
Lilac 2-13-97:
Delete line 20 and insert "receive no compensation or expenses for their services on the commission."

8. Page 11, Line 26
Lilac 2-13-97:
After "The" delete "Office of Legislative Research and General Counsel" and insert "Insurance Department"

9. Page 11, Line 29
Lilac 2-13-97:
Delete line 29 and insert "(1) Notwithstanding Subsection 31A-2-204(1), the scope of the examination is limited to reviewing and making recommendations on the following issues:"

10. Page 12, Line 6
Lilac 2-13-97:
After "committee's" delete "1998" and insert "1997" and after line 6 insert: "(4) The examination required under this act is not subject to Subsection 31A-2-204(1) or Subsections 31A-2-204(6) through (10)."

11. Page 12, Line 7-14
Lilac 2-13-97:
Delete lines 7-14 and insert:
"Section 10. Funding.
(1) Pursuant to Section 31A-2-205, the reasonable costs of the commission's examination shall be reimbursed by the Workers' Compensation Fund of Utah to the Insurance Department.
(2) The Workers' Compensation Fund of Utah may offset the examination expenses paid pursuant to the section against premium taxes under Subsection 59-9-102(2)."

12. Page 12a, Line 19
Lilac 2-13-97:
Delete "1998" and insert "1997"

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

13. Page 11, Line 8:
After "Commission" insert "or as of July 1, 1997, the Labor Commissioner"

Senator Hull moved some amendments. Senator Tanner commented. The motion to amend failed on a voice vote. Senator Mayne commented.

Senator Poulton moved amendments that failed on a standing vote. Senators Hillyard, Blackham, and Steele commented.

Senators Hull, Poulton, and Wharton declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Howell
Hull	Jones	Mansell	Mayne
Montgomery	Muhlestein	Nielson	C. Peterson
M. Peterson	Steele	Steiner	Suazo
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Blackham	Hillyard	Holmgren	Mantes
McAllister	Myrin	Poulton	Stephenson
Tanner	Taylor		

H.B. 175, as amended, was returned to the House.

* * *

H.B. 131, DILIGENCE AND UNDERGROUND WATER CLAIMS - PUBLICATION AND REVIEW, under suspension of the rules, was read the second and third times and explained by Senator Blackham. This bill did not have a standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Stephenson

H.B. 131 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 329, HARMFUL MATERIAL TO A MINOR, under suspension of the rules, was read the second and third times and explained by Senator Steiner. This bill did not have a standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Evans	Mansell	M. Peterson	Stephenson

H.B. 329 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 305, EASEMENT FOR DITCHES, under suspension of the rules, was read the second and third times and explained by Senator Blackham. This bill did not have a standing committee hearing.

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

1. Page 1, Line 24:
   After "open and" delete "obvious" and insert "notorious"

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones

Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Hull	Mansell	Taylor

H.B. 305, as amended, was returned to the House.

* * *

H.B. 106, TRUST LANDS ACT AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator Steele. This bill did not have a standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mantes	Mayne	McAllister	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Hull	Mansell	Montgomery	Stephenson
Taylor			

H.B. 106 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 7, TUITION WAIVER AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator Hillyard. This bill did not have a standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Hull	Mansell	Taylor

Sub. H.B. 7 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 139, EMPLOYEE LEASING COMPANY LICENSING ACT AMENDMENTS, was read the second time, under suspension of the rules. On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 127, UTILITY SITING AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Jones	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Hull	Mansell	Taylor

H.B. 127 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 380, STATE AUDITOR REQUIREMENTS, under suspension of the rules, was read the second and third times, explained by Senator Myrin, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hull	Taylor

H.B. 380 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Mansell, the circle was removed from **H.B. 139, EMPLOYEE LEASING COMPANY LICENSING ACT AMENDMENTS**, and it was read the third time, under suspension of the rules. Senator Mansell explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Hull	Taylor

H.B. 139 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 107, COUNSEL FOR INDIGENT DEFENDANTS, under suspension of the rules, was read the second and third times.

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

1. Page 1, Line 27:
   After "(2)" insert "(a) and after "indigency" insert "who is charged with a crime the penalty of which is a class A misdemeanor or felony"

2. Page 2, Line 2
   Lilac 2-26-97:
   After "court." insert "(b) A defendant claiming indigency who is charged with a crime the penalty of which is less than a class A misdemeanor is not required to comply with the requirements of Subsection (a) and Subsection (4)."

Senator Blackham explained the bill and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Evans	Taylor

H.B. 107, as amended, was returned to the House.

* * *

Sub. H.B. 385, UTAH STATE CAPITOL PRESERVATION BOARD, under suspension of the rules, was read the second and third times and explained by Senator C. Peterson.

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

1. Page 12, Line 29:
After "shall" insert "by following the procedures and requirements of Title 63, Chapter 46a, Administrative Rulemaking,"

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

2. Page 10, Line 25:
After "following" delete "seven" and insert "five"

3. Page 10, Lines 29–31:
Delete lines 29–31 and insert:
"(d) the Senate minority leader; and
(e) the House minority leader."

4. Page 11, Line 1:
Lilac copy
Delete line 1.

5. Page 11, Line 4:
Lilac copy
After "(1)" delete "(a)" and after "Senate," delete "and" and after "House" insert ", Senate minority leader, and House minority leader"

6. Page 11, Line 5:
Lilac copy
After "president" delete "and" and after "speaker" insert "and minority leader"

7. Page 11, Line 6:
Lilac copy
Delete line 6

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	

Voting in the negative was: Senator Beattie

Absent or not voting was: Senator Stephenson

Sub. H.B. 385, as amended, was returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House passed, as substituted and amended, Sub. H.B. 414, REGISTRATION FEE ON VEHICLES, by Representative J. Valentine, and it is transmitted for consideration; and

The House passed H.J.R. 19, MASTER STUDY RESOLUTION, by Representative C. Fox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. Sub. H.B. 414 and H.J.R. 19 were read the first time. On motion of Senator C. Peterson, under suspension of the rules, Sub. H.B. 414 and H.J.R. 19 were placed at the top of the Second Reading Calendar.

* * *

Mr. President: March 5, 1997

The House refuses to recede from its amendments to 4th Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, by Senator D. Buhler, and has reappointed a Conference Committee consisting of Rep. Harward, Rep. Bradshaw, Rep. Becker to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

President Beattie appointed a conference committee consisting of Senators Buhler, C. Peterson, and Wharton to meet with a like committee from the House.

* * *

Mr. President: March 5, 1997

The House passed H.B. 337, FIREARM PERMITS FOR RETIRED LAW ENFORCEMENT PERSONNEL, by Representative G. Cox, and it is transmitted for consideration; and

The House passed, as substituted, Sub. H.B. 277, MCGRUFF HOUSE PROGRAM, by Representative T. Beck, and it is transmitted for consideration; and

The House passed H.B. 195, FIREFIGHTERS' NONCONTRIBUTORY RETIREMENT SYSTEM, by Representative J. Murray, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 337, Sub. H.B. 277, and H.B. 195 were read the first time and referred to the President of the Senate.

SECOND READING CALENDAR

On motion of Senator Howell, the Senate voted to reconsider its action on H.B. 111 and place it at the top of the Second Reading Calendar.

H.B. 111, TRANSPORTATION CORRIDOR FUNDING, was before the Senate, explained by Senator Howell, and passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Holmgren
Howell	Hull	Jones	Mayne
McAllister	Montgomery	C. Peterson	Poulton
Steele	Suazo	Tanner	Taylor
Wharton	Beattie		

Voting in the negative were: Senators

Buhler	Muhlestein	Myrin	Nielson
Steiner	Waddoups		

Absent or not voting were: Senators

Evans	Mansell	Mantes	M. Peterson
Stephenson			

H.B. 111 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, and at 6:35 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 8:10 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House passed, as amended, H.B. 413, SALES TAX REVENUES TO TRANSPORTATION FUNDING, by Representative C. Fox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.B. 413 was read the first time. On motion of Senator Hillyard, under suspension of the rules, the bill was placed at the top of Second Reading Calendar.

* * *

Mr. President: March 5, 1997

The House concurred in the Senate amendments and passed H.B. 88, TOURISM MARKETING PERFORMANCE FUND, 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. 96, WRONGFUL LIEN AMENDMENTS, by Representative J. Swallow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 311, HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative B. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 358, CONSUMER WARRANTIES ON ASSISTIVE TECHNOLOGY, by Representative F. Hunsaker, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 88, H.B. 96, H.B. 311, and H.B. 358 were signed by the President of the Senate in open session and returned to the House.

SECOND READING CALENDAR

H.B. 413, SALES TAX REVENUES TO TRANSPORTATION FUNDING, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Buhler	Mantes	C. Peterson	Stephenson
Wharton			

H.B. 413 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 414, REGISTRATION FEE ON VEHICLES, under suspension of the rules, was read the second and third times.

On motion of Senator Hillyard, the bill was amended as follows:
Remove the house amendments.

Senator Hillyard explained the bill. Senator Howell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Jones	Mansell	McAllister	Montgomery
Muhlestein	Myrin	Nielson	Poulton
Steele	Tanner	Beattie	

Voting in the negative were: Senators

Dmitrich	Howell	Hull	Mayne
M. Peterson	Steiner	Suazo	Taylor
Waddoups			

Absent or not voting were: Senators

Buhler	Mantes	C. Peterson	Stephenson
Wharton			

Sub. H.B. 414, as amended, was returned to the House.

* * *

H.J.R. 19, MASTER STUDY RESOLUTION, under suspension of the rules, was read the second time. On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 404, ENVIRONMENTAL QUALITY CODE AMENDMENTS, under suspension of the rules, was read the second time. On motion of Senator Taylor, the bill was circled.

* * *

H.C.R. 8, RESOLUTION APPROVING DEVELOPMENT OF WASTE DISPOSAL, under suspension of the rules, was read the second and third times, explained by Senator Taylor, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Taylor	Waddoups	Beattie

Absent or not voting were: Senators

Buhler	Mantes	C. Peterson	Stephenson
Wharton			

H.C.R. 8 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Taylor, the circle was removed from H.B. 404, ENVIRONMENTAL QUALITY CODE AMENDMENTS, and it was read the third time. Senator Taylor explained the bill.

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

1. Page 1, Line 8:
After "COMMITTEE" and before "." insert "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 3, Line 16:
After Line 16 insert:
Section 2. Effective date.
This act takes effect on June 5, 1997.

Senator Holmgren commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	Mansell
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Buhler	Dmitrich	Mantes	C. Peterson
Stephenson			

H.B. 404, as amended, was returned to the House.

* * *

On motion of Senator Blackham, H.B. 277 was lifted from the Rules Committee and placed on Second Reading Calendar

* * *

On motion of Senator Hillyard, the circle was removed from H.J.R. 19, MASTER STUDY RESOLUTION, and it was read the third time. Senator Hillyard explained the bill and it passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mayne	McAllister

Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators

Mantes	Wharton

H.J.R. 19 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 92, CHILD ABUSE PROTECTIONS, under suspension of the rules, was read the second and third times and explained by Senator Suazo. Senator Hillyard commented The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

H.B. 92 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 346, TUITION WAIVER FOR CERTAIN STUDENTS IN HIGHER EDUCATION, under suspension of the rules, was read the second and third times and explained by Senator Mayne. This bill did not have a standing committee hearing. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups		

Voting in the negative was: Senator
Beattie

Absent or not voting were: Senators
Taylor Wharton

H.B. 346 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 56, PRIVATE ACTIVITY BONDING, under suspension of the rules, was read the second and third times, explained by Senator Suazo, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

H.B. 56, as amended, was returned to the House.

* * *

Sub. H.B. 30, CONCEALED FIREARMS AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones

Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Blackham

Sub. H.B. 30 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 46, FEE FOR BACKGROUND CHECK BEFORE HANDGUN PURCHASE, under suspension of the rules, was read the second and third times, explained by Senator C. Peterson, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

H.B. 46 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 52, PROHIBITION OF CONTRABAND IN A CORRECTIONAL FACILITY, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Tanner
Taylor	Waddoups	Beattie	

Absent or not voting were: Senators

Suazo	Wharton

H.B. 52, as amended, was returned to the House.

* * *

H.B. 222, POWERS OF THE DEPARTMENT OF WORKFORCE SERVICES, under suspension of the rules, was read the second and third times, explained by Senator Steele, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Howell	Suazo

H.B. 222, as amended, was returned to the House.

* * *

H.B. 376, TRESPASSING IN ABANDONED MINES, under suspension of the rules, was read the second and third times and explained by Senator Dmitrich. Senator Myrin commented. The bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mantes	Mayne	McAllister
Montgomery	Myrin	C. Peterson	M. Peterson
Steele	Steiner	Stephenson	Tanner
Waddoups	Wharton	Beattie	

Voting in the negative were: Senators

Mansell	Muhlestein	Nielson	Poulton
Taylor			

Absent or not voting was: Senator
Suazo

H.B. 376 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, the following bills were lifted from the Rules Committee and placed on Second Reading Calendar: H.B. 264, Sub. H.B. 362, Sub. H.B. 272, H.B. 109, H.B. 411, Sub. H.B. 67, H.B. 82, Sub. H.B. 244, H.B. 87, H.B. 132, H.B. 142, H.B. 291, H.B. 330, H.B. 342, H.B. 408, H.B. 99, Sub. H.B. 293, H.B. 348, H.B. 399, H.C.R. 9, Sub. H.B. 75, H.B. 13, H.B. 77, H.B. 103, H.B. 393, Sub. H.B. 336, H.B. 15, and H.B. 108.

* * *

H.C.R. 6, UTAH WILDERNESS DESIGNATION RESOLUTION, under suspension of the rules, was read the second and third times, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
Poulton	Steele	Stephenson	Tanner
Taylor	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Howell	M. Peterson	Steiner

Absent or not voting were: Senators

Buhler	Suazo

H.C.R. 6 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.C.R. 2, RESOLUTION OPPOSING GOVERNMENTAL REGULATIONS, under suspension of the rules, was read the second and third times, explained by Senator Jones, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mayne	McAllister	Muhlestein
Myrin	Nielson	C. Peterson	M. Peterson
Poulton	Steele	Steiner	Stephenson
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Blackham	Mantes	Montgomery	Suazo

Sub. H.C.R. 2 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 268, AMENDMENTS ON AFFORDABLE HOUSING, under suspension of the rules, was read the second and third times, explained by Senator Muhlestein, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators
Blackham Montgomery Suazo

H.B. 268 was signed by the President of the Senate in open session and returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House passed Sub. S.B. 247, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. McAllister, with the following amendments:

1. Page 3, Line 16:
   Delete "Children's Legal Defense" and insert "Guardian ad Litem Services"

2. Page 9, Line 10:
   After line 10 insert:
   "It is the intent of the Legislature that the Division of Facilities Construction and Management release the $1,500,000 as identified in S.B. 2, 1997 General Session for the Sevier Multi Purpose Center to the Sevier School District, and that interest accrue to the benefit of that project, to the extent permitted by law."

3. Page 20, Line 19:
   After line 19:"It is the intent of the Legislature that, the Division of Parks and Recreation lease-purchase golf carts and equipment for the operation of the golf course at Wasatch Mountain State Park."

4. Page 22, Line 1:
   Delete "71,437,500" and insert "54,937,500"

5. Page 22, Line 3:
   Delete "71,437,500" and insert "54,937,500"

and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator McAllister, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mayne	McAllister	Montgomery
Myrin	Nielson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Taylor
Waddoups	Wharton	Beattie	

Voting in the negative was: Senator
Muhlestein

Absent or not voting were: Senators

Mansell	Mantes	C. Peterson	Suazo
Tanner			

Sub. S.B. 247 was returned to the House.

* * *

Mr. President: March 5, 1997

The House refused to concur with the Senate Amendments to Sub. H.B. 385, UTAH STATE CAPITOL PRESERVATION BOARD, by Representative M. Brown, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

Communication filed. On motion of Senator Blackham, the Senate receded from its amendments to Sub. H.B. 385. The bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Jones	Mansell	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	Poulton	Steele	Stephenson
Tanner	Taylor	Waddoups	Beattie

Voting in the negative were: Senators

Dmitrich	Howell	Hull	Mantes
Mayne	M. Peterson	Steiner	Wharton

Absent or not voting was: Senator
Suazo

Sub. H.B. 385 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: March 5, 1997

The House refused to concur with the Senate Amendments to H.B. 175, WORKERS' COMPENSATION FUND OF UTAH, by Representative J. Alexander, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Steele, the Senate voted to refuse to recede from its amendments to H.B. 175. President Beattie appointed a conference committee consisting of Senators Mayne, Steele, and Mansell to meet with a like committee from the House.

* * *

Mr. President: March 5, 1997

The House substituted and passed 3rd Sub. S.B. 49, SECOND HAND SMOKE AMENDMENTS, by Senator L. Beattie, with the following amendments:

1. Page 4, Line 10:
   After "owns." insert "from another residential or commercial unit"

and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator C. Peterson, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Dmitrich	Steele	Suazo

3rd Sub. S.B. 49 was returned to the House.

SECOND READING CALENDAR

3rd Sub. H.B. 307, CHILD WELFARE REFORM ACT AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Buhler, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Myrin	Steele	Suazo

3rd Sub. H.B. 307 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 6, SURVIVING SPOUSE PENSION, under suspension of the rules, was read the second and third times and explained by Senator C. Peterson.

On motion of Senator C. Peterson, the bill was amended as follows:

1. Page 1, Line 7:
   Delete "AND"

2. Page 1, Line 8:
   After "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"

3. Page 2, Line 21:
   After line 21 insert:
   "Section 4. Coordination Clause.
   If this bill, H.B. 1, Appropriations Act, and H.B. 2, Minimum School Program Act Amendments, all pass:
   (1) the additional cost of providing the benefit under this section shall be funded beginning July 1, 1997, by means of an increase in the

retirement contribution rate established by the consulting actuary and approved by the board; and
(2) the contribution rate increase for public employees and educators under Subsection (1) shall be funded in fiscal year 1997–98 for this additional compensation purpose with funds appropriated in H.B. 1 and H.B. 2 for public employees and educators."

Senator Hillyard commented. Senators Evans and Hull declared conflicts of interest. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Buhler	Steele

Sub. H.B. 6, as amended, was returned to the House.

* * *

On motion of Senator C. Peterson, and at 9:40 p.m., the Senate sauntered.

The Senate reassembled at 9:50 p.m., with President Beattie presiding.

SECOND READING CALENDAR

H.J.R. 8, RESOLUTION REPEALING MARITAL PROPERTY PROVISIONS, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	Mayne	McAllister

Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Mansell	C. Peterson	Poulton	Stephenson
Taylor			

H.J.R. 8 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 374, MARITAL PROPERTY RIGHTS AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steele	Steiner	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Blackham	Mansell	C. Peterson	Stephenson
Taylor			

Sub. H.B. 374 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 366, SOIL CONSERVATION DISTRICTS, under suspension of the rules, was read the second and third times and explained by Senator Blackham. This bill did not have a standing committee hearing. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steele
Steiner	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators
C. Peterson Stephenson

H.B. 366 was signed by the President of the Senate in open session and returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House passed Sub. S.B. 13, TELECOMMUNICATION AMENDMENTS, by Senator D. Steele, with the following amendments:

1. Page 1, Line 9:
   Goldenrod 2-27-97:
   After "RATES;" insert "AMENDING PROVISIONS RELATED TO INTERCONNECTION;"

2. Page 1, Line 11:
   Goldenrod 2-27-97:
   After line 11 insert:
   "54-8b-2.2, as enacted by Chapter 269, Laws of Utah 1995"

3. Page 1, Line 13:
   Goldenrod 2-27-97:
   After line 13 insert:
   "Section 1. Section 54-8b-2.2 is amended to read:
   54-8b-2.2 Interconnection.
   (1) (a) (i) The commission may require any telecommunications corporation to interconnect its essential facilities with another telecommunications corporation that provides public telecommunications services in the same, adjacent, or overlapping service territory.
   (ii) Interconnecting telecommunications corporations shall permit the mutual exchange of traffic between their networks without unreasonable blocking or other unreasonable restrictions on the flow of traffic. In determining unreasonable blocking or unreasonable restrictions, the commission shall, among other things, take into

account the necessity and time required for adapting the network to respond to significant changes in usage patterns.

(b) (i) Whenever the commission grants a certificate to one or more telecommunications corporations to provide public telecommunications services in the same or overlapping service territories, all telecommunications corporations providing public telecommunications services in the affected area shall have the right to interconnect with the essential facilities and to purchase the essential services of all other certificate holders operating in the same area on a nondiscriminatory and reasonably unbundled basis.

(ii) Each telecommunications corporation shall permit access to and interconnection with its essential facilities and the purchase of its essential services on terms and conditions, including price, no less favorable than those the telecommunications corporation provides to itself and its affiliates.

(c) Nothing in this section shall prevent a telecommunications corporation from entering into nondiscriminatory agreements for interconnection with its essential facilities and the purchase and sale of essential services.

(d) (i) A telecommunications corporation shall file with the commission the prices, terms, and conditions of any agreement it makes for the interconnection of essential facilities or the purchase or sale of essential services.

(ii) The agreement shall take effect ten days after filing.

(iii) Each telecommunications corporation shall allow any other telecommunications corporation to obtain interconnection with its essential facilities and to purchase essential services on prices, terms, and conditions no less favorable than those on file with the commission.

(e) If there is a dispute over interconnection of essential facilities, [or] the purchase and sale of essential services, or the planning or provisioning of facilities or unbundled elements, one or both of the disputing parties may bring the dispute to the commission, and the commission, by order, shall resolve the dispute on an expedited basis

.(f) It is not a discriminatory pricing practice to vary prices to reflect genuine cost differences.

(2) (a) The commission shall adopt rules or issue an interim order which implements by December 31, 1996, the competitive provision of facilities-based intraLATA toll and local exchange services.

(b) The rules or interim order shall address those issues the commission determines are essential for a competing telecommunications

corporation to provide intraLATA toll and local exchange services and necessary to protect the public interest, including the interconnection with essential facilities and the purchase and sale of essential services of telecommunications corporations authorized to provide public telecommunications services in the same or overlapping service territories on a nondiscriminatory and reasonably unbundled basis.
(3) (a) By December 31, 1997, the commission shall adopt additional rules or issue a final order to implement the competitive provision of facilities–based intraLATA toll and local exchange services.
(b) The rules or final order shall address other issues relating to:
(i) competition for intraLATA toll and local exchange services;
(ii) blocking, timing of provisioning of unbundled elements, and service quality standards for interconnecting carriers;
[~~(ii)~~] (iii) the transition to a competitive market; and
[~~(iii)~~] (iv) the protection of the public interest.
(4) Nothing in this section shall require or prohibit the commission from ordering changes in dialing patterns for intraLATA toll services.
(5) If the commission, by order, approves the application of a telecommunications corporation to provide public telecommunications services in all or part of the service territory certificated to an incumbent telephone corporation before the adoption of the rules or final order described in Subsection (3), the commission may:
(a) order the interconnection of essential facilities and the purchase and sale of the essential services of a telecommunications corporation with those of a competing telecommunications corporation on such terms and conditions and to the extent necessary to allow the competing telecommunications corporation to operate under authority granted by the commission; and
(b) address and resolve, by order, other issues necessary for the competitive provision of intraLATA toll and local exchange services.
Renumber remaining sections accordingly.

4. Page 2a, Lines 19–20
Goldenrod 2–27–97:
Delete lines 19 through 20
Renumber remaining subsections accordingly.

5. Page 2a, Line 29a
Goldenrod 2–27–97:
After "CORPORATION;" delete "OR"

6. Page 2a, Line 29e
Goldenrod 2-27-97:
After "COMMISSION;" insert "or"

7. Page 2a, Line 29h
Goldenrod 2-27-97:
Delete "(III)" and insert "(E)"

8. Page 3, Line 7
Goldenrod 2-27-97:
Bracket "May" and insert "March"

9. Page 3, Line 17
Goldenrod 2-27-97:
After "(b)" delete "Exogenous factors" and insert "Factors" and after "MAY" delete "include" and insert "also include the following"

10. Page 3, Line 24a
Goldenrod 2-27-97:
After "CORPORATION;" delete "OR"

11. Page 3, Line 24e
Goldenrod 2-27-97:
After "COMMISSION;" insert "or"

12. Page 3, Line 24h
Goldenrod 2-27-97:
Delete "(C)" and insert "(vi)"

and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Steele, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Voting in the negative was: Senator
Taylor

Absent or not voting were: Senators

Evans	C. Peterson	Stephenson

Sub. S.B. 13 was returned to the House.

SECOND READING CALENDAR

Sub. H.B. 105, CIVIL RELIEF ACT, under suspension of the rules, was read the second and third times, explained by Senator Holmgren, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
M. Peterson	Poulton	Steele	Steiner
Suazo	Tanner	Taylor	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	C. Peterson	Stephenson

Sub. H.B. 105 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 277, MCGRUFF HOUSE PROGRAM, under suspension of the rules, was read the second and third times, explained by Senator Taylor, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Muhlestein	Myrin	Nielson

M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Taylor
Waddoups	Wharton	Beattie	

Absent or not voting were: Senators

Montgomery	C. Peterson

Sub. H.B. 277 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 264, AGGRAVATED ASSAULT BY A PRISONER AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Suazo, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	M. Peterson	Poulton	Steiner
Suazo	Tanner	Taylor	Waddoups
Beattie			

Absent or not voting were: Senators

C. Peterson	Steele	Stephenson	Wharton

H.B. 264 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 362, INFORMED CONSENT AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator McAllister. This bill did not have a standing committee hearing. The bill passed on the following roll call:

Yeas, 17; Nays, 7; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Evans	Hillyard	Holmgren
Howell	Hull	Jones	McAllister

Montgomery	Muhlestein	Myrin	Nielson
Poulton	Stephenson	Tanner	Waddoups
Beattie			

Voting in the negative were: Senators

Buhler	Dmitrich	Mantes	M. Peterson
Steiner	Suazo	Wharton	

Absent or not voting were: Senators

Mansell	Mayne	C. Peterson	Steele
Taylor			

Sub. H.B. 362 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 272, HEALTH FACILITY LICENSURE AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator Mantes. Senator Muhlestein 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

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steiner	Stephenson
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Mansell	Mayne	Steele	Taylor

Sub. H.B. 272, as amended, was returned to the House.

* * *

H.B. 109, ADOPTION OF CHILDREN IN DIVISION OF CHILD AND FAMILY, under suspension of the rules, was read the second and third times. Senator Myrin declared a conflict of interest.

On motion of Senator Myrin, the bill was amended as follows:

1. Page 2, Line 20
Lilac copy dated February 26, 1997:
After "federal law" insert "." and delete the remainder of line 20

2. Page 2, Lines 20a – 22
Lilac copy dated February 26, 1997:
Delete lines 20a through 22.

Senator Myrin explained the bill and it passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Taylor

H.B. 109, as amended, was returned to the House.

* * *

H.B. 411, ACCESS HIGHWAY DESIGNATION, under suspension of the rules, was read the second and third times, explained by Senator Jones, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mantes	McAllister	Montgomery
Muhlestein	Myrin	Nielson	M. Peterson
Poulton	Steiner	Stephenson	Suazo
Tanner	Waddoups	Wharton	Beattie

Absent or not voting were: Senators

Mansell	Mayne	C. Peterson	Steele
Taylor			

H.B. 411 was signed by the President of the Senate in open session and returned to the House.

* * *

Sub. H.B. 67, CHILDREN'S READING SKILLS, under suspension of the rules, was read the second time. On motion of Senator Steele, the bill was circled.

* * *

H.B. 82, PUBLIC TRANSIT DISTRICT ETHICS, under suspension of the rules, was read the second and third times, explained by Senator Mansell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steele
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Hillyard

H.B. 82 was signed by the President of the Senate in open session and returned to the House.

COMMUNICATION FROM THE HOUSE

Mr. President: March 5, 1997

The Speaker of the House has appointed a Conference Committee consisting of Representative J. Alexander, Representative M. Stephens, and Representative King to meet with a like committee from the Senate to consider or amend H.B. 175, WORKERS' COMPENSATION FUND OF UTAH, by Representative J. Alexander.

Carole E. Peterson, Chief Clerk

Communication filed.

* * *

Mr. President: March 5, 1997

The House adopted the Joint Conference Committee Report dated March 5, 1997, and passed 5th Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, by Senator D. Buhler, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communication filed.

CONFERENCE COMMITTEE REPORT

Mr. President: March 5, 1997

The Joint Conference Committee comprised of Senators Buhler, C. Peterson, and Wharton, and Representatives Harward, Bradshaw, and Becker, recommends 4th Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS, by Senator D. Buhler, be replaced and favorably recommends 5th Sub. S.B. 81, ELECTION LAW – CAMPAIGN FINANCE REPORTING REQUIREMENTS.

David Buhler, Senate Chair
Byron Harward, House Chair

Report filed. On motion of Senator Buhler, the Conference Committee report was adopted. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Suazo	Tanner	Waddoups	Wharton
Beattie			

Absent or not voting were: Senators

Hillyard	Steele	Stephenson	Taylor

5th Sub. S.B. 81 was returned to the House.

SECOND READING CALENDAR

Sub. H.B. 244, DRIVER LICENSE - SMART CARD, under suspension of the rules, was read the second and third times and explained by Senator Steele. Senator Steiner commented.

Senator Taylor moved to refer the bill for interim study. Senators M. Peterson, Steele, and Mayne commented. The motion passed on a standing vote.

* * *

On motion of Senator Steele, the circle was removed from **Sub. H.B. 67**, CHILDREN'S READING SKILLS, and it was read the second and third times, under suspension of the rules. Senator Steele explained the bill.

Senator Taylor moved amendments that failed.

The bill passed on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Hillyard	Howell
Hull	Jones	Mansell	Mantes
Mayne	McAllister	Montgomery	Muhlestein
Myrin	Nielson	M. Peterson	Steele
Steiner	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative were: Senators

Evans	Holmgren	C. Peterson	Poulton
Stephenson	Taylor		

Absent or not voting was: Senator

Buhler	Steiner

Sub. H.B. 67 was signed by the President of the Senate in open session and returned to the House.

H.B. 87, COMPUTER CRIMES AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Steele, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Howell	Hull	Jones	Mansell
Mantes	Mayne	McAllister	Montgomery
Muhlestein	Myrin	Nielson	C. Peterson
M. Peterson	Poulton	Steele	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative was: Senator
Holmgren

Absent or not voting were: Senators

Buhler	Taylor

H.B. 87 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 132, FUGITIVE BAIL AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Howell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Dmitrich	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Buhler	Steele	Taylor

H.B. 132 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 142, ESCAPE AND ABSCONDING AMENDMENTS, under suspension of the rules, was read the second and third times and explained by

Senator Waddoups. Senator Evans declared a conflict of interest. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Steele

H.B. 142 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 291, CIVIL DEFENSE COMPACT, under suspension of the rules, was read the second and third times, explained by Senator Jones, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Voting in the negative was: Senator
Poulton

Absent or not voting were: Senators
Steele Taylor

H.B. 291 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 330, DEPUTY SHERIFFS – MERIT SYSTEM COMMISSION AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator Suazo. This bill did not have a standing committee hearing.The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Stephenson	Suazo	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Steele	Tanner	Taylor

H.B. 330 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 342, GANG PREVENTION AND INTERVENTION, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Evans	Hillyard
Holmgren	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Dmitrich	Steele	Taylor

H.B. 342 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 408, NEW MUNICIPALITY FUNDING AMENDMENTS, under suspension of the rules, was read the second and third times and explained by Senator Waddoups. Senator Jones commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Howell	Hull	Jones
Mansell	Mantes	Mayne	McAllister
Montgomery	Muhlestein	Myrin	Nielson
C. Peterson	M. Peterson	Poulton	Steiner
Stephenson	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators

Holmgren	Steele	Taylor

H.B. 408 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 99, REQUIREMENTS OF STATUTORILY REQUIRED REPORTS AND NOTICES, under suspension of the rules, was read the second and third times and explained by Senator Steiner. This bill did not have a standing committee hearing. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steiner	Suazo	Tanner	Waddoups
Wharton	Beattie		

Absent or not voting were: Senators
Steele Stephenson Taylor

H.B. 99 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, and at 11:15 p.m., the Senate recessed.

The Senate reassembled at 11:20 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House passed Sub. S.B. 70, EMINENT DOMAIN VALUATION, by Senator P. Suazo, with the following amendments:

1. Page 1, Line 12:
   Goldenrod copy February 24, 1997:
   After "FROM MEDIATION;" insert "PROVIDING AN EFFECTIVE DATE;"

2. Page 2, Lines 10a – 10e:
   Goldenrod February 25, 1997:
   Delete Lines 10a through 10e

3. Page 3, Line 11:
   Goldenrod copy February 24, 1997:
   After line 11, insert:
   "Section 3. Effective date.
   This act takes effect on May 4, 1998."

and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Suazo, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull

Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator Stephenson

Sub. S.B. 70 was returned to the House.

* * *

Mr. President: March 5, 1997

The House passed Sub. S.B. 197, JUDICIAL NOMINATING COMMISSION AMENDMENT, by Senator C. Taylor, with the following amendments:

1. Page 6, Line 23:
   Reinstate all of line 23.

2. Page 6, Line 31:
   Delete all of line 31.

3. Page 7, Line 1:
   Delete all of line 1, and renumber Subsections accordingly.

4. Page 8, Line 9 – 12:
   Delete Lines 9 – 12, and insert:
   "This act takes effect on July 1, 1998."

and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Taylor, the Senate voted to concur in the House amendments. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin

Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Stephenson	Suazo
Tanner	Taylor	Waddoups	Wharton
Beattie			

Absent or not voting was: Senator
Hull Suazo

Sub. S.B. 197 was returned to the House.

* * *

Mr. President: March 5, 1997

The House requests the return of S.B. 251, UNIFORM FEES ON TANGIBLE PERSONAL PROPERTY, by Senator C. Peterson, for reconsideration.

Carole E. Peterson, Chief Clerk

Communication filed. On motion of Senator Hillyard, S.B. 251 was returned to the House.

CONFERENCE COMMITTEE REPORT

Mr. President: March 5, 1997

The Joint Conference Committee comprised of Senator Steele and Representative Alexander recommends H.B. 175, WORKERS' COMPENSATION FUND OF UTAH, by Representative J. Alexander, be amended as follows:

1. Page 2a, Line 14:
   Goldenrod 3–5–97:
   Amend Item 6 to insert "(a)" before "Subject"

2. Page 2a, Line 19d:
   Lilac 2–14–97:
   After line 19d insert:
   "(b) A subsidiary of the Workers' Compensation Fund of Utah may offer workers' compensation insurance coverage only in a state other than Utah."

David H. Steele, Senate Chair
John Valentine, House Chair

Report filed. Senator Poulton commented. On motion of Senator Steele, the Conference Committee Report was adopted. The bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Buhler	Dmitrich	Evans	Howell
Hull	Jones	Mansell	Mayne
McAllister	Montgomery	Muhlestein	Nielson
C. Peterson	M. Peterson	Steele	Steiner
Suazo	Waddoups	Wharton	Beattie

Voting in the negative were: Senators

Blackham	Hillyard	Holmgren	Mantes
Myrin	Poulton	Tanner	Taylor

Absent or not voting was: Senator
Stephenson

H.B. 175 was returned to the House.

SECOND READING CALENDAR

Sub. H.B. 293, MAGISTRATE AUTHORITY, under suspension of the rules, was read the second and third times, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Stephenson

Sub. H.B. 293 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 348, SEX OFFENDER NOTIFICATION AMENDMENTS, under suspension of the rules, was read the second and third times, explained by Senator Howell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Blackham	Buhler	Dmitrich	Evans
Hillyard	Holmgren	Howell	Hull
Jones	Mansell	Mantes	Mayne
McAllister	Montgomery	Muhlestein	Myrin
Nielson	C. Peterson	M. Peterson	Poulton
Steele	Steiner	Suazo	Tanner
Taylor	Waddoups	Wharton	Beattie

Absent or not voting was: Senator
Stephenson

H.B. 348 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator C. Peterson, the circle was removed from Sub. S.B. 58. The remaining bills on the Second Reading Calendar were returned to the Secretary of the Senate.

* * *

On motion of Senator C. Peterson, S.B. 130 was lifted from Second Reading Table and returned to the Secretary of the Senate.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 1997

The House passed, S.B. 251, UNIFORM FEES ON TANGIBLE PERSONAL PROPERTY, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 251 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 1997

The House adopted the Joint Conference Committee Report dated March 5, 1997 and passed H.B. 175, WORKERS' COMPENSATION FUND OF UTAH, by

Representative J. Alexander, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 175 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: March 10, 1997

The House concurred in the Senate amendments and passed H.B. 109, ADOPTION OF CHILDREN IN DIVISION OF CHILD AND FAMILY SERVICES CUSTODY, by Representative N. Stephens, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed Sub. H.B. 272, HEALTH FACILITY LICENSURE AMENDMENTS, by Representative M. Carlson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed Sub. H.B. 6, SURVIVING SPOUSE PENSION, by Representative O. Carnahan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 17, COUNTERFEIT FINANCIAL TRANSACTION CARD AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.J.R. 17, RESOLUTION REGARDING FUTURE OPERATION AND DEVELOPMENT OF THIS IS THE PLACE STATE PARK, by Representative J. Tanner, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 305, EASEMENT FOR DITCHES, 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. 107, COUNSEL FOR INDIGENT DEFENDANTS, by Representative T. Hatch, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 56, PRIVATE ACTIVITY BONDING, by Representative R. Becker, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 404**, ENVIRONMENTAL QUALITY CODE AMENDMENTS, by Representative E. Anderson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **Sub. H.B. 414**, REGISTRATION FEE ON VEHICLES, by Representative J. Valentine, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 222**, POWERS OF THE DEPARTMENT OF WORKFORCE SERVICES, by Representative G. Adair, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 52**, PROHIBITION OF CONTRABAND IN A CORRECTIONAL FACILITY, by Representative S. Koehn, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 109, Sub. H.B. 272, Sub. H.B. 6, H.B. 17, H.J.R. 17, H.B. 305, H.B. 107, H.B. 56, H.B. 404, Sub. H.B. 414, H.B. 222, and H.B. 52 were signed by the President of the Senate and returned to the House.

* * *

Mr. President: March 5, 1997

The House passed, **Sub. S.B. 253**, SALES TAX REDUCTION, FUEL TAXES, AND REPEAL OF ENVIRONMENTAL SURCHARGE ON PETROLEUM, by Senator L.McAllister, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 167**, EXECUTIVE COMPENSATION, by Senator C. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 243**, BONDS FOR HIGHWAY FUNDING, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 60**, OPEN ENROLLMENT AMENDMENTS, by Senator G. Mantes, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 188**, INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR, by Senator S. Howell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 180, MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS, by Senator J. Holmgren, and it is transmitted for the signature of the President; and

The House passed, S.B. 194, SUBSTANCE ABUSE COUNSELOR LICENSURE AMENDMENTS, by Senator R. Montgomery, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 11, OLYMPIC FACILITIES REPAYMENT RESOLUTION, by Senator A. Myrin, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 174, MEDICAL ASSISTANCE ACT - SPOUSAL IMPOVERISHMENT, by Senator S. Howell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 171, HOMEOWNER'S INSURANCE, 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. 151, BEAR RIVER DEVELOPMENT ACT AMENDMENTS, by Senator J. Holmgren, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 51, MEDICAL ADVISORY BOARD WAIVERS, 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, 2nd Sub. S.B. 55, PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS, 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. 239, AMENDMENTS TO ETHICS LAW, by Senator D. Buhler, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 137, SPECIAL EDUCATION DISPUTE RESOLUTION, by Senator D. Steele, 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 Sub. S.B. 197, JUDICIAL NOMINATING COMMISSION AMENDMENT, by Senator C. Taylor, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 5th Sub. S.B. 81, ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS, by Senator D. Buhler, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 49, SECOND HAND SMOKE AMENDMENTS, by Senator L. Beattie, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 247, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. McAllister, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 13, TELECOMMUNICATION AMENDMENTS, by Senator D. Steele, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 70, EMINENT DOMAIN VALUATION, by Senator P. Suazo, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.J.R. 10, RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.J.R. 12, RESOLUTION ON OZONE AND PARTICULATE MATTER, by Senator M. Dmitrich, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 14, OUTDOOR ADVERTISING AMENDMENTS, by Senator L. Mansell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed Sub. S.B. 175, STATE TRANSPORTATION INFRASTRUCTURE BANK, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, Sub. S.B. 252, COLLECTION OF FUEL TAX, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Sub. S.B. 253, S.B. 167, S.B. 243, 2nd Sub. S.B. 60, S.B. 188, S.B. 180, S.B. 194, S.J.R. 11, S.B. 174, S.B. 171, S.B. 151, S.B. 51, 2nd Sub. S.B. 55, S.B. 239,

S.B. 137, Sub. S.B. 197, 5th Sub. S.B. 81, 3rd Sub. S.B. 49, Sub. S.B. 247, Sub. S.B. 13, Sub. S.B. 70, S.J.R. 10, S.J.R. 12, 3rd Sub. S.B. 14, Sub. S.B. 175, and Sub. S.B. 252 were signed by the President of the Senate. The bills will be enrolled and transmitted to the Governor.

SENATE STRUCK ENACTING CLAUSE (HOUSE BILLS AND RESOLUTIONS)

Mr. Speaker: March 5, 1997

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

H.B. 13	Child Support Reduction for Extended Visitation
H.B. 15	Transit District Authority
H.B. 63	Appropriation for Olene Walker Housing Trust Fund
Sub. H.B. 65	Driving Under The Influence Amendments
Sub. H.B. 75	Amendments To Statute Of Limitations
H.B. 77	Outside Employment for Mental Health Advisor
Sub. H.B. 79	Child Custody And Visitation Amendments
H.B. 86	Raw Milk Marketing Amendments
H.B. 89	Appropriations For Bridgerland Ice Sheet
Sub. H.B. 91	Cohabitant Abuse Act Amendments
H.B. 95	Notaries Public Revision
H.B. 97	Continuing Education Requirements For Insurance Professionals
H.B. 103	Dual Enrollment Amendments
H.B. 108	Mineral Lease Account Amendments
H.B. 112	Preplacement And Postplacement Adoptive Evaluations
H.B. 119	Oil and Gas Royalty Amendments
H.B. 123	Public Safety Firefighter Death Benefits
H.B. 125	Natural Gas Technician Certification Act
H.B. 144	Revising Term Limits
H.B. 145	Mining Reclamation Amendments
H.B. 146	Commercial Tenant – Notice Of Unlawful Detainer
H.B. 149	Manufacturing or Possession of Instrument for Theft or Burglary Amendments
H.B. 158	Transportation of Students by School Districts
H.B. 159	Child Support Alternative Dispute Resolution And Order Modification Task Force
H.B. 172	Children and Youth Task Force Reauthorization
H.B. 179	County Human Services Program Amendments
H.B. 194	Education Assessment Program
H.B. 195	Firefighters' Noncontributory Retirement System

Sub. H.B. 240	Utah Statehood Centennial Capstone
H.B. 241	Salary Increases for Government Officials
Sub. H.B. 253	Assaulting A Peace Officer
H.B. 254	Longevity Amendments For State Employees
H.B. 261	Higher Education Presidential Authority
H.B. 274	Foster Parent Director
Sub. H.B. 336	Bail Reform
H.B. 337	Firearm Permits For Retired Law Enforcement Personnel
H.B. 343	Offender Expenses Amendments
H.B. 350	Grant Application And Approval Process
H.B. 368	Private Investigator Regulation Act Amendments
H.B. 393	Display Of License Plates For Trucks And Trailers
H.B. 399	Public Safety Noncontributory Retirement – Conversion Window
H.C.R. 7	Resolution Calling For State's Amendments To Federal Constitution
H.C.R. 9	Resolution Supporting Increase Of Private Activity Bonding Cap
Sub. H.J.R. 9	Sundance Wilderness Area Resolution

Annette B. Moore, Secretary of the Senate

Communication filed.

HOUSE STRUCK ENACTING CLAUSE (SENATE BILLS AND RESOLUTIONS)

Mr. Speaker: March 5, 1997

I am directed to inform the Utah State Senate that the House Rules Committee has struck the enacting clause on the following Senate Bills and Resolutions:

S.B. 5	Creating a Public School District
Sub. S.B. 6	Municipal And County Land Use Development And Management
S.B. 11	Workers' Compensation – Exemption for Agricultural Workers
S.B. 22	Budget Review Task Force
S.B. 66	Attempted Purchase Of Tobacco By Children
S.B. 76	Extracurricular Activities
S.B. 120	Amendments to Divorce Requirements
S.B. 145	Pedestrian Overpass Appropriation
S.B. 149	Chiropractic Practice Amendments
2nd Sub. S.B. 173	County And District Attorneys
S.B. 179	Offenders – Income Withholding

S.B. 191	Class Size Reduction Options
S.B. 192	Values-oriented Treatment Program
S.B. 215	Low Income Housing Tax Credit
3rd Sub. S.B. 218	Government Relationship To Olympic Events
S.B. 222	Appropriation For Purchase Of Property Adjacent To Dixie College
S.B. 224	Land Use, Transportation, And Air Quality Task Force Reauthorization
2nd Sub. S.B. 237	Tax Rebates To Promote Hotel Development
S.B. 241	Reporting Elected Official Funds
Sub. S.B. 244	Public Nudity Prohibition
S.B. 246	Parental Responsibility For Wrongful Conduct of Child
S.C.R. 1	Resolution Integrating Utah Tomorrow Principles
S.C.R. 2	Utah Tomorrow Resolution

J.W. (Bill) Hickman, Chair

Communication filed.

SENATE STRUCK ENACTING CLAUSE (SENATE BILLS AND RESOLUTIONS)

Mr. President: March 5, 1997

The President recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 8	APPROPRIATION FOR SOUND BARRIERS
S.B. 19	PRIORITIZATION OF CHILD SUPPORT COLLECTIONS
S.B. 27	DANGEROUS WEAPONS – RESTRICTIONS
S.B. 30	ACCOUNTABILITY AND OVERSIGHT OF UTAH TRANSIT AUTHORITY
S.B. 37	AMENDMENTS TO WORKERS' COMPENSATION
S.B. 38	DANGEROUS WEAPONS AT CHILD-CENTERED SCHOOLS AND FACILITIES
S.B. 39	PRIVATE PROPERTY OWNERS' RIGHT TO PROHIBIT DANGEROUS WEAPONS
S.B. 42	JUVENILE CURFEW
S.B. 44	MOTOR VEHICLE INSURANCE – TRANSFER OF AGENT
S.B. 45	AIR QUALITY BOARD POWERS
S.B. 47	TAX INCENTIVES FOR CLEAN FUELS
2nd Sub. S.B. 53	REDEVELOPMENT AGENCY AMENDMENTS
Sub. S.B. 58	LABOR ORGANIZATION DEDUCTIONS
S.B. 59	WINERY LICENSES AMENDMENTS

Sub. S.B. 61	INCOME TAX – EDUCATION TAX CREDIT
S.B. 62	DIVISION OF WILDLIFE – MANAGEMENT OF LANDS
S.B. 63	UNLAWFUL SEXUAL CONDUCT RELATING TO MINORS
Sub. S.B. 65	PROPERTY TAX EXEMPTION FEE
S.B. 67	INCOME TAX – PERSONAL EXEMPTION INCREASE
S.B. 68	SCHOOL TRUST LANDS MODIFICATIONS
S.B. 97	COSTS FOR UNLAWFUL SUBDIVISION OF LAND
S.B. 99	COUNTY PLANNING AMENDMENTS
S.B. 106	CLASS B AND C ROAD BID LIMIT
S.B. 108	PUBLIC SAFETY RETIREMENT COST OF LIVING ADJUSTMENT
S.B. 109	LABOR – WORKING CONDITIONS
S.B. 111	HANDGUN PURCHASE REQUIREMENTS
S.B. 130	NONCONTRIBUTORY RETIREMENT SYSTEM FOR FIREFIGHTERS
S.B. 131	AFFORDABLE HOUSING AMENDMENTS
S.B. 156	EMINENT DOMAIN AMENDMENTS
Sub. S.B. 157	BEER INDUSTRY FAIR DEALING ACT
S.B. 158	ADULT HIGH SCHOOL COMPLETION AMENDMENTS
S.B. 160	BEER LICENSE AMENDMENTS
S.B. 168	PROPERTY TAX RESIDENTIAL EXEMPTION
Sub. S.B. 169	OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS
S.B. 170	COAL MINING RECLAMATION – INSURANCE POOL
S.B. 172	UTAH TRANSIT AUTHORITY BUDGET APPROVAL
S.B. 176	UTAH AUTOMOTIVE REPAIR ACT
S.B. 177	INCOME TAX – RESEARCH AND DEVELOPMENT CREDIT
S.B. 178	PENALTIES FOR SALE OF TOBACCO TO YOUTH
S.B. 181	INSURANCE – MENTAL HEALTH
S.B. 183	REVISED UNIFORM PARTNERSHIP AND LIMITED LIABILITY PARTNERSHIP ACT
S.B. 185	APPROPRIATION FOR SECURE YOUTH FACILITIES
S.B. 187	SERVICES FOR LEGAL ALIENS
S.B. 189	APPROPRIATION FOR WILDLAND FIRE SUPPRESSION

S.B. 193	GOVERNMENT CUSTOMER SATISFACTION SURVEY
S.B. 199	IMMUNITY FOR VOLUNTEERS
S.B. 205	UNIFORM GIFT TO MINORS ACT AMENDMENTS
S.B. 206	SHELTER ADOPTED ANIMALS – PET NEUTERING
S.B. 209	STATE PAY PLAN REVISIONS
S.B. 212	SALES AND USE TAX REVISION
S.B. 213	COURT COLLECTIONS
S.B. 216	BUSINESS LICENSE FEE AND MUNICIPAL TAXING AUTHORITY
S.B. 220	TRAIL ENHANCEMENTS
S.B. 225	WASTE MANAGEMENT FACILITY
S.B. 226	DISCLOSURE REQUIRED IN SALE OF HEALTH MAINTENANCE ORGANIZATION PRODUCTS TO SENIOR CITIZENS
S.B. 227	CIGARETTE TAX
S.B. 228	PROCUREMENT CODE REQUIREMENT OF HEALTH CARE BENEFITS FOR CONTRACTORS
S.B. 230	LOCAL GOVERNMENT FUNDING OPTIONS
S.B. 231	WILDLAND FIRE SUPPRESSION AMENDMENTS
S.B. 232	DELAY AND USE OF TAX BREAKS
S.B. 233	EMPLOYMENT RELATIONSHIPS IN FILM INDUSTRY
S.B. 234	EMPLOYMENT OF UTAH WORKERS
S.B. 235	ATTORNEY GENERAL POWERS – CONTINGENT FEE ARRANGEMENTS
S.B. 238	INDEPENDENT HEARING OFFICERS FOR TEACHERS
S.B. 242	CAMPAIGN FINANCE REFORM AMENDMENT
S.B. 245	REGULATION OF OCTANE RATING ON GAS
S.B. 248	CHANGES TO ENVIRONMENTAL LAW
S.B. 254	USE OF MOTOR FUEL TAX
S.J.R. 6	RESOLUTION ON USE OF FORT DOUGLAS AREA
S.J.R. 8	JOINT RULES RESOLUTION – FISCAL PRIORITIZATION
S.J.R. 13	RETIREMENT CONVERSION AND CREDIT RESOLUTION

Lane Beattie, Senate President

Report filed.

* * *

President Beattie appointed Senators Hull, Steele, and Nielson to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Beattie appointed Senators Mansell, Jones, and Suazo to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Representatives Seitz, Davis, and Bigelow notified the Senate that the House of Representatives has concluded its business and is ready to adjourn sine die.

On motion of Senator Montgomery, the Senate voted to give each member of the Senate staff an additional two days (16 hours) compensation at the rate of compensation established for each employee.

On motion of Senator C. Peterson, the enacting clause was stricken on all House Bills and Resolutions remaining with the Secretary of the Senate.

On motion of Senator C. Peterson, the enacting clause was stricken on all Senate Bills.

On motion of Senator C. Peterson, Governor Michael O. Leavitt spoke in Committe of the Whole.

On motion of Senator C. Peterson and at 11:45 p.m., the 1997 General Session of the 52nd Legislature adjourned sine die.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: March 21, 1997

This is to inform you that on March 21, 1997, I have allowed H.B. 363, MUNICIPAL AND COUNTY LAW AMENDMENTS, to become law without my signature, and have transmitted it to the Lieutenant Governor for filing.

It is my understanding that the issues of annexations and townships will continue to be studied by a legislative interim committee. There are two primary reasons for not signing this bill, and I ask that these issues be included in the interim study. First, citizens voted overwhelmingly for some townships to be created, yet this citizen act is nullified by the bill. Since the legislature has such authority, I will not veto the bill, but recommend that in any future resolution of this issue the past efforts of those who created the townships be recognized and given formal standing. Second, the bill provides some good guidelines in the way annexation occurs in the future but may be weighted too heavily in favor of

acreage owned rather than in favor of residents. I recommend that in any future resolution of this issue those acreage requirements be reviewed for equity and adequacy; and

This is to inform you that on March 21, 1997, I have allowed H.B. 369, HIGHER EDUCATION SUPPLEMENTAL SAVINGS INCENTIVE PROGRAM, to become law without my signature, and have transmitted it to the Lieutenant Governor for filing.

House Bill 369 permits the creation of an educational savings trust to encourage investment in a public trust to pay for future educational costs for individuals who participate. While this is a laudable goal, federal rule requires that a state (or other government entity) must be the trustee for any such trust. When an investment instrument is marketed under the name of the trust, the inherent risks associated with any such investment will inure to the state (or other government entity) as trustee. Thus, taxpayer dollars could ultimately be at risk. I will ask the Board of Regents to consult with me and perform other appropriate due diligence before any such trust is created or any such investment occurs; and

This is to inform you that on March 21, 1997, I have allowed S.B. 2, 1997 BONDING AND DEBT FINANCING AUTHORIZATION, to become law without my signature, and have transmitted it to the Lieutenant Governor for filing.

I am supportive of a solid and continuing capital building program. However, I am concerned about the higher education facilities authorized in this bill.

It has been my plan to recommend higher education capital development projects in the following order: first, Gardner Hall; second, Widtsoe Hall, and third the SUU Physical Education building. This bill funds both Gardner and Widtsoe Halls and also the design of the SUU Physical Education building.

As I have previously made known, my annual recommendations for higher education will be in the $20 to $25 million range. I would expect to recommend the SUU Physical Education building construction next year.

This bill also authorizes $1,165,000 for the design of the High Tech Education Center building at the Salt Lake Community College 90th South Campus. I do not believe a full scale secondary campus of Salt Lake Community College has been fully evaluated in light of the changing and advancing role of technologically delivered courses. Embarking on this capital development is an open question and needs further evaluation. I would like it known that until that evaluation has occurred, I cannot support the construction of the new campus. I believe it is both

bad policy and improper planning to design buildings before it is certain that construction should proceed; and

This is to inform you that on March 21, 1997, I have allowed S.B. 9, PAROLEE AND PROBATIONERS EDUCATION REQUIREMENTS, to become law without my signature, and have transmitted it to the Lieutenant Governor for filing.

While it is always appropriate to motivate prisoners to obtain adequate education and training, I believe that it is not appropriate to require graduation or completion of high school class work. The purpose of education and training is to give instances, other learned skills may provide more value upon release than a high school graduation certificate. Although there is a provision in the bill that "other justified course(s)" may eliminate the need for a graduation diploma, this becomes rather subjective in application. I believe the Board of Pardons can properly deal with this matter without placing these requirements in statute.

The Department of Corrections should continue to provide education and training alternatives and encourage maximum participation; and

This is to inform you that on March 21, 1997, I have allowed S.B. 210, GROWTH IMPACT HIGHWAYS, to become law without my signature, and have transmitted it to the Lieutenant Governor for filing.

I have not signed S.B. 210 because I believe that while the funding of such a road may be in the best interests of the state, by allowing such targeted funding for a single highway sets a bad precedent in light of our recent funding of a 10-year, statewide highway reconstruction plan. I believe one must work diligently to avoid setting precedents on the items to be considered by the Transportation Commission on setting their transportation priorities; and

This is to inform you that on March 21, 1997, I have vetoed H.B. 7, TUITION WAIVER AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

The bill doubles the number of non-resident students to receive tuition scholarships from 200 to 400. There is no requirement for reciprocity from other states to match this increase. Therefore, this increase will be provided at the expense of resident students; and

This is to inform you that on March 21, 1997, I have vetoed H.B. 382, PERSONNEL MANAGEMENT ACT AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

House Bill 382 contains a provision whereby the Governor may offer a Governor's Silver Service Award but no funding was provided and no purpose was stated for such award.

Secondly, H.B. 382 provides a change in the amount of sick leave which can be transferred to converted sick leave. The fiscal impact of this and the benefits to be derived from this need further study before this feature should be implemented; and

This is to inform you that on March 21, 1997, I have vetoed H.B. 385, UTAH STATE CAPITOL PRESERVATION BOARD, and have transmitted it to the Lieutenant Governor for filing.

This bill creates a State Capitol Preservation Board to have jurisdiction over the Capitol and the surrounding buildings and property. I agree in principle with what the sponsor of the bill attempted to do – preserve the historical and functional nature of our beautiful Capitol and grounds; provide a mechanism for orderly remodel and expansion as necessary; and provide a long-term plan for the ultimate use of the Capitol area. To that end, and as I mentioned to the Speaker during the session, I am prepared to proceed administratively in conjunction with the Legislative Branch to produce and implement a plan encompassing these principles. Then, over the course of the coming year, as we evaluate what we can accomplish together under such a plan, I would like to work with legislative leaders to write a bill for adoption next year that encompasses the plan.

There are two problems with the existing bill: First, it alters the long-standing checks and balances of decision making currently existing between the Executive Branch and Legislative Branch who occupy the principal space in the Capitol. Second, this bill ignores the minority party in any deliberations of this governing board. This board must serve the needs of both branches and both parties over a long period of time and should encompass that decisions over the Capitol be made by consensus. I am certain that we can develop a bipartisan and co-branch mechanism where this can be accomplished; and

This is to inform you that on March 21, 1997, I have vetoed H.B. 404, ENVIRONMENTAL QUALITY CODE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

Two years ago, the Legislature created a committee to help resolve disputes between counties over municipal landfill sitings. This committee was given the authority to hold hearing and conduct inquiries regarding the siting issues. The committee was required to report to the Legislature the results of its work and any recommendations it may have. Hence, it was established as an advisory

committee only. This bill goes one step further by providing that any final written recommendation of the committee for municipal landfill siting constitutes approval in lieu of local government approval. I believe that this may violate Article VI, Section 28 of the Utah Constitution which reads:

> "The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise, or interfere with any municipal improvement, money, property or effects . . . or to perform any municipal functions."

While I am sympathetic to the need to resolve this difficult siting issue, I believe that this bill is not appropriate way to do so; and

This is to inform you that on March 21, 1997, I have vetoed S.B. 40, STATE SCHOOL BOARD ELECTION PROCEDURES, and have transmitted it to the Lieutenant Governor for filing.

The current state board selection process was the product of several months' effort by a legislative task force. It has resulted in board candidates who have the best interests of children in mind. It has also resulted in broader representation from the business community and others seeking to improve our public education community and others seeking to improve our public education system. I believe that the current process has improved the state board system, and I see no compelling reason to change that process; and

This is to inform you that on March 21, 1997, I have vetoed S.B. 70, EMINENT DOMAIN VALUATION, and have transmitted it to the Lieutenant Governor for filing.

There are many aspects of this bill that should be considered. Eminent domain is a power that government should use sparingly. And, when it is used, it should be used with as many protections for the private property owner as possible. However, when the people's business must be done, eminent domain should be done without undue restrictions.

I am asking for two actions. First, I am directing the Department of Transportation to draft formal procedures to provide a mechanism for those citizens affected by statewide transportation reconstruction. Secondly, I am instructing the new private property ombudsman created in House Bill 64, Private Property Protection Act Amendments, to take a major role in assisting citizens who are subject to eminent domain proceedings. Under House Bill 64, citizens harmed by "takings actions" can seek information, obtain advice about their rights, and seek redress through mediation; and

This is to inform you that on March 21, 1997, I vetoed the following items of appropriation in S.B. 247, SUPPLEMENTAL APPROPRIATIONS ACT II, and have transmitted the bill to the Lieutenant Governor for filing.

Item 81 To State Board of Regents – Administration
It is the intent of the Legislature that in order to make available the same health insurance programs to higher education institutions that are currently available to state government employees, each institution shall offer the health insurance program under Chapter 8, Title 49 as an option to its employees. It is expected that institutions presently in multi–year contracts which restrict them to using one provider will not implement this provision until completion of those contracts.

This item states an intent to make Public Employees Health Plan (PEHP) insurance available to higher education institutions. PEHP insurance is currently available to higher education institutions on a bid basis. The implication of the intent statement is that PEHP would be offered to employees even if other insurance is more affordable. This provision could make contract bidding for health insurance more costly and less efficient that the current system which makes PEHP an available option.

Item 92 To Department of Natural Resources – Division of Oil, Gad, and Mining

From General Fund	(4,000)	
From Bond and Surety Forfeiture Trust Fund		4,000

This item is unnecessary for the implementation of Substitute House Bill 265 and mistakenly reduces the General Fund appropriation to the Division of Oil, Gas, and Mining by $4,000.

The following two items are appropriations that are made contingent upon available surpluses at the end of fiscal year 1997. Surplus funds are uncertain and should not be committed before they are confirmed.

Item 96 To Department of Natural Resources – Division of Water Resources – Conservation and Development Fund

It is the intent of the Legislature that, after allocating all contingent appropriations or designations required by statute, all unrestricted, undesignated, and unencumbered surplus General Funds remaining, up to a total cost of $3,000,000, is appropriated to the Division of Water Resources – Conservation and Development

Fund for payment of the State of Utah's contribution into the Utah Reclamation Mitigation and Conservation Account. This funding would replace the current appropriation up to $3,000,000 from the Water Resources – Conservation and Development Fund. This item shall have first priority on the General Fund Surplus over any other contingent appropriation.

This line item veto keeps CUP funding intact from the Water Resources Conservation and Development Fund.

Item 113 To Department of Administrative Services – Division of Finance Administration

It is the intent of the Legislature that the Children's Special Health Care Needs Clinic intent language in Item 24, Senate Bill 1, 1997 General Session is superseded by the following intent language:

It is the intent of the Legislature that after allocating all contingent appropriations or designations required by statute for Fiscal year 1997, all remaining unrestricted, undesignated, and unencumbered surplus remaining in the General Fund is appropriated in the following priorities:

(1) Division of Facilities Construction and Management – Design of Children's Special Health Care Needs Clinic – $629,900.

(2) Fifty percent of any excess General Funds, above $10,000,000, goes to the Centennial Highway Trust.

The Children's Special Health Care Needs Clinic item is a duplicate.

With respect to the Centennial Highway Trust Fund contingent appropriation, a clear funding plan has been set forth for the next 10 years. At the time surplus funds are determined, the decision can be made to use them for highway or other needs.

Michael O. Leavitt, Governor

Communications filed.

* * *

Mr. President: March 22, 1997

This is to inform you that on March 21, 1997, I vetoed H.B. 42, JUVENILE COURT HEARINGS AND RECORDS.

Historically, in Utah, the juvenile court system has remained confidential with certain exceptions. That policy has served the citizens of Utah well. This bill

lowers the age from 16 years of age to 14 years of age for opening hearings and records even in circumstances when the minor has only been charged with an offense but not convicted.

I agree that the age for public access to records should be lowered under certain circumstances. I will work with the Legislature to identify those circumstances. For example, the public should have access to records if a minor under 16 years of age commits a serious crime. That disclosure should occur upon adjudication. There are occasions when this should occur upon adjudication. There are occasions when this should occur automatically and other occasions when it should be left to judicial discretion.

Public access to hearings should be dealt with on the same basis.

It appears that a more narrow approach would be in the best interest of all entities and individuals affected.

Michael O. Leavitt, Governor

Communication filed.

SUMMARY OF LEGISLATION

1997 GENERAL SESSION

	House	Senate	Total
Bills Introduced	414	254	668
Bills Passed	243	157	400
Bills Vetoed	4	2	6
Line Items Vetoed	0	4	4
Total Bills Enacted	**239**	**155**	**394**
Joint Resolutions Introduced	23	14	37
Concurrent Resolutions Introduced	10	4	14
House & Senate Resolutions Introduced	9	3	12
Total Resolutions Introduced	**42**	**21**	**63**
Joint Resolutions Passed	12	11	23
Concurrent Resolutions Passed	7	2	9
House & Senate Resolutions Passed	6	3	9
Total Resolutions Passed	**25**	**16**	**41**

1991–1997 GENERAL SESSIONS

	1991	1992	1993	1994	1995	1996	1997
Bills Introduced	691	716	754	810	760	797	668
Bills Passed	304	312	317	330	361	386	441
Bills Vetoed	9	5	7	4	6	5	6
Vetos Overridden	0	1	0	0	0		
Joint Resolutions Introduced	55	54	58	44	34	45	37
Joint Resolutions Passed	33	24	8	9	20	17	23
Concurrent Resolutions Introduced	53	41	30	27	20	15	14
Concurrent Resolutions Passed	49	34	15	12	15	11	9
House & Senate Resolutions Introduced	9	12	9	8	7	7	12
House & Senate Resolutions Passed	7	10	5	5	7	5	9

Summary of Actions on Legislation

1997 General Session

	House	*Senate*	*Total*
Total Bills and Resolutions Introduced	456	275	731
Total Bills and Resolutions Passed	268	173	441
Total Bills and Resolutions Enacted	264	171	435
Bills Introduced	414	254	668
Bills Passed	243	157	400
Bills Vetoed	4	2	6
Line Items Vetoed	0	4	4*
Total Bills Enacted	**239**	**155**	**394**
*S.B. 247, Line Items 81, 92, 96, 113.			
Joint Resolutions Introduced	23	14	37
Concurrent Resolutions Introduced	10	4	14
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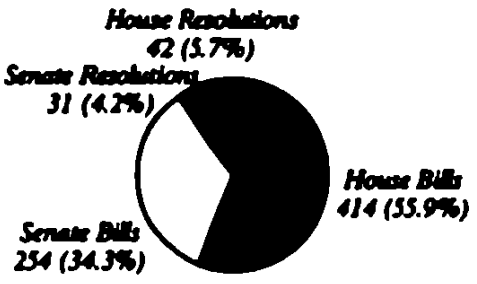
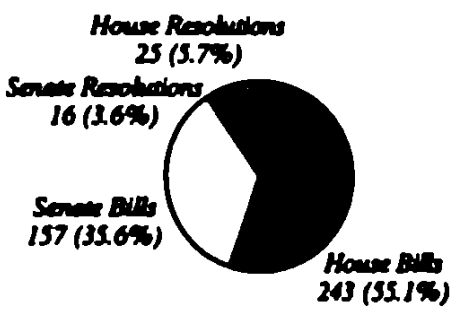
Introduced



Passed



SUBJECT INDEX

ALL SENATE AND HOUSE BILLS

AND RESOLUTIONS

(P) – Passed & (F) – Failed

1997 GENERAL SESSION

FIFTY–SECOND LEGISLATURE

January 20 through March 5, 1997

SUBJECT INDEX TITLES

ABORTION
ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS
ADMINISTRATIVE RULES AND PROCEDURES
ADMINISTRATIVE SERVICES
ADOPTION
AGRICULTURE
AIDS
AIR
AIRPORTS
ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGES
AMENDMENT AND REVISION - CONSTITUTION
ANTIDISCRIMINATION
APPRENTICE
APPROPRIATIONS
ARTS
ATTORNEYS
BANKRUPTCY
BENEFITS/CLAIMS
BICYCLES
BOARD OF PARDONS AND PAROLE
BOATING
BOILERS
BONDS
BOXCAR LEGISLATION
BUDGETING
BUILDING CODES
BUSINESS
BUSINESS DEVELOPMENT
CAPITAL PUNISHMENT
CAPITOL BUILDING
CENTENNIAL
CHARITIES
CHILD RESTRAINTS
CHILD SUPPORT
CHILDREN
CITIES AND TOWNS
CLEAN FUELS

CODE OF CRIMINAL PROCEDURE
COMMERCE AND TRADE
COMMERCIAL DRIVER LICENSE (CDL)
COMMITTEES, LEGISLATIVE
COMMUNITY DEVELOPMENT
CONSTITUTION
CONSTRUCTION INDUSTRIES
CONSUMER PROTECTION
CONTRACTS
CONTROLLED SUBSTANCES
CORPORATE TAX
CORPORATIONS
CORRECTIONS
COUNTIES
COUNTIES, CITIES, AND TOWNS - CONSTITUTION
COURTS
CREDIT
CRIMINAL CODE
CRIMINAL CONDUCT
CRIMINAL IDENTIFICATION
DAY CARE
DAY CARE LICENSING
DEPARTMENT OF ADMINISTRATIVE SERVICES
DEPARTMENT OF AGRICULTURE
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT OF CORRECTIONS
DEPARTMENT OF ENVIRONMENTAL QUALITY
DEPARTMENT OF FINANCIAL INSTITUTIONS
DEPARTMENT OF HEALTH
DEPARTMENT OF HUMAN SERVICES
DEPARTMENT OF PUBLIC SAFETY
DEPARTMENT OF TRANSPORTATION
DISABILITIES
DOGS
DOMESTIC VIOLENCE
DRIVER LICENSE
DRIVING UNDER THE INFLUENCE (DUI)
ECONOMIC DEVELOPMENT
EDUCATION

EDUCATION - CONSTITUTION
EDUCATIONAL PLANNING
ELDERLY
ELECTIONS
EMERGENCY MANAGEMENT
EMINENT DOMAIN
EMISSIONS CONTROL
EMPLOYEES AND COMPENSATION, LEGISLATURE
EMPLOYMENT AGENCIES
EMPLOYMENT SECURITY
ENERGY
ENVIRONMENT
ETHICS
EXECUTIVE BRANCH
FAMILY
FEDERAL GOVERNMENT
FEES
FINANCIAL INSTITUTIONS
FIRE PROTECTION
FISH AND GAME
FORESTS
FOSTER CARE
FRAUD
GANGS
GOVERNMENT PURCHASING
GOVERNMENT RECORDS
GOVERNMENTAL IMMUNITY
GROSS RECEIPTS
HAZARDOUS SUBSTANCES
HEALTH
HEALTH CARE
HEALTH CARE FACILITIES
HEALTH CARE PROVIDERS
HEALTH INSURANCE
HIGHER EDUCATION
HIGHWAYS
HISTORY
HOSPITALS
HOTELS AND HOTEL KEEPERS

HOUSING
HUMAN SERVICES
I-15 CORRIDOR
INCOME TAX
INDIAN AFFAIRS
INDUSTRIAL COMMISSION
INFORMATION TECHNOLOGY
INMATES
INSURANCE
INSURANCE DEPARTMENT
INSURANCE, MOTOR VEHICLE
JUDICIAL DEPARTMENT - CONSTITUTION
JUDICIARY
JUVENILES
LABOR
LABOR ORGANIZATIONS
LANDLORD - TENANT
LEGISLATIVE AFFAIRS
LEGISLATIVE DEPARTMENT - CONSTITUTION
LEGISLATURE
LIABILITY
LIABILITY INSURANCE
LICENSURE, HUMAN SERVICES PROGRAMS
LIENS
LIMITED LIABILITY COMPANY
LIVESTOCK
LOBBYING
LOCAL BOARDS OF EDUCATION
LOCAL TAXATION OF UTILITIES
MARRIAGE
MEDICAID
MEDICAL ASSISTANCE PROGRAMS
MEDICAL FEES AND SERVICE, EMPLOYMENT
MEDICAL RECORDS
MEDICAL WASTE
MEDICARE
MEDICINE
MENTAL HEALTH
MENTAL HEALTH PROFESSIONAL

MILITARY SERVICES
MILITIA - CONSTITUTION
MINERAL LEASE FUNDS
MINES AND MINING
MINORS
MOTION PICTURES
MOTOR CARRIER REGULATION
MOTOR FUEL AND SPECIAL FUEL TAXES
MOTOR VEHICLES
MUSEUMS
NATURAL RESOURCES
NOISE ABATEMENT
NOTARY PUBLIC
NUISANCES
OCCUPATIONAL LICENSING
OCCUPATIONS AND PROFESSIONS
OFF-HIGHWAY VEHICLES
OFFENSES
OIL AND GAS
OLYMPICS
PARKS
PARTNERSHIPS
PEACE OFFICER
PEDESTRIAN SAFETY
PERSON, OFFENSES AGAINST
PHARMACIES
PRIVILEGE TAX
PROBATION
PROPERTY TAX
PROPERTY TAX RELIEF
PROPERTY, OFFENSES AGAINST
PUBLIC ASSISTANCE
PUBLIC EDUCATION
PUBLIC FUNDS AND ACCOUNTS
PUBLIC OFFICERS
PUBLIC SAFETY
PUBLIC TELECOMMUNICATIONS UTILITY LAW
PUBLIC TRANSIT DISTRICTS
PUBLIC UTILITIES

RADIATION
RAILROADS
REAL ESTATE
RECODIFICATION
RECREATION
RECYCLING
REDEVELOPMENT AGENCIES
REEMPLOYMENT
REGISTRATION AND REGISTRATION FEES
RESOLUTIONS
RESOLUTIONS, CONSTITUTIONAL
RESOLUTIONS, RULES
RESTITUTION
RETIREMENT
REVENUE AND TAXATION
REVENUE AND TAXATION - CONSTITUTION
REVISOR BILL
RIGHT OF WAY
RISK MANAGEMENT FUND
RURAL HEALTH
SALES AND LEASES
SALES AND USE TAX
SCHOOL FINANCE
SCHOOL PERSONNEL
SCHOOL SAFETY
SECURITIES
SENTENCING COMMISSION
SEXUAL OFFENSES
SIGNS
SOLID WASTE
SPECIAL DISTRICT
SPECIAL DISTRICT'S TAXING AUTHORITY
SPEED LIMITS
SPORTS AUTHORITY
STATE AND LOCAL AFFAIRS
STATE BOARD OF EDUCATION
STATE BOARD OF REGENTS
STATE BUILDINGS
STATE COMMISSIONS AND COUNCILS

STATE FAIR PARK
STATE INFORMATION TECHNOLOGY COORDINATOR
STATE INSTITUTIONS
STATE LANDS
STATE OFFICERS AND EMPLOYEES
STATE SYMBOLS
STATE TAX COMMISSION
STATUTES (TITLE 68)
STRATEGIC PLANNING
SUBPOENA POWERS
SUBSTANCE ABUSE
SUNSET LEGISLATION
TASK FORCE / COMMITTEES
TELECOMMUNICATIONS
TOBACCO
TOBACCO TAX
TORTS
TRAINING AND REEMPLOYMENT
TRANSPORTATION
TRANSPORTATION COMMISSION
TRANSPORTATION FUND
TRAVEL AND TOURISM
TRUST LANDS
TRUSTS
UNDERGROUND STORAGE TANKS
UNIFORM LAWS
UNIFORM PROBATE CODE
UTAH TOMORROW - STATE PLANNING
VICTIMS' RIGHTS
WAGES
WATER AND IRRIGATION
WATER QUALITY
WEAPONS
WILDLIFE
WORKERS' COMPENSATION
WORKFORCE SERVICES CODE
WORKING CONDITIONS
YOUTH CORRECTIONS
ZONING

ABORTION

Informed Consent Amendments, Killpack, R. ..... H.B. 362 (P)

ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS

Child Abuse Protections, Cox, G. ..... H.B. 92 (P)
Child Welfare Reform Act Amendments, Haymond, J. ..... H.B. 307 (P)
Children's Justice Center Program, Peterson, C. ..... S.B. 182 (P)
Foster Care Citizen Review Board Amendments, Stephens, N. ... H.B. 178 (P)
Guardian Ad Litem Amendments, Barth, S. ..... H.B. 94 (P)

ADMINISTRATIVE RULES AND PROCEDURES

Administrative Rules Review Committee Amendments, Ure, D. .. H.B. 182 (P)
Reauthorization of Administrative Rules, McAllister, L. ..... S.B. 146 (P)

ADMINISTRATIVE SERVICES

Reorganization of Department of
Administrative Services, Mantes, G. ..... S.B. 249 (P)
State Agency's Contracts for Computer Support, Garn, K. ..... H.B. 367 (P)
State Buildings – Preventive Maintenance, Adair, G. ..... H.B. 3 (P)
State Risk Management Coverage of Teachers, Poulton, L. ..... S.B. 104 (P)
Utah Sports Authority and Advisory
Committee Amendments, Tanner, J. ..... H.B. 214 (P)

ADOPTION

Adoption of Children In Division of Child and
Family Services Custody, Stephens, N. ..... H.B. 109 (P)
Facilitation of Adoption Act, Killpack, R. ..... H.B. 384 (F)
Preplacement and Postplacement Adoptive
Evaluations, Killpack, R. ..... H.B. 112 (F)
Tax Incentives for Adoption and Guardianship, Haymond, J. ..... H.B. 303 (F)

AGRICULTURE

Agricultural Amendments, Blackham, L. ..... S.B. 34 (P)
Agricultural Protection Area Amendments, Blackham, L. ..... S.B. 203 (P)
Agriculture Protection Area Provisions, Butters, C. ..... H.B. 381 (F)
Appropriation for Utah State University Pasture
And Forage Initiative, Anderson, E. ..... H.B. 361 (P)
Cougar and Bear Depredation Loss, Evans, B. ..... H.B. 289 (P)

Department of Agriculture and Food – Name Change, Blackham, L. S.B. 35 (P)
Elk Farming, Johnson, B. ..... H.B. 90 (P)
Penalty for Theft of Animal, Buttars, C. ..... H.B. 57 (P)
Raw Milk Marketing Amendments, Wright, B. ..... H.B. 86 (F)
Resolution Urging Proper Protection and
Management of Wildlife, Fox, C. ..... H.J.R. 15 (P)
Soil Conservation Districts, Brown, M. ..... H.B. 366 (P)
Utah Botanical Center Appropriation, Dillree, M. ..... H.B. 76 (P)
Workers' Compensation – Exemption for
Agricultural Workers, Steiner, R. ..... S.B. 11 (F)

AIDS

Hiv Testing Amendments, Valentine, J. ..... H.B. 302 (F)

AIR

Air Quality Board Powers, McAllister, L. ..... S.B. 45 (F)
Air Quality, Land Use, and Transportation
Planning Provisions, McAllister, L. ..... S.B. 91 (F)
Clean Burning Stove Tax Credit Amendments, McAllister, L. ..... S.B. 139 (P)
Growth Management – Regional Land Use Planning, Adair, G. .. H.B. 308 (F)
Land Use, Transportation, and Air Quality
Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Resolution on Ozone and Particulate Matter, Dmitrich, M. ..... S.J.R. 12 (P)
Tax Incentives for Clean Fuels, McAllister, L. ..... S.B. 47 (F)

AIRPORTS

Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)

ALCOHOLIC BEVERAGE CONTROL

Pilot Program – Cork–Finished Wine Sampling, Hickman, J. .... H.B. 354 (F)
Winery Licenses Amendments, Dmitrich, M. ..... S.B. 59 (F)

ALCOHOLIC BEVERAGES

Alcoholic Beverages – Restaurant Regulation, Hatch, T. ..... H.B. 204 (P)
Beer Industry Fair Dealing Act, Blackham, L. ..... S.B. 157 (F)
Beer License Amendments, Blackham, L. ..... S.B. 160 (F)
Dramshop Liability Amendments, Buhler, D. ..... S.B. 112 (P)
Pilot Program – Cork–Finished Wine Sampling, Hickman, J. .... H.B. 354 (F)
Private Club Amendments, Barth, S. ..... H.B. 223 (F)

Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)
Winery Licenses Amendments, Dmitrich, M. ..... S.B. 59 (F)

AMENDMENT AND REVISION - CONSTITUTION

Constitutional Revision Commission Amendments, Dmitrich, M. .. S.B. 127 (P)

ANTIDISCRIMINATION

Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

APPRENTICE

Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

APPROPRIATIONS

1997 Bonding and Debt Financing Authorization, Buhler, D. ..... S.B. 2 (P)
1997 Revenue Bond Authorization, Adair, G. ..... H.B. 309 (F)
Antelope Island Improvements, Koehn, S. ..... H.B. 136 (F)
Appropriation for Additional Highway Patrol Troopers, Adair, G. . H.B. 243 (P)
Appropriation for Biotech Program At
Utah State University, Blackham, L. ..... S.B. 201 (P)
Appropriation for Children's Art Facility Expansion, Haymond, J. . H.B. 93 (P)
Appropriation for Classroom Supplies, Bigelow, R. ..... H.B. 81 (P)
Appropriation for County Land Use Planning, Iverson, D. ..... H.B. 290 (P)
Appropriation for Domestic Violence Shelters, Evans, R. ..... S.B. 140 (P)
Appropriation for Forestry Extension Services, Myrin, A. ..... S.B. 24 (P)
Appropriation for Hill Air Force Base Heritage Museum and
Fort Douglas Military Museum, Montgomery, R. ..... S.B. 126 (P)
Appropriation for Noise Wall, Carnahan, O. ..... H.B. 28 (F)
Appropriation for Olene Walker Housing Trust Fund, Adair, G. ... H.B. 63 (F)
Appropriation for Pioneer Display, Allen, B. ..... H.B. 66 (P)
Appropriation for Purchase of Property Adjacent to
Dixie College, Jones, L. ..... S.B. 222 (F)
Appropriation for Restoration of
Brigham Young Academy, Nielson, H. ..... S.B. 48 (P)
Appropriation for Secure Youth Facilities, Howell, S. ..... S.B. 185 (F)
Appropriation for Sound Barriers, Buhler, D. ..... S.B. 8 (F)
Appropriation for Statewide Integration of
Engineering Education, Peterson, C. ..... S.B. 162 (P)

Appropriation for Study of Facility for
Children's Museum of Utah, Suazo, P. ..... S.B. 198 (P)
Appropriation for Tuacahn Foundation, Jones, L. ..... S.B. 16 (P)
Appropriation for Utah State University
Pasture and Forage Initiative, Anderson, E. ..... H.B. 361 (P)
Appropriation for Weber County Fairgrounds, Adair, G. ..... H.B. 283 (P)
Appropriation for Wildland Fire Suppression, Blackham, L. ..... S.B. 189 (F)
Appropriation to Study Centralized Urban
Programs for Native Americans, Suazo, P. ..... S.B. 153 (P)
Appropriations Act, Stephens, M. ..... H.B. 1 (P)
Appropriations for Bridgerland Ice Sheet, Buttars, C. ..... H.B. 89 (F)
Centennial Charter Schools Task Force, Allen, B. ..... H.B. 389 (P)
Centennial Nonmotorized Paths and
Trail Crossings Program, Tyler, A. ..... H.B. 278 (P)
Changes to Division of State History, McAllister, L. ..... S.B. 154 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Children and Youth Task Force Reauthorization, Evans, B. ..... H.B. 172 (F)
Community and Youth Prevention Programs, Frandsen, L. ..... H.B. 184 (P)
Cougar and Bear Depredation Loss, Evans, B. ..... H.B. 289 (P)
Division of State History Duties, McAllister, L. ..... S.B. 72 (P)
Eccles Community Art Center Grant, Tanner, N. ..... S.B. 105 (P)
Electronic Law Library, Hillyard, L. ..... S.B. 144 (P)
Executive Compensation, Peterson, C. ..... S.B. 167 (P)
Highway Patrol – Computer Purchase, Adair, G. ..... H.B. 242 (P)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)
Joint Rules Resolution – Changes to Bill and
Appropriation Process, Beattie, L. ..... S.J.R. 9 (P)
Joint Rules Resolution – Fiscal Prioritization, Steiner, R. ..... S.J.R. 8 (F)
Minimum School Program Act Amendments, Wright, B. ..... H.B. 2 (P)
Mining Reclamation Amendments, Gowans, J. ..... H.B. 145 (F)
Open Enrollment Amendments, Mantes, G. ..... S.B. 60 (P)
Pedestrian Overpass Appropriation, Peterson, M. ..... S.B. 145 (F)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)
Public Education Services Appropriation, Gowans, J. ..... H.B. 375 (F)
Rest Stop Commemorating American West, Olsen, E. ..... H.B. 292 (P)
Sevier Valley Special Events Center, Johnson, B. ..... H.B. 378 (P)
State Museum of Natural History Outreach Programs, Olsen, E. .. H.B. 270 (P)
Supplemental Appropriations Act, McAllister, L. ..... S.B. 1 (P)
Supplemental Appropriations Act II, McAllister, L. ..... S.B. 247 (P)

Task Force on Regulatory Barriers to
Affordable Housing, Mansell, L. ..... S.B. 124 (P)
Teacher Termination Procedures Task Force, Rowan, T. ..... H.B. 101 (F)
Tourism Marketing Performance Fund, Allen, S. ..... H.B. 88 (P)
Trail Enhancements, Buhler, D. ..... S.B. 220 (F)
Truancy Prevention Appropriation, Alexander, J. ..... H.B. 392 (P)
Underground Storage Tank Funding, Wright, B. ..... H.B. 117 (P)
Use of Income Tax Revenues, Garn, K. ..... H.B. 197 (P)
Utah Botanical Center Appropriation, Dillree, M. ..... H.B. 76 (P)
Utah Summer Games Appropriation, Bowman, D. ..... H.B. 16 (P)
Values–Oriented Treatment Program, Evans, R. ..... S.B. 192 (F)

ARTS

Capitol Art Placement Commission, Tanner, J. ..... H.B. 8 (P)
Eccles Community Art Center Grant, Tanner, N. ..... S.B. 105 (P)

ATTORNEYS

Appeals Amendments, Peterson, C. ..... S.B. 133 (P)
Attorney General Powers – Contingent Fee
Arrangements, Montgomery, R. ..... S.B. 235 (F)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
County and District Attorneys, Peterson, C. ..... S.B. 173 (F)
District and County Attorney Amendments, Short, R. ..... H.B. 349 (F)
Evidence – Access to Patient Records, Curtis, G. ..... H.B. 263 (F)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)
Revocation of Parole – Representation By Counsel, Peterson, C. ... S.B. 148 (P)

BANKRUPTCY

Protection of Pension, Profit Sharing, and
Similar Plans In Bankruptcy, Ure, D. ..... H.B. 135 (F)

BENEFITS/CLAIMS

Medical Benefits Recovery Act Amendments, Curtis, G. ..... H.B. 284 (F)

BICYCLES

Pedestrian Right of Way, Swallow, J. ..... H.B. 196 (P)

BOARD OF PARDONS AND PAROLE

Offender Expenses Amendments, Buckner, P. ..... H.B. 343 (F)

Outside Employment for Mental Health Advisor, Dayton, M. ..... H.B. 77 (F)
Revocation of Parole – Representation By Counsel, Peterson, C. .... S.B. 148 (P)

BOATING

Watercraft – Liability Insurance, Tanner, N. ..... S.B. 52 (P)

BOILERS

Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

BONDS

1997 Bonding and Debt Financing Authorization, Buhler, D. ..... S.B. 2 (P)
1997 Revenue Bond Authorization, Adair, G. ..... H.B. 309 (F)
Amendments on Affordable Housing, Haymond, J. ..... H.B. 268 (P)
Bonds for Highway Funding, Hillyard, L. ..... S.B. 243 (P)
County Improvement District Boundary Adjustment, Dillree, M. . H.B. 150 (P)
County Officers – Official Bond, Hillyard, L. ..... S.B. 221 (P)
Higher Education Revenue Bonds, Hunsaker, F. ..... H.B. 18 (P)
Municipal Building Authority Bond Issuance, Ure, D. ..... H.B. 236 (P)
Private Activity Bonding, Becker, R. ..... H.B. 56 (P)
Resolution Supporting Increase of Private
Activity Bonding Cap, Haymond, J. ..... H.C.R. 9 (F)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)

BOXCAR LEGISLATION

Amendments to Environmental Quality Requirements, Curtis, G. . H.B. 403 (F)
Changes to Environmental Law, Dmitrich, M. ..... S.B. 248 (F)
Disclosure Required in Sale of Health Maintenance
Organization Products to Senior Citizens, Hull, J. ..... S.B. 226 (F)
General Government Amendment, Jones, D. ..... H.B. 410 (F)
General Government Amendments, Barth, S. ..... H.B. 395 (F)
Local Government Funding Options, Blackham, L. ..... S.B. 230 (F)
Wildland Fire Suppression Amendments, Blackham, L. ..... S.B. 231 (F)

BUDGETING

Budget Review Task Force, Peterson, M. ..... S.B. 22 (F)
Governor's Budget Requirements, Stephens, N. ..... H.B. 388 (F)
Resolution Recognizing Rockville Open Space Project, Hatch, T. . H.J.R. 22 (P)
Transit District Collections and Budget, Short, R. ..... H.B. 169 (P)

Utah Transit Authority Budget Approval, Wharton, B. ..... S.B. 172 (F)

BUILDING CODES

Building Code Amendments, Peterson, C. ..... S.B. 135 (F)
Fees on Sale of Factory Built Housing, Hillyard, L. ..... S.B. 214 (P)

BUSINESS

Alcoholic Beverages – Restaurant Regulation, Hatch, T. ..... H.B. 204 (P)
Amendments to Workers' Compensation, Steele, D. ..... S.B. 37 (F)
Asset Forfeiture in Controlled Substances Violations, Arrington, J. . H.B. 38 (F)
Automated Teller Machine Amendments, Hunsaker, F. ..... H.B. 5 (P)
Beer Industry Fair Dealing Act, Blackham, L. ..... S.B. 157 (F)
Beer License Amendments, Blackham, L. ..... S.B. 160 (F)
Building Code Amendments, Peterson, C. ..... S.B. 135 (F)
Charge By Merchant or Service Provider for
Dishonored Checks, Frandsen, L. ..... H.B. 218 (F)
Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Chiropractic Practice Amendments, Steele, D. ..... S.B. 149 (F)
Construction Contractors, Poulton, L. ..... S.B. 3 (P)
Consumer Protection Amendments, Buhler, D. ..... S.B. 103 (P)
Consumer Warranties on Assistive Technology, Hunsaker, F. ..... H.B. 358 (P)
Continuing Education Requirements for
Insurance Professionals, Nelson, L. ..... H.B. 97 (F)
Contractor's Duties to Subcontractors, Mansell, L. ..... S.B. 73 (P)
Controlled Substances Amendments, Hendrickson, N. ..... H.B. 21 (P)
Controlled Substances Container Amendments, Arent, P. ..... H.B. 276 (P)
Counterfeit Financial Transaction Card
Amendments, Goodfellow, B. ..... H.B. 17 (P)
Creation and Oversight of Governmental Entities, Allen, B. ..... H.B. 351 (F)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Depository Institution Name Amendments, Bradshaw, A. ..... H.B. 26 (P)
Domestic Abuse Insurance Practices, Allen, S. ..... H.B. 170 (P)
Dramshop Liability Amendments, Buhler, D. ..... S.B. 112 (P)
Employee Leasing Company Licensing
Act Amendments, Allen, B. ..... H.B. 139 (P)
Employment of Utah Workers, Mayne, E. ..... S.B. 234 (F)
Employment Relationships in Film Industry, Mayne, E. ..... S.B. 233 (F)
Employment Security Amendments, Knudson, P. ..... H.B. 220 (P)
Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Exemptions from Construction Trades Licensing Act, Wright, B. .. H.B. 62 (P)

Expanded Conservatorship and Guardianship
Services for Elderly, Bradshaw, A. ..... H.B. 300 (P)
Fees on Sale of Factory Built Housing, Hillyard, L. ..... S.B. 214 (P)
Financial Institution Amendments, Mansell, L. ..... S.B. 100 (P)
Homeowner's Insurance, Peterson, M. ..... S.B. 171 (P)
Immunity to Dam Owners, Johnson, B. ..... H.B. 174 (P)
Insurance Deductible for Motor Vehicle Repair, Howell, S. ..... S.B. 188 (P)
Insurance Law Amendments, Poulton, L. ..... S.B. 115 (P)
Interest Rate Maximum on Contracts, Saunders, C. ..... H.B. 238 (F)
Labor Commission and Workforce Services
Amendments, Alexander, J. ..... H.B. 321 (F)
Landlord – Tenant Amendments, Montgomery, R. ..... S.B. 71 (P)
Licensure of Estheticians and Nail Technicians Within the
Cosmetologist/Barbering Licensing Act, Carnahan, O. ..... H.B. 260 (F)
Limitation of Landowner Liability Amendments, Tuttle, D. ..... H.B. 11 (P)
Limited Liability Company Act Amendments, Valentine, J. ..... H.B. 295 (P)
Management of Institutional Funds Act, Hillyard, L. ..... S.B. 165 (P)
Merchant or Service Provider Charge for
Dishonored Checks, Holmgren, J. ..... S.B. 180 (P)
Mobile Home Tenant Amendments, Frandsen, L. ..... H.B. 29 (P)
Motor Vehicle Insurance – Transfer of Agent, Hull, J. ..... S.B. 44 (F)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)
New Motor Vehicle Broker, Peterson, C. ..... S.B. 207 (P)
Nightly Rental Property Managers, Myrin, A. ..... S.B. 200 (P)
Occupational and Professional Licensing Amendments, Taylor, C. . S.B. 169 (F)
Pilot Program – Cork–Finished Wine Sampling, Hickman, J. .... H.B. 354 (F)
Private Club Amendments, Barth, S. ..... H.B. 223 (F)
Professional Corporation Act, Becker, R. ..... H.B. 273 (F)
Professional Corporation Act Amendments, Arent, P. ..... H.B. 201 (P)
Professional License – Public Display, Cox, G. ..... H.B. 379 (F)
Property Survey – Statute of Limitations, Adair, G. ..... H.B. 227 (P)
Real Estate Agent Background Check, Waddoups, M. ..... S.B. 69 (P)
Real Property – Presumption of Title, Swallow, J. ..... H.B. 80 (P)
Real Property Improvements Agreements, Ure, D. ..... H.B. 19 (P)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)
Retention Proceeds Reform for Construction Projects, Peterson, C. . S.B. 136 (F)
Revised Uniform Partnership and Limited
Liability Partnership Act, Hillyard, L. ..... S.B. 183 (F)
Sales Tax – Environmental Clean Up Exemption, Wright, B. ..... H.B. 398 (F)

Task Force on Regulatory Barriers to Affordable Housing, Mansell, L. ..... S.B. 124 (P)
Telecommunication Amendments, Steele, D. ..... S.B. 13 (P)
Telecommunications – Universal Service Amendments, Stephens, M. ..... H.B. 71 (P)
Telecommunications Deregulation Amendments, Steele, D. ..... S.B. 92 (P)
Tourism Marketing Performance Fund, Allen, S. ..... H.B. 88 (P)
Uniform Commercial Code Article 5 – Letters of Credit, Hillyard, L. ..... S.B. 163 (P)
Uniform Securities Act Amendments, Curtis, G. ..... H.B. 298 (P)
Voluntary Release Cleanup Program, Mansell, L. ..... S.B. 190 (P)
Winery Licenses Amendments, Dmitrich, M. ..... S.B. 59 (F)
Work Programs for Prisoners Amendments, Fox, C. ..... H.B. 282 (P)
Workers' Compensation Fund of Utah, Alexander, J. ..... H.B. 175 (P)
Workforce Services and Labor Commission Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)
Wrongful Lien Amendments, Swallow, J. ..... H.B. 96 (P)

BUSINESS DEVELOPMENT

Fees on Sale of Factory Built Housing, Hillyard, L. ..... S.B. 214 (P)
Reauthorize Enterprise Zone Act, Evans, B. ..... H.B. 213 (P)

CAPITAL PUNISHMENT

Amendments to Capital Sentencing, Ure, D. ..... H.B. 48 (P)
Post Conviction Remedies – Death Penalty, Stephens, M. ..... H.B. 60 (P)

CAPITOL BUILDING

Capitol Art Placement Commission, Tanner, J. ..... H.B. 8 (P)
Utah State Capitol Building Centennial Study, Tanner, N. ..... S.B. 164 (P)
Utah State Capitol Preservation Board, Brown, M. ..... H.B. 385 (P)

CENTENNIAL

Centennial Charter Schools Task Force, Allen, B. ..... H.B. 389 (P)
Centennial License Plate Amendments, Hull, J. ..... S.B. 204 (P)

CHARITIES

Sales Tax Refund on Donated Food, Stephenson, H. ..... S.B. 50 (P)

CHILD RESTRAINTS

Child Restraint Requirements and Penalties, King, B. ..... H.B. 50 (P)

CHILD SUPPORT

Child Support – Social Security Credit, Harward, B. ..... H.B. 167 (P)
Child Support Advisory Committee Membership, Taylor, C. ..... S.B. 80 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Child Support Guidelines Amendments, Harward, B. ..... H.B. 165 (F)
Child Support Reduction for Extended Visitation, Dayton, M. ..... H.B. 13 (F)
Prioritization of Child Support Collections, Muhlestein, R. ..... S.B. 19 (F)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)

CHILDREN

Adoption of Children In Division of Child
and Family Services Custody, Stephens, N. ..... H.B. 109 (P)
Appropriation for Study of Facility for
Children's Museum of Utah, Suazo, P. ..... S.B. 198 (P)
Attempted Purchase of Tobacco By Children, Jones, L. ..... S.B. 66 (F)
Child Abuse Protections, Cox, G. ..... H.B. 92 (P)
Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Child Custody and Visitation Amendments, Holladay, B. ..... H.B. 79 (F)
Child Restraint Requirements and Penalties, King, B. ..... H.B. 50 (P)
Child Support – Social Security Credit, Harward, B. ..... H.B. 167 (P)
Child Support Advisory Committee Membership, Taylor, C. ..... S.B. 80 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Child Support Guidelines Amendments, Harward, B. ..... H.B. 165 (F)
Child Support Reduction for Extended Visitation, Dayton, M. ..... H.B. 13 (F)
Child Visitation Guidelines, Evans, R. ..... S.B. 33 (P)
Child Welfare Reform Act Amendments, Haymond, J. ..... H.B. 307 (P)
Children and Youth at Risk Amendments, Evans, B. ..... H.B. 164 (P)
Children and Youth Task Force Reauthorization, Evans, B. ..... H.B. 172 (F)
Children's Justice Center Program, Peterson, C. ..... S.B. 182 (P)
Children's Reading Skills, Haymond, J. ..... H.B. 67 (P)
Community and Youth Prevention Programs, Frandsen, L. ..... H.B. 184 (P)
Compulsory Education Requirements, Bryson, K. ..... H.B. 340 (F)
Corporal Punishment in Public Schools Amendments, Steele, D. .. S.B. 101 (F)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
Criminal Nonsupport Amendments, Carlson, M. ..... H.B. 299 (F)
Custody Disputes Involving a Parent with a Disability, Tanner, J. . H.B. 215 (P)
Extension of Child Visitation Pilot Program, Peterson, M. ..... S.B. 116 (P)
Facilitation of Adoption Act, Killpack, R. ..... H.B. 384 (F)

Family Employment Program, Frandsen, L. ..... H.B. 269 (P)
Foster Care Citizen Review Board Amendments, Stephens, N. ... H.B. 178 (P)
Foster Parent Director, Stephens, N. ..... H.B. 274 (F)
Guardian Ad Litem Amendments, Barth, S. ..... H.B. 94 (P)
Hardship Driver Permit for Youth, Blackham, L. ..... S.B. 125 (F)
Kurt Oscarson Children's Organ Transplant Committee, Davis, G. H.B. 258 (P)
Marriage Law Amendments, Davis, G. ..... H.B. 406 (F)
Mcgruff House Program, Beck, T. ..... H.B. 277 (P)
Parental Responsibility for Wrongful Conduct of Child, Suazo, P. .. S.B. 246 (F)
Prioritization of Child Support Collections, Muhlestein, R. ..... S.B. 19 (F)
Public Safety – Missing Persons Center, Johnson, K. ..... H.B. 4 (P)
Resolution of Commitment to Gifted Children, Cox, G. ..... H.R. 5 (F)
Sanctions for Noncompliance with Visitation Orders, Barth, S. ... H.B. 255 (F)
Sodomy Amendments, Ure, D. ..... H.B. 134 (F)
Special Education Dispute Resolution, Steele, D. ..... S.B. 137 (F)
Tax Incentives for Adoption and Guardianship, Haymond, J. ..... H.B. 303 (F)
Tuition Waiver for Certain Students In
Higher Education, Davis, G. ..... H.B. 346 (P)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)

CITIES AND TOWNS

Amendments to Subdivision Act, Ure, D. ..... H.B. 234 (P)
Auto Forfeiture of Those Soliciting Prostitutes, Barth, S. ..... H.B. 304 (F)
Business License Fee and Municipal
Taxing Authority, Blackham, L. ..... S.B. 216 (F)
City Authority over Certain Rental Units, Buhler, D. ..... S.B. 96 (P)
Commercial Project Entities, Blackham, L. ..... S.B. 114 (P)
Costs for Unlawful Subdivision of Land, McAllister, L. ..... S.B. 97 (F)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
County Service Areas Amendments, Stephens, M. ..... H.B. 74 (P)
Election By District In Municipalities, Zolman, D. ..... H.B. 126 (F)
Electronic Meetings, Goodfellow, B. ..... H.B. 162 (P)
Growth Impact Highways, Blackham, L. ..... S.B. 210 (P)
Justice Court Amendments, Fox, C. ..... H.B. 324 (P)
Local Government Funding Options, Blackham, L. ..... S.B. 230 (F)
Local Taxing Authority, Valentine, J. ..... H.B. 98 (P)
Municipal and County Land Use
Development and Management, McAllister, L. ..... S.B. 6 (F)
Municipal and County Law Amendments, Brown, M. ..... H.B. 363 (P)
Municipal Authorization for Justice Court, Carnahan, O. ..... H.B. 10 (F)

Municipal Districts, Bush, D. ..... H.B. 24 (P)
New Municipality Funding Amendments, Zolman, D. ..... H.B. 408 (P)
Nuisance Code Amendments – Shooting Ranges, Wright, B. ..... H.B. 360 (F)
Outdoor Advertising Amendments, Mansell, L. ..... S.B. 14 (P)
Planning and Zoning – Subdivision Plats, Saunders, C. ..... H.B. 248 (P)
Powers of Mayors, Knudson, P. ..... H.B. 219 (P)
Procurement of Architect, Engineer, or Surveyor Services
by Political Subdivisions, Tyler, A. ..... H.B. 72 (P)
Publication of Legal Notices by Political Subdivisions, Mayne, E. .. S.B. 55 (P)
Recording Subdivisions of Land, Koehn, S. ..... H.B. 205 (P)
Regulation of Sale of Tobacco Products, Harper, W. ..... H.B. 73 (F)
Salary Increases for Government Officials, Styler, M. ..... H.B. 241 (F)
Shelter Adopted Animals – Pet Neutering, Steiner, R. ..... S.B. 206 (F)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)
Transit District Collections and Budget, Short, R. ..... H.B. 169 (P)
Utility Siting Amendments, Knudson, P. ..... H.B. 127 (P)

CLEAN FUELS

Tax Incentives for Clean Fuels, McAllister, L. ..... S.B. 47 (F)

CODE OF CRIMINAL PROCEDURE

Amendments to Statute of Limitations, Buckner, P. ..... H.B. 75 (F)
Bail Reform, Curtis, G. ..... H.B. 336 (F)
Citation Procedure, Hendrickson, N. ..... H.B. 20 (P)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Court Reporter Amendments, Peterson, C. ..... S.B. 155 (P)
Crime Victims' Rights Amendments, Peterson, C. ..... S.B. 152 (P)
District Court Judge Increase, Hillyard, L. ..... S.B. 28 (P)
Fugitive Bail Amendments, Holladay, B. ..... H.B. 132 (P)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)
Post Conviction Remedies – Death Penalty, Stephens, M. ..... H.B. 60 (P)
Prosecutor Assistance in Investigations, Curtis, G. ..... H.B. 49 (F)
Recovery for Damages From Drug Dealer, Barth, S. ..... H.B. 281 (F)
Revocation of Parole – Representation By Counsel, Peterson, C. ... S.B. 148 (P)
Sex Offender Notification Amendments, Allen, B. ..... H.B. 348 (P)
Traffic Checkpoint Amendments, Stephens, N. ..... H.B. 45 (P)

COMMERCE AND TRADE

Automated Teller Machine Amendments, Hunsaker, F. ..... H.B. 5 (P)
Charge By Merchant or Service Provider for
Dishonored Checks, Frandsen, L. ..... H.B. 218 (F)

Management of Institutional Funds Act, Hillyard, L. ..... S.B. 165 (P)
Merchant or Service Provider Charge for
Dishonored Checks, Holmgren, J. ..... S.B. 180 (P)
Real Property Improvements Agreements, Ure, D. ..... H.B. 19 (P)

COMMERCIAL DRIVER LICENSE (CDL)

Commercial Vehicle Registration, Steele, D. ..... S.B. 117 (P)

COMMITTEES, LEGISLATIVE

Indian Affairs Amendments, Gowans, J. ..... H.B. 185 (P)
Joint Rules Resolution – Amendments to
Interim Rules, Harward, B. ..... H.J.R. 6 (P)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)
Utah Tomorrow Strategic Planning Committee
Amendments, Bradshaw, A. ..... H.B. 183 (P)

COMMUNITY DEVELOPMENT

Amendments on Affordable Housing, Haymond, J. ..... H.B. 268 (P)
Appropriation for Children's Art Facility Expansion, Haymond, J. . H.B. 93 (P)
Appropriation for Olene Walker Housing Trust Fund, Adair, G. ... H.B. 63 (F)
Appropriation for Restoration of
Brigham Young Academy, Nielson, H. ..... S.B. 48 (P)
Appropriation for Tuacahn Foundation, Jones, L. ..... S.B. 16 (P)
Changes to Division of State History, McAllister, L. ..... S.B. 154 (P)
Community Economic Development Project Fund, Curtis, G. .... H.B. 100 (F)
Division of State History Duties, McAllister, L. ..... S.B. 72 (P)
Eccles Community Art Center Grant, Tanner, N. ..... S.B. 105 (P)
Housing Authority Amendments, Suazo, P. ..... S.B. 86 (P)
Housing Coordination and Planning, Hunsaker, F. ..... H.B. 171 (P)
Industrial Assistance Fund –
Rural Resettlement Program, Olsen, E. ..... H.B. 372 (P)
Olene Walker Housing Trust Fund Amendments, Adair, G. ..... H.B. 230 (P)
Private Activity Bonding, Becker, R. ..... H.B. 56 (P)
State Fair Park Amendments, Wright, B. ..... H.B. 322 (P)
Tourism Marketing Performance Fund, Allen, S. ..... H.B. 88 (P)
Use of Utah Industrial Assistance, Haymond, J. ..... H.B. 211 (F)

CONSTITUTION

Constitutional Defense Council Amendments, Allen, S. ..... H.B. 128 (F)

Constitutional Revision Commission Amendments, Dmitrich, M. . . S.B. 127 (P)
Dangerous Weapons – Restrictions, Steiner, R. . . . . S.B. 27 (F)
Private Property Owners' Right to
Prohibit Dangerous Weapons, Waddoups, M. . . . . S.B. 39 (F)
Resolution Amending Legislator Eligibility Standards, Beattie, L. . S.J.R. 1 (P)
Resolution Calling for State's Amendments to
Federal Constitution, Dillree, M. . . . . H.C.R. 7 (F)
Resolution Opposing Federal Government
Encroachments on Rights of States, Rowan, T. . . . . H.R. 7 (P)

CONSTRUCTION INDUSTRIES

Construction Contractors, Poulton, L. . . . . S.B. 3 (P)
Contractor's Duties to Subcontractors, Mansell, L. . . . . S.B. 73 (P)
Disposal Fee for Construction and Demolition Waste, Tuttle, D. . . . H.B. 68 (P)
Exemptions from Construction Trades Licensing Act, Wright, B. . . H.B. 62 (P)
Penalty for Speeding in Construction Zones, Dillree, M. . . . . H.B. 151 (F)
Preference for Utah Construction on Olympics, Davis, G. . . . . H.B. 314 (F)
Real Property Improvements Agreements, Ure, D. . . . . H.B. 19 (P)
Retention Proceeds Reform for Construction Projects, Peterson, C. . S.B. 136 (F)

CONSUMER PROTECTION

Consumer Protection Amendments, Buhler, D. . . . . S.B. 103 (P)
Consumer Warranties on Assistive Technology, Hunsaker, F. . . . . H.B. 358 (P)
Homeowner's Insurance, Peterson, M. . . . . S.B. 171 (P)
Notice of Cigarettes Ingredients, Tanner, J. . . . . H.B. 402 (F)
Professional License – Public Display, Cox, G. . . . . H.B. 379 (F)
Utah Automotive Repair Act, Wharton, B. . . . . S.B. 176 (F)

CONTRACTS

Class B and C Road Bid Limit, Holmgren, J. . . . . S.B. 106 (F)
Construction Contractors, Poulton, L. . . . . S.B. 3 (P)
Contractor's Duties to Subcontractors, Mansell, L. . . . . S.B. 73 (P)
Interest Rate Maximum on Contracts, Saunders, C. . . . . H.B. 238 (F)
Procurement Code – Design Build Amendments, Beattie, L. . . . . S.B. 202 (P)
Procurement Code Requirement of
Health Care Benefits for Contractors, Mayne, E. . . . . S.B. 228 (F)
Real Property Improvements Agreements, Ure, D. . . . . H.B. 19 (P)
Retention Proceeds Reform for Construction Projects, Peterson, C. . S.B. 136 (F)
State Agency's Contracts for Computer Support, Garn, K. . . . . H.B. 367 (P)

CONTROLLED SUBSTANCES

Asset Forfeiture in Controlled Substances Violations, Arrington, J. . H.B. 38 (F)
Controlled Substances Amendments, Hendrickson, N. ..... H.B. 21 (P)
Controlled Substances Container Amendments, Arent, P. ..... H.B. 276 (P)
Drug Dealer's Liability Act, Taylor, C. ..... S.B. 54 (P)

CORPORATE TAX

Coal Tax Credit, Dmitrich, M. ..... S.B. 41 (P)
Low Income Housing Tax Credit, Evans, R. ..... S.B. 215 (F)

CORPORATIONS

Commercial Tenant – Notice of Unlawful Detainer, Swallow, J. .. H.B. 146 (F)
Corporate Income Tax Amendments, Harper, W. ..... H.B. 317 (P)
Gross Receipts Taxes – Rates Reduction and Repeal, Styler, M. .. H.B. 347 (F)
Professional Corporation Act, Becker, R. ..... H.B. 273 (F)
Professional Corporation Act Amendments, Arent, P. ..... H.B. 201 (P)

CORRECTIONS

Definition of Law Enforcement Official and Judge, Hillyard, L. ... S.B. 132 (P)
Department of Corrections – Record Requests, Killpack, R. ..... H.B. 328 (F)
Escape and Absconding Amendments, Killpack, R. ..... H.B. 142 (P)
Juvenile Judges – Short Term Commitment of Youth, Tanner, N. ... S.B. 89 (P)
Offender Expenses Amendments, Buckner, P. ..... H.B. 343 (F)
Offenders – Income Withholding, Suazo, P. ..... S.B. 179 (F)
Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Prison Inmate Education Amendments, Frandsen, L. ..... H.B. 163 (P)
Prohibition of Contraband in a Correctional Facility, Koehn, S. .... H.B. 52 (P)
Resentencing Amendments, Gladwell, D. ..... H.B. 58 (P)
Revocation of Parole – Representation By Counsel, Peterson, C. ... S.B. 148 (P)
Statute of Limitations Amendments, Barth, S. ..... H.B. 262 (P)
Work Programs for Prisoners Amendments, Fox, C. ..... H.B. 282 (P)
Youth Corrections Amendments, Barth, S. ..... H.B. 137 (P)

COUNTIES

Agricultural Protection Area Amendments, Blackham, L. ..... S.B. 203 (P)
Agriculture Protection Area Provisions, Buttars, C. ..... H.B. 381 (F)
Appropriation for County Land Use Planning, Iverson, D. ..... H.B. 290 (P)
Appropriation for Weber County Fairgrounds, Adair, G. ..... H.B. 283 (P)
Commercial Project Entities, Blackham, L. ..... S.B. 114 (P)

Costs for Unlawful Subdivision of Land, McAllister, L. ..... S.B. 97 (F)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
Counties – Subdivision Defined, McAllister, L. ..... S.B. 98 (P)
County and District Attorneys, Peterson, C. ..... S.B. 173 (F)
County and Municipality Judgeships, Harper, W. ..... H.B. 43 (P)
County Government Amendments, Short, R. ..... H.B. 353 (F)
County Human Services Program Amendments, Allen, S. ..... H.B. 179 (F)
County Imposition of Tourism, Recreation, Cultural, and
Convention Facilities Tax, Larson, P. ..... H.B. 355 (F)
County Land Use Development and Management Act, Adair, G. . H.B. 259 (F)
County Officers – Official Bond, Hillyard, L. ..... S.B. 221 (P)
County Officers Amendments, Seitz, J. ..... H.B. 199 (P)
County Option Sales Tax for Botanical and
Cultural Organizations, Allen, B. ..... H.B. 148 (P)
County Planning Amendments, McAllister, L. ..... S.B. 99 (F)
County Sales Tax Authorization, Hatch, T. ..... H.B. 36 (F)
County Volunteer and Paid-Call Firefighters' Hours, Barth, S. ... H.B. 400 (P)
Deputy Sheriffs – Merit System Commission
Amendments, Davis, G. ..... H.B. 330 (P)
District and County Attorney Amendments, Short, R. ..... H.B. 349 (F)
Electronic Meetings, Goodfellow, B. ..... H.B. 162 (P)
Environmental Quality Code Amendments, Anderson, E. ..... H.B. 404 (P)
Growth Impact Highways, Blackham, L. ..... S.B. 210 (P)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)
Industrial Assistance Fund – Rural Resettlement
Program, Olsen, E. ..... H.B. 372 (P)
Local Government Amendments, Chard, B. ..... H.B. 237 (F)
Local Government Funding Options, Blackham, L. ..... S.B. 230 (F)
Municipal and County Land Use Development and
Management, McAllister, L. ..... S.B. 6 (F)
Municipal and County Law Amendments, Brown, M. ..... H.B. 363 (P)
New Municipality Funding Amendments, Zolman, D. ..... H.B. 408 (P)
Nuisance Code Amendments – Shooting Ranges, Wright, B. ..... H.B. 360 (F)
Offender Expenses Amendments, Buckner, P. ..... H.B. 343 (F)
Organization, Administration, and Allocation of
Governmental Powers, Walsh, R. ..... H.B. 364 (F)
Outdoor Advertising Amendments, Mansell, L. ..... S.B. 14 (P)
Planning and Zoning – Subdivision Plats, Saunders, C. ..... H.B. 248 (P)
Procurement of Architect, Engineer, or
Surveyor Services by Political Subdivisions, Tyler, A. ..... H.B. 72 (P)

Property Tax Amendments, Ure, D. ..... H.B. 206 (P)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Prosecutor Assistance in Investigations, Curtis, G. ..... H.B. 49 (F)
Publication of Legal Notices By Political Subdivisions, Mayne, E. .. S.B. 55 (P)
Recording Subdivisions of Land, Koehn, S. ..... H.B. 205 (P)
Regulation of Sale of Tobacco Products, Harper, W. ..... H.B. 73 (F)
Resolution Approving Development of Waste
Disposal Facility, Anderson, E. ..... H.C.R. 8 (P)
Resort Community Amendments, Hatch, T. ..... H.B. 405 (F)
Salary Increases for Government Officials, Styler, M. ..... H.B. 241 (F)
Sales Tax – Local Option for Conservation Easements for
Agricultural Use, Olsen, E. ..... H.B. 122 (F)
Sales Tax Option for Counties, Mansell, L. ..... S.B. 26 (P)
Sevier Valley Special Events Center, Johnson, B. ..... H.B. 378 (P)
Shelter Adopted Animals – Pet Neutering, Steiner, R. ..... S.B. 206 (F)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)
Task Force on Services and Governance of Counties of
First Class, Tyler, A. ..... H.B. 401 (F)
Tax Rebates to Promote Hotel Development, Buhler, D. ..... S.B. 237 (F)
Transient Room Tax Amendments, Alexander, J. ..... H.B. 327 (P)
Use of County Name, Hatch, T. ..... H.B. 232 (F)
Utah Statehood Centennial Capstone, Ure, D. ..... H.B. 240 (F)
Utility Siting Amendments, Knudson, P. ..... H.B. 127 (P)
Wildland Fire Amendments, Gowans, J. ..... H.B. 275 (P)

COUNTIES, CITIES, AND TOWNS – CONSTITUTION

Municipal Election Amendments, Tanner, J. ..... H.B. 161 (P)
Residential Facilities for Persons with a
Disability, Muhlestein, R. ..... S.B. 217 (P)
Resolution Encouraging Economic Resettlement of
Rural Utah, Blackham, L. ..... S.C.R. 4 (P)

COURTS

Amendments to Statute of Limitations, Buckner, P. ..... H.B. 75 (F)
Appeals Amendments, Peterson, C. ..... S.B. 133 (P)
Centrally Assessed Taxpayers Amendments, Short, R. ..... H.B. 129 (P)
Concurrent and Consecutive Sentencing
Limitations, Hendrickson, N. ..... H.B. 44 (P)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
Court Amendments, Fox, C. ..... H.B. 323 (P)

Court Collections, McAllister, L. ..... S.B. 213 (F)
Court Reporter Amendments, Peterson, C. ..... S.B. 155 (P)
District Court Judge Increase, Hillyard, L. ..... S.B. 28 (P)
Domestic Relations Cases – Name Designation, Valentine, J. .... H.B. 229 (P)
Drug Dealer's Liability Act, Taylor, C. ..... S.B. 54 (P)
Electronic Law Library, Hillyard, L. ..... S.B. 144 (P)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)
Justice Court Amendments, Fox, C. ..... H.B. 324 (P)
Juvenile Court Hearings and Records, Arent, P. ..... H.B. 42 (P)
Juvenile Court Powers, Tanner, N. ..... S.B. 90 (P)
Juvenile Court Recodification – Phase 2, Hillyard, L. ..... S.B. 134 (P)
Juvenile Judges – Short Term Commitment of Youth, Tanner, N. ... S.B. 89 (P)
Magistrate Authority, Harward, B. ..... H.B. 293 (P)
Municipal Authorization for Justice Court, Carnahan, O. ..... H.B. 10 (F)
Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Perjury Reform, Curtis, G. ..... H.B. 286 (P)
Pleas to Lesser Offense, Barth, S. ..... H.B. 288 (F)
Privileged Information In Civil Actions, Suazo, P. ..... S.B. 129 (P)
Sentencing Guidelines, Hillyard, L. ..... S.B. 25 (P)
Serious Habitual Youth Offender Program, Chard, B. ..... H.B. 69 (P)
Tolling a Criminal Sentence, Curtis, G. ..... H.B. 51 (P)
Witness Immunity Amendments, Gladwell, D. ..... H.B. 78 (P)

CREDIT

Homeowner's Insurance, Peterson, M. ..... S.B. 171 (P)
Uniform Commercial Code Article 5 –
Letters of Credit, Hillyard, L. ..... S.B. 163 (P)

CRIMINAL CODE

Access of Youth to Tobacco Products, Tanner, J. ..... H.B. 217 (F)
Age of Victim of Statutory Rape, Nelson, L. ..... H.B. 256 (F)
Aggravated Assault by a Prisoner Amendments, Barth, S. ..... H.B. 264 (P)
Amendments to Capital Sentencing, Ure, D. ..... H.B. 48 (P)
Amendments to Statute of Limitations, Buckner, P. ..... H.B. 75 (F)
Assault Amendments, Knudson, P. ..... H.B. 34 (P)
Assaulting a Peace Officer, Buckner, P. ..... H.B. 253 (F)
Attempted Purchase of Tobacco by Children, Jones, L. ..... S.B. 66 (F)
Auto Forfeiture of Those Soliciting Prostitutes, Barth, S. ..... H.B. 304 (F)
Capital Homicide Amendments, Buhler, D. ..... S.B. 4 (P)
Cellular Phone Fraud, Howell, S. ..... S.B. 31 (P)
Child Abuse Protections, Cox, G. ..... H.B. 92 (P)

Cohabitant Abuse Act Amendments, Larson, P. ..... H.B. 91 (F)
Computer Crimes Amendments, Holladay, B. ..... H.B. 87 (P)
Concealed Firearms Amendments, Barth, S. ..... H.B. 30 (P)
Conduct Related to School Activities, Stephenson, H. ..... S.B. 150 (P)
Counterfeit Financial Transaction Card
Amendments, Goodfellow, B. ..... H.B. 17 (P)
County and Municipality Judgeships, Harper, W. ..... H.B. 43 (P)
Court Amendments, Fox, C. ..... H.B. 323 (P)
Criminal Justice Boards and Commissions
Amendments, Bradshaw, A. ..... H.B. 121 (P)
Criminal Nonsupport Amendments, Carlson, M. ..... H.B. 299 (F)
Dangerous Weapon Penalty Enhancement, Cox, G. ..... H.B. 54 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Dangerous Weapons at Child-Centered
Schools and Facilities, Waddoups, M. ..... S.B. 38 (F)
Definition of Law Enforcement Official and Judge, Hillyard, L. ... S.B. 132 (P)
Escape and Absconding Amendments, Killpack, R. ..... H.B. 142 (P)
Fee for Background Check Before Handgun Purchase, Koehn, S. .. H.B. 46 (P)
Fictitious Name, Jones, D. ..... H.B. 338 (F)
Handgun Purchase Requirements, Waddoups, M. ..... S.B. 111 (F)
Harmful Material to a Minor, Buckner, P. ..... H.B. 329 (P)
Informed Consent Amendments, Killpack, R. ..... H.B. 362 (P)
Justice Court Amendments, Fox, C. ..... H.B. 324 (P)
Juvenile Curfew, Jones, L. ..... S.B. 42 (F)
Limitations on Purchase or Possession of a Firearm, Koehn, S. .... H.B. 85 (F)
Manufacturing or Possession of Instrument for
Theft or Burglary Amendments, Davis, G. ..... H.B. 149 (F)
Offenders – Income Withholding, Suazo, P. ..... S.B. 179 (F)
Out of State Firearm Permit, Killpack, R. ..... H.B. 207 (P)
Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Penalties for Sale of Tobacco to Youth, Montgomery, R. ..... S.B. 178 (F)
Penalty for Joy Riding, Suazo, P. ..... S.B. 143 (P)
Penalty for Joyriding, Chard, B. ..... H.B. 310 (F)
Penalty for Poaching Cougars, Davis, G. ..... H.B. 297 (F)
Penalty for Theft of Animal, Butters, C. ..... H.B. 57 (P)
Perjury Reform, Curtis, G. ..... H.B. 286 (P)
Pleas to Lesser Offense, Barth, S. ..... H.B. 288 (F)
Post Conviction Remedies – Death Penalty, Stephens, M. ..... H.B. 60 (P)
Private Property Owners' Right to
Prohibit Dangerous Weapons, Waddoups, M. ..... S.B. 39 (F)
Prohibition of Contraband in a Correctional Facility, Koehn, S. .... H.B. 52 (P)

Prohibition of Ultimate Fighting, Poulton, L. ..... S.B. 43 (P)
Public Assistance Welfare Fraud, Murray, J. ..... H.B. 257 (P)
Public Nudity Prohibition, Taylor, C. ..... S.B. 244 (F)
Recovery for Damages from Drug Dealer, Barth, S. ..... H.B. 281 (F)
Regulation of Sale of Tobacco Products, Harper, W. ..... H.B. 73 (F)
Resentencing Amendments, Gladwell, D. ..... H.B. 58 (P)
Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)
Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)
Sentencing Guidelines, Hillyard, L. ..... S.B. 25 (P)
Sodomy Amendments, Ure, D. ..... H.B. 134 (F)
Statute of Limitations Amendments, Barth, S. ..... H.B. 262 (P)
Tolling a Criminal Sentence, Curtis, G. ..... H.B. 51 (P)
Traffic Checkpoint Amendments, Stephens, N. ..... H.B. 45 (P)
Trespassing In Abandoned Mines, Gowans, J. ..... H.B. 376 (P)
Unlawful Activity Amendments, Barth, S. ..... H.B. 22 (P)
Unlawful Sexual Conduct Relating to Minors, Taylor, C. ..... S.B. 63 (F)
Witness Immunity Amendments, Gladwell, D. ..... H.B. 78 (P)

CRIMINAL CONDUCT

Cellular Phone Fraud, Howell, S. ..... S.B. 31 (P)
Computer Crimes Amendments, Holladay, B. ..... H.B. 87 (P)
Concealed Firearms Amendments, Barth, S. ..... H.B. 30 (P)
Criminal Nonsupport Amendments, Carlson, M. ..... H.B. 299 (F)
Dangerous Weapon Penalty Enhancement, Cox, G. ..... H.B. 54 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Dangerous Weapons at Child-Centered
Schools and Facilities, Waddoups, M. ..... S.B. 38 (F)
Escape and Absconding Amendments, Killpack, R. ..... H.B. 142 (P)
Harmful Material to a Minor, Buckner, P. ..... H.B. 329 (P)
Limitations on Purchase or Possession of a Firearm, Koehn, S. .... H.B. 85 (F)
Manufacturing or Possession of Instrument for
Theft or Burglary Amendments, Davis, G. ..... H.B. 149 (F)
Penalty for Joy Riding, Suazo, P. ..... S.B. 143 (P)
Penalty for Theft of Animal, Buttars, C. ..... H.B. 57 (P)
Private Property Owners' Right to Prohibit Dangerous
Weapons, Waddoups, M. ..... S.B. 39 (F)
Prohibition of Contraband in a Correctional Facility, Koehn, S. .... H.B. 52 (P)
Prohibition of Ultimate Fighting, Poulton, L. ..... S.B. 43 (P)
Public Assistance Welfare Fraud, Murray, J. ..... H.B. 257 (P)
Public Nudity Prohibition, Taylor, C. ..... S.B. 244 (F)
Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)

Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)
Sodomy Amendments, Ure, D. ..... H.B. 134 (F)
Unlawful Activity Amendments, Barth, S. ..... H.B. 22 (P)
Unlawful Sexual Conduct Relating to Minors, Taylor, C. ..... S.B. 63 (F)

CRIMINAL IDENTIFICATION

Fee for Background Check Before Handgun Purchase, Koehn, S. .. H.B. 46 (P)
Public Safety – Missing Persons Center, Johnson, K. ..... H.B. 4 (P)

DAY CARE

Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Community and Youth Prevention Programs, Frandsen, L. ..... H.B. 184 (P)
Licensing of Day Care Facilities, Jones, D. ..... H.B. 124 (P)

DAY CARE LICENSING

Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Licensing of Day Care Facilities, Jones, D. ..... H.B. 124 (P)

DEPARTMENT OF ADMINISTRATIVE SERVICES

Reorganization of Department of
Administrative Services, Mantes, G. ..... S.B. 249 (P)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)

DEPARTMENT OF AGRICULTURE

Department of Agriculture and Food – Name Change, Blackham, L. S.B. 35 (P)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Olene Walker Housing Trust Fund Amendments, Adair, G. ..... H.B. 230 (P)

DEPARTMENT OF CORRECTIONS

Department of Corrections – Emergency Release, Hillyard, L. .... S.B. 250 (P)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Air Quality Board Powers, McAllister, L. ..... S.B. 45 (F)

Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Pollution Lien for Cost Recovery, Dillree, M. ..... H.B. 176 (F)
Radiation Control Membership Amendments, Evans, B. ..... H.B. 409 (F)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Resolution Approving Development of
Waste Disposal Facility, Anderson, E. ..... H.C.R. 8 (P)
Resolution Approving Industrial Waste
Disposal Facility, Evans, B. ..... H.C.R. 10 (F)
Resolution on Placement of High Level
Nuclear Waste In Utah, Barth, S. ..... H.J.R. 23 (F)
Safe Drinking Water Act Amendments, Holmgren, J. ..... S.B. 75 (P)
Used Oil Act Amendments, McAllister, L. ..... S.B. 138 (P)
Voluntary Release Cleanup Program, Mansell, L. ..... S.B. 190 (P)
Waste Management Facility, Dmitrich, M. ..... S.B. 225 (F)

DEPARTMENT OF FINANCIAL INSTITUTIONS

Financial Institution Amendments, Mansell, L. ..... S.B. 100 (P)

DEPARTMENT OF HEALTH

Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Health Facility Licensure Amendments, Carlson, M. ..... H.B. 272 (P)
Informed Consent Amendments, Killpack, R. ..... H.B. 362 (P)
Kurt Oscarson Children's Organ Transplant Committee, Davis, G. H.B. 258 (P)
Licensing of Day Care Facilities, Jones, D. ..... H.B. 124 (P)

DEPARTMENT OF HUMAN SERVICES

Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Kurt Oscarson Children's Organ Transplant Committee, Davis, G. H.B. 258 (P)

DEPARTMENT OF PUBLIC SAFETY

Concealed Firearms Amendments, Barth, S. ..... H.B. 30 (P)
Requirements for Concealed Firearm Permit, Nelson, L. ..... H.B. 118 (F)

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Waivers, Mayne, E. ..... S.B. 51 (P)
Motor Carrier Pilot Program, Waddoups, M. ..... S.B. 208 (P)
Procurement Code – Design Build Amendments, Beattie, L. ..... S.B. 202 (P)

Rest Stop Commemorating American West, Olsen, E. ..... H.B. 292 (P)
State Transportation Infrastructure Bank, Waddoups, M. ..... S.B. 175 (P)
Transportation Overhead Rate Limitations, Holmgren, J. ..... S.B. 119 (P)
Utah Department of Transportation Authority to
Construct Toll Roads and Lanes, Allen, B. ..... H.B. 266 (P)

DISABILITIES

Choice of Providers in Human Services, Haymond, J. ..... H.B. 306 (F)
Consumer Warranties on Assistive Technology, Hunsaker, F. ..... H.B. 358 (P)
Coverage for Dental Procedures, Killpack, R. ..... H.B. 326 (F)
Expanded Conservatorship and Guardianship Services
for Elderly, Bradshaw, A. ..... H.B. 300 (P)
Health Care Assistant Registration Act Amendments, Haymond, J. H.B. 287 (F)
Hunting Permits for Persons With Disabilities, Allen, B. ..... H.B. 140 (P)
Independent Hearing Officers for Teachers, Evans, R. ..... S.B. 238 (F)
Residential Facilities for Persons with a
Disability, Muhlestein, R. ..... S.B. 217 (P)
Special Education Dispute Resolution, Steele, D. ..... S.B. 137 (P)
Trust for Developmentally Disabled Amendments, McAllister, L. . . S.B. 196 (F)

DOGS

Shelter Adopted Animals – Pet Neutering, Steiner, R. ..... S.B. 206 (F)

DOMESTIC VIOLENCE

Appropriation for Domestic Violence Shelters, Evans, R. ..... S.B. 140 (P)
Cohabitant Abuse Act Amendments, Larson, P. ..... H.B. 91 (F)
Domestic Abuse Insurance Practices, Allen, S. ..... H.B. 170 (P)
Limitations on Purchase or Possession of A Firearm, Koehn, S. ... H.B. 85 (F)

DRIVER LICENSE

Driver License – Smart Card, Adair, G. ..... H.B. 244 (F)
Driver License Amendments, Steele, D. ..... S.B. 23 (P)
Driver License Reinstatement, Adair, G. ..... H.B. 226 (P)
Graduated Driver License Provisions, Bush, D. ..... H.B. 157 (F)
Hardship Driver Permit for Youth, Blackham, L. ..... S.B. 125 (F)
Personal Information In Motor Vehicle Records, Carlson, M. .... H.B. 235 (F)
Renewal of Drivers Licenses Kiosks, Arent, P. ..... H.B. 40 (P)

DRIVING UNDER THE INFLUENCE (DUI)

Alcohol and Drug Testing Fee, Bush, D. ..... H.B. 55 (P)

Blood Alcohol Content for Drivers, Saunders, C. ..... H.B. 233 (F)
Driver License Reinstatement, Adair, G. ..... H.B. 226 (P)
Driving Under the Influence Amendments, Stephens, N. ..... H.B. 65 (F)

ECONOMIC DEVELOPMENT

Affordable Housing Amendments, Suazo, P. ..... S.B. 131 (F)
Amendments on Affordable Housing, Haymond, J. ..... H.B. 268 (P)
Amendments to Redevelopment Agency Provisions, Walsh, R. ... H.B. 365 (F)
Appropriation for Children's Art Facility Expansion, Haymond, J. . H.B. 93 (P)
Appropriation for Olene Walker Housing Trust Fund, Adair, G. ... H.B. 63 (F)
Appropriation for Restoration of
Brigham Young Academy, Nielson, H. ..... S.B. 48 (P)
Appropriation for Tuacahn Foundation, Jones, L. ..... S.B. 16 (P)
Appropriation to Study Centralized
Urban Programs for Native Americans, Suazo, P. ..... S.B. 153 (P)
Appropriations for Bridgerland Ice Sheet, Buttars, C. ..... H.B. 89 (F)
Changes to Division of State History, McAllister, L. ..... S.B. 154 (P)
Community Economic Development Project Fund, Curtis, G. .... H.B. 100 (F)
Creation and Oversight of Governmental Entities, Allen, B. ..... H.B. 351 (F)
Division of State History Duties, McAllister, L. ..... S.B. 72 (P)
Eccles Community Art Center Grant, Tanner, N. ..... S.B. 105 (P)
Housing Authority Amendments, Suazo, P. ..... S.B. 86 (P)
Housing Coordination and Planning, Hunsaker, F. ..... H.B. 171 (P)
Housing Trust Fund Technical Assistance Program, Jones, D. .... H.B. 407 (F)
Incremental Tax Financing for Affordable Housing, Davis, G. ... H.B. 397 (F)
Indian Affairs Amendments, Gowans, J. ..... H.B. 185 (P)
Industrial Assistance Fund –
Rural Resettlement Program, Olsen, E. ..... H.B. 372 (P)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)
Native American Performance of Marriages, Anderson, E. ..... H.B. 186 (P)
Olene Walker Housing Trust Fund Amendments, Adair, G. ..... H.B. 230 (P)
Preference for Utah Construction on Olympics, Davis, G. ..... H.B. 314 (F)
Private Activity Bonding, Becker, R. ..... H.B. 56 (P)
Reauthorize Enterprise Zone Act, Evans, B. ..... H.B. 213 (P)
Redevelopment Agency Amendments, Taylor, C. ..... S.B. 53 (F)
Resolution Encouraging Economic
Resettlement of Rural Utah, Blackham, L. ..... S.C.R. 4 (P)
Resolution on Republic of China on Taiwan, Peterson, C. ..... S.J.R. 5 (P)
Rest Stop Commemorating American West, Olsen, E. ..... H.B. 292 (P)
Sevier Valley Special Events Center, Johnson, B. ..... H.B. 378 (P)
State Fair Park Amendments, Wright, B. ..... H.B. 322 (P)

Task Force on Regulatory Barriers to
Affordable Housing, Mansell, L. ..... S.B. 124 (P)
Tourism Marketing Performance Fund, Allen, S. ..... H.B. 88 (P)
Use of Utah Industrial Assistance, Haymond, J. ..... H.B. 211 (F)

EDUCATION

Accelerated Learning Amendments, Frandsen, L. ..... H.B. 35 (P)
Acceptance of Trust Lands Resolution, Garn, K. ..... H.J.R. 14 (P)
Administrative Procedures Regarding
School Trust Lands, Hickman, J. ..... H.B. 394 (F)
Adult High School Completion Amendments, Suazo, P. ..... S.B. 158 (F)
Annexation Transition for School Districts, Killpack, R. ..... H.B. 296 (P)
Appropriation for Biotech Program at
Utah State University, Blackham, L. ..... S.B. 201 (P)
Appropriation for Classroom Supplies, Bigelow, R. ..... H.B. 81 (P)
Appropriation for Purchase of
Property Adjacent to Dixie College, Jones, L. ..... S.B. 222 (F)
Appropriation for Statewide
Integration of Engineering Education, Peterson, C. ..... S.B. 162 (P)
Appropriation for Utah State University
Pasture and Forage Initiative, Anderson, E. ..... H.B. 361 (P)
Centennial Charter Schools Task Force, Allen, B. ..... H.B. 389 (P)
Children and Youth at Risk Amendments, Evans, B. ..... H.B. 164 (P)
Children's Reading Skills, Haymond, J. ..... H.B. 67 (P)
Class Size Reduction Options, Peterson, M. ..... S.B. 191 (F)
Compulsory Education Requirements, Bryson, K. ..... H.B. 340 (F)
Conduct Related to School Activities, Stephenson, H. ..... S.B. 150 (P)
Corporal Punishment in Public Schools Amendments, Steele, D. .. S.B. 101 (F)
Creating a Public School District, Peterson, M. ..... S.B. 5 (F)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Dangerous Weapons at Child-Centered
Schools and Facilities, Waddoups, M. ..... S.B. 38 (F)
Dual Enrollment Amendments, Alexander, J. ..... H.B. 103 (F)
Education Assessment Program, Siddoway, R. ..... H.B. 194 (F)
Education Costs for Nonresident Students, Allen, S. ..... H.B. 212 (P)
Educational Savings Plan Trust Amendments, Johnson, K. ..... H.B. 200 (P)
Emergency Injections for Anaphylactic Reaction, Dayton, M. .... H.B. 130 (F)
Extracurricular Activities, Stephenson, H. ..... S.B. 76 (F)
Funding Air Conditioning and Computer
Personnel for Public Education, Davis, G. ..... H.B. 335 (F)
Gun Education for Elementary Schools, Holladay, B. ..... H.B. 83 (F)

Higher Education Parking Enforcement, Tyler, A. ..... H.B. 39 (P)
Higher Education Presidential Authority, Davis, G. ..... H.B. 261 (F)
Higher Education Revenue Bonds, Hunsaker, F. ..... H.B. 18 (P)
Higher Education Supplemental
Savings Incentive Program, Garn, K. ..... H.B. 369 (P)
Income Tax – Education Tax Credit, Stephenson, H. ..... S.B. 61 (F)
Income Tax Credit for Educational Choice, Olsen, E. ..... H.B. 102 (F)
Independent Hearing Officers for Teachers, Evans, R. ..... S.B. 238 (F)
Joint Liaison Committee Amendments, Evans, B. ..... H.B. 166 (P)
Medical Education Program, Haymond, J. ..... H.B. 141 (P)
Minimum School Program Act Amendments, Wright, B. ..... H.B. 2 (P)
Modified Centennial Schools Amendments, Allen, B. ..... H.B. 412 (F)
Modified School Week Pilot Program, Hatch, T. ..... H.B. 341 (P)
Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Prison Inmate Education Amendments, Frandsen, L. ..... H.B. 163 (P)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)
Public Education Services Appropriation, Gowans, J. ..... H.B. 375 (F)
Public Education System Amendments, Olsen, E. ..... H.B. 325 (F)
Public School Snow Days Resolution, Howell, S. ..... S.J.R. 4 (P)
Resolution of Commitment to Gifted Children, Cox, G. ..... H.R. 5 (F)
School and Institutional Trust Lands Amendments, Steele, D. ..... S.B. 77 (P)
School Board Compensation, Allen, S. ..... H.B. 190 (P)
School Trust Lands Modifications, Myrin, A. ..... S.B. 68 (F)
Serious Habitual Youth Offender Program, Chard, B. ..... H.B. 69 (P)
Special Education Dispute Resolution, Steele, D. ..... S.B. 137 (P)
State Museum of Natural History Outreach Programs, Olsen, E. .. H.B. 270 (P)
State School Board Election Procedures, Nielson, H. ..... S.B. 40 (P)
Student Education / Occupation Plan Amendments, Frandsen, L. . H.B. 138 (P)
Teacher Termination Procedures Task Force, Rowan, T. ..... H.B. 101 (F)
Transferability of State College Credits Resolution, Bryson, K. .... H.J.R. 4 (P)
Transportation of Students by School Districts, Johnson, K. ..... H.B. 158 (F)
Truancy Prevention Appropriation, Alexander, J. ..... H.B. 392 (P)
Trust for Developmentally Disabled Amendments, McAllister, L. .. S.B. 196 (F)
Trust Lands Act Amendments, Harward, B. ..... H.B. 106 (P)
Tuition Waiver Amendments, Hickman, J. ..... H.B. 7 (P)
Tuition Waiver for Certain Students In
Higher Education, Davis, G. ..... H.B. 346 (P)
Use of Income Tax Revenues, Garn, K. ..... H.B. 197 (P)
Utah Botanical Center Appropriation, Dillree, M. ..... H.B. 76 (P)
Validity of Credentials in Public Education, McAllister, L. ..... S.B. 118 (P)

Values–Oriented Treatment Program, Evans, R. ..... S.B. 192 (F)
Western Interstate Commission for
Higher Education Amendments, Hillyard, L. ..... S.B. 102 (P)

EDUCATION – CONSTITUTION

Resolution Governing Public Education, Way, G. ..... H.J.R. 18 (F)

EDUCATIONAL PLANNING

Accelerated Learning Amendments, Frandsen, L. ..... H.B. 35 (P)
Administrative Procedures Regarding School
Trust Lands, Hickman, J. ..... H.B. 394 (F)
Annexation Transition for School Districts, Killpack, R. ..... H.B. 296 (P)
Children's Reading Skills, Haymond, J. ..... H.B. 67 (P)
Dual Enrollment Amendments, Alexander, J. ..... H.B. 103 (F)
Higher Education Supplemental Savings
Incentive Program, Garn, K. ..... H.B. 369 (P)
Modified Centennial Schools Amendments, Allen, B. ..... H.B. 412 (F)
School and Institutional Trust Lands Amendments, Steele, D. ..... S.B. 77 (P)
Trust Lands Act Amendments, Harward, B. ..... H.B. 106 (P)

ELDERLY

Affordable Housing Amendments, Suazo, P. ..... S.B. 131 (F)
Choice of Providers in Human Services, Haymond, J. ..... H.B. 306 (F)
Expanded Conservatorship and Guardianship
Services for Elderly, Bradshaw, A. ..... H.B. 300 (P)
Property Tax Valuations on Primary
Residence of Elderly Persons, Jones, D. ..... H.B. 352 (F)
Resolution Allowing Property Tax Deferment for Elderly, Tyler, A. H.J.R. 1 (F)
Resolution Amending Property Tax Exemptions, Davis, G. ..... H.J.R. 11 (F)
Resolution Restricting Property Tax
Valuation on Primary Residences of the Elderly, Jones, D. ..... H.J.R. 3 (F)

ELECTIONS

Campaign Finance Reform Amendment, Steiner, R. ..... S.B. 242 (F)
County Officers Amendments, Seitz, J. ..... H.B. 199 (P)
Election By District In Municipalities, Zolman, D. ..... H.B. 126 (F)
Election Law – Campaign Finance Reporting
Requirements, Buhler, D. ..... S.B. 81 (P)
Election Law – Candidate Issues, Poulton, L. ..... S.B. 82 (P)

Election Law – Election Process, Evans, R. ..... S.B. 79 (P)
Election Law – Political Parties, Suazo, P. ..... S.B. 78 (P)
Election Law Commission, Carlson, M. ..... H.B. 104 (F)
Election Law Technical Amendments, Carlson, M. ..... H.B. 160 (P)
Judicial Nominating Commission Amendment, Taylor, C. ..... S.B. 197 (P)
Labor Organization Deductions, Stephenson, H. ..... S.B. 58 (F)
Lobbyist Reporting Issues, Ure, D. ..... H.B. 168 (F)
Municipal Districts, Bush, D. ..... H.B. 24 (P)
Municipal Election Amendments, Tanner, J. ..... H.B. 161 (P)
Organization, Administration, and
Allocation of Governmental Powers, Walsh, R. ..... H.B. 364 (F)
Political Party Primaries, Barth, S. ..... H.B. 279 (F)
Provisional Ballot, Harward, B. ..... H.B. 116 (F)
Reporting Elected Official Funds, Mayne, E. ..... S.B. 241 (F)
Reporting Fund–Raising Events, Jones, D. ..... H.B. 356 (F)
Resolution Governing Public Education, Way, G. ..... H.J.R. 18 (F)
Rocky Mountain Presidential Primary
Task Force Appointments, Beattie, L. ..... S.B. 240 (P)
State School Board Election Procedures, Nielson, H. ..... S.B. 40 (P)
Voter Registration Information in High Schools, Evans, R. ..... S.B. 32 (P)
Water Conservancy Board of Directors, Seitz, J. ..... H.B. 390 (F)

EMERGENCY MANAGEMENT

State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)

EMINENT DOMAIN

Agriculture Protection Area Provisions, Buttars, C. ..... H.B. 381 (F)
Eminent Domain Amendments, Dmitrich, M. ..... S.B. 156 (F)
Eminent Domain Valuation, Suazo, P. ..... S.B. 70 (P)

EMISSIONS CONTROL

Emissions Inspection on Newer Vehicles, Muhlestein, R. ..... S.B. 21 (P)

EMPLOYEES AND COMPENSATION, LEGISLATURE

Compensation of In–Session Employee Resolution, Haymond, J. . H.J.R. 13 (P)
Executive Compensation, Peterson, C. ..... S.B. 167 (P)
Higher Education Presidential Authority, Davis, G. ..... H.B. 261 (F)
Salary Increases for Government Officials, Styler, M. ..... H.B. 241 (F)

EMPLOYMENT AGENCIES

Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

EMPLOYMENT SECURITY

Employment Security Amendments, Knudson, P. ..... H.B. 220 (P)
Workforce Services and Labor
Commission Implementation and Amendments, Buhler, D. .... S.B. 166 (P)

ENERGY

Commercial Project Entities, Blackham, L. ..... S.B. 114 (P)
Electrical Deregulation and Customer Choice Task Force, Fox, C. H.B. 313 (P)
Income Tax – Energy Savings Tax Credit Extension, Evans, R. ..... S.B. 36 (P)
Natural Gas Technician Certification Act, Siddoway, R. ..... H.B. 125 (F)
Securities Issuance by Electrical Corporations, Haymond, J. ..... H.B. 239 (P)
Utility Siting Amendments, Knudson, P. ..... H.B. 127 (P)

ENVIRONMENT

Air Quality Board Powers, McAllister, L. ..... S.B. 45 (F)
Air Quality, Land Use, and Transportation
Planning Provisions, McAllister, L. ..... S.B. 91 (F)
Amendments to Environmental Quality Requirements, Curtis, G. . H.B. 403 (F)
Changes to Environmental Law, Dmitrich, M. ..... S.B. 248 (F)
Clean Burning Stove Tax Credit Amendments, McAllister, L. ..... S.B. 139 (P)
Commercial Nonhazardous Disposal Site, Evans, B. ..... H.B. 371 (F)
Disposal Fee for Construction and Demolition Waste, Tuttle, D. ... H.B. 68 (P)
Emissions Inspection on Newer Vehicles, Muhlestein, R. ..... S.B. 21 (P)
Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Environmental Quality Code Amendments, Anderson, E. ..... H.B. 404 (P)
Escalante National Monument Resolution, Hatch, T. ..... H.C.R. 1 (P)
Fees for Commercial Radioactive Waste, Nielson, H. ..... S.B. 229 (F)
Growth Management – Regional Land Use Planning, Adair, G. .. H.B. 308 (F)
Land Use, Transportation, and
Air Quality Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Pollution Lien for Cost Recovery, Dillree, M. ..... H.B. 176 (F)
Radiation Control Membership Amendments, Evans, B. ..... H.B. 409 (F)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Resolution Approving Development of Waste
Disposal Facility, Anderson, E. ..... H.C.R. 8 (P)
Resolution Approving Industrial Waste Disposal
Facility, Evans, B. ..... H.C.R. 10 (F)
Resolution on Ozone and Particulate Matter, Dmitrich, M. ..... S.J.R. 12 (P)
Resolution on Placement of High Level
Nuclear Waste In Utah, Barth, S. ..... H.J.R. 23 (F)

Resolution on Water Infrastructure for
Central Utah Project, Becker, R. ..... H.J.R. 16 (F)
Resolution Opposing Governmental Regulations, Iverson, D. .... H.C.R. 2 (P)
Safe Drinking Water Act Amendments, Holmgren, J. ..... S.B. 75 (P)
Sales Tax – Environmental Clean Up Exemption, Wright, B. ..... H.B. 398 (F)
Sales Tax Exemption for Scrap Recyclers, Buhler, D. ..... S.B. 29 (P)
Solid Waste Amendments, Allen, B. ..... H.B. 294 (F)
Tax Incentives for Clean Fuels, McAllister, L. ..... S.B. 47 (F)
Underground Storage Tank Funding, Wright, B. ..... H.B. 117 (P)
Unlawful Activity Amendments, Barth, S. ..... H.B. 22 (P)
Use of Motor Fuel Tax, Blackham, L. ..... S.B. 254 (F)
Used Oil Act Amendments, McAllister, L. ..... S.B. 138 (P)
Voluntary Release Cleanup Program, Mansell, L. ..... S.B. 190 (P)
Waste Disposal Amendments, Barth, S. ..... H.B. 396 (F)
Waste Disposal Fee Amendment, Holmgren, J. ..... S.B. 195 (P)
Waste Management Facility, Dmitrich, M. ..... S.B. 225 (F)

ETHICS

Amendments to Ethics Law, Buhler, D. ..... S.B. 239 (P)
Ethics Act, Tanner, J. ..... H.B. 9 (F)
Public Transit District Ethics, Short, R. ..... H.B. 82 (P)

EXECUTIVE BRANCH

Governor's Budget Requirements, Stephens, N. ..... H.B. 388 (F)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)

FAMILY

Action for Loss of Consortium, Fox, C. ..... H.B. 320 (P)
Amendments to Divorce Requirements, Taylor, C. ..... S.B. 120 (F)
Child Custody and Visitation Amendments, Holladay, B. ..... H.B. 79 (F)
Child Support – Social Security Credit, Harward, B. ..... H.B. 167 (P)
Child Support Advisory Committee Membership, Taylor, C. ..... S.B. 80 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Child Support Guidelines Amendments, Harward, B. ..... H.B. 165 (F)
Child Support Reduction for Extended Visitation, Dayton, M. ..... H.B. 13 (F)
Child Visitation Guidelines, Evans, R. ..... S.B. 33 (P)
Cohabitant Abuse Act Amendments, Larson, P. ..... H.B. 91 (F)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
Criminal Nonsupport Amendments, Carlson, M. ..... H.B. 299 (F)

Custody Disputes Involving a Parent with a Disability, Tanner, J. . H.B. 215 (P)
Divorce Education Program Technical Correction, Haymond, J. .. H.B. 271 (P)
Domestic Relations Cases – Name Designation, Valentine, J. .... H.B. 229 (P)
Facilitation of Adoption Act, Killpack, R. ..... H.B. 384 (F)
Family Employment Program, Frandsen, L. ..... H.B. 269 (P)
Guardian Ad Litem Amendments, Barth, S. ..... H.B. 94 (P)
Marriage Law Amendments, Davis, G. ..... H.B. 406 (F)
Mcgruff House Program, Beck, T. ..... H.B. 277 (P)
Medical Assistance Act – Spousal Impoverishment, Howell, S. ..... S.B. 174 (P)
Parental Responsibility for Wrongful Conduct of Child, Suazo, P. .. S.B. 246 (F)
Sanctions for Noncompliance with Visitation Orders, Barth, S. ... H.B. 255 (F)
Services for Legal Aliens, Suazo, P. ..... S.B. 187 (F)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)

FEDERAL GOVERNMENT

Civil Defense Compact, Koehn, S. ..... H.B. 291 (P)
Escalante National Monument Resolution, Hatch, T. ..... H.C.R. 1 (P)
Federal Fuel Tax Replacement Provisions, Allen, B. ..... H.B. 191 (F)
Protection of Pension, Profit Sharing, and
Similar Plans In Bankruptcy, Ure, D. ..... H.B. 135 (F)
Recording Federal Tax Liens, Siddoway, R. ..... H.B. 370 (P)
Resolution Calling for State's Amendments
To Federal Constitution, Dillree, M. ..... H.C.R. 7 (F)
Resolution Encouraging Shortening Daylight
Savings Period, Mayne, E. ..... S.J.R. 3 (P)
Resolution Opposing Federal Government
Encroachments on Rights of States, Rowan, T. ..... H.R. 7 (P)
Resolution Supporting Realignment of
Air Force Base Workload, Chard, B. ..... H.C.R. 4 (P)
Resolution Urging Congressional Facilitation of
Health Care Products, Beattie, L. ..... S.J.R. 2 (P)
State and Federal Law Enforcement–Joint Jurisdiction, Steele, D. .. S.B. 141 (P)
Utah Wilderness Designation Resolution, Johnson, B. ..... H.C.R. 6 (P)

FEES

Alcohol and Drug Testing Fee, Bush, D. ..... H.B. 55 (P)
Attorney General Powers – Contingent Fee
Arrangements, Montgomery, R. ..... S.B. 235 (F)
County Collection of Uniform and Motor Vehicle
Fees, Brown, M. ..... H.B. 386 (F)
Court Reporter Amendments, Peterson, C. ..... S.B. 155 (P)

Disposal Fee for Construction and Demolition Waste, Tuttle, D. ... H.B. 68 (P)
Fee for Background Check Before Handgun Purchase, Koehn, S. .. H.B. 46 (P)
Fees for Commercial Radioactive Waste, Nielson, H. ..... S.B. 229 (F)
Handgun Purchase Requirements, Waddoups, M. ..... S.B. 111 (F)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Recreation Impact Fees, Valentine, J. ..... H.B. 32 (P)
Requirements for Concealed Firearm Permit, Nelson, L. ..... H.B. 118 (F)
Snowmobile User Fee, Jones, L. ..... S.B. 211 (F)

FINANCIAL INSTITUTIONS

Automated Teller Machine Amendments, Hunsaker, F. ..... H.B. 5 (P)
Counterfeit Financial Transaction
Card Amendments, Goodfellow, B. ..... H.B. 17 (P)
Depository Institution Name Amendments, Bradshaw, A. ..... H.B. 26 (P)
Expanded Conservatorship and
Guardianship Services for Elderly, Bradshaw, A. ..... H.B. 300 (P)
Financial Institution Amendments, Mansell, L. ..... S.B. 100 (P)
Interest Rate Maximum on Contracts, Saunders, C. ..... H.B. 238 (F)
Retention Proceeds Reform for Construction Projects, Peterson, C. . S.B. 136 (F)
Uniform Commercial Code Article 5 –
Letters of Credit, Hillyard, L. ..... S.B. 163 (P)

FIRE PROTECTION

Appropriation for Wildland Fire Suppression, Blackham, L. ..... S.B. 189 (F)
County Volunteer and Paid–Call Firefighters' Hours, Barth, S. ... H.B. 400 (P)
Firefighters' Noncontributory Retirement System, Murray, J. .... H.B. 195 (F)
Noncontributory Retirement System for Firefighters, Suazo, P. .... S.B. 130 (F)
Public Safety Firefighter Death Benefits, Carlson, M. ..... H.B. 123 (F)
Wildland Fire Amendments, Gowans, J. ..... H.B. 275 (P)
Wildland Fire Suppression Amendments, Blackham, L. ..... S.B. 231 (F)

FISH AND GAME

Cooperative Wildlife Management Units, Chard, B. ..... H.B. 115 (P)
Cougar and Bear Depredation Loss, Evans, B. ..... H.B. 289 (P)
Division of Wildlife – Management of Lands, Myrin, A. ..... S.B. 62 (F)
Elk Farming, Johnson, B. ..... H.B. 90 (P)
Endangered Species Mitigation Fund, Hatch, T. ..... H.B. 359 (P)
Hunting Permits for Persons With Disabilities, Allen, B. ..... H.B. 140 (P)
Penalty for Poaching Cougars, Davis, G. ..... H.B. 297 (F)
Regulation of Wildlife Outfitters and Guides, Johnson, B. ..... H.B. 37 (F)

Resolution Urging Proper Protection and Management of
Wildlife, Fox, C. ..... H.J.R. 15 (P)

FORESTS

Appropriation for Forestry Extension Services, Myrin, A. ..... S.B. 24 (P)

FOSTER CARE

Adoption of Children In Division of Child and
Family Services Custody, Stephens, N. ..... H.B. 109 (P)
Child Welfare Reform Act Amendments, Haymond, J. ..... H.B. 307 (P)
Children's Justice Center Program, Peterson, C. ..... S.B. 182 (P)
Foster Care Citizen Review Board Amendments, Stephens, N. ... H.B. 178 (P)
Foster Parent Director, Stephens, N. ..... H.B. 274 (F)
Tax Incentives for Adoption and Guardianship, Haymond, J. ..... H.B. 303 (F)

FRAUD

Cellular Phone Fraud, Howell, S. ..... S.B. 31 (P)
Fictitious Name, Jones, D. ..... H.B. 338 (F)
Public Assistance Welfare Fraud, Murray, J. ..... H.B. 257 (P)

GANGS

Gang Prevention and Intervention, Short, R. ..... H.B. 342 (P)

GOVERNMENT PURCHASING

Amendment to Procurement Requirements for
Construction Projects, Buhler, D. ..... S.B. 95 (P)
Preference for Utah Construction on Olympics, Davis, G. ..... H.B. 314 (F)
Procurement Code – Design Build Amendments, Beattie, L. ..... S.B. 202 (P)
Procurement Code Requirement of
Health Care Benefits for Contractors, Mayne, E. ..... S.B. 228 (F)
State Agency's Contracts for Computer Support, Garn, K. ..... H.B. 367 (P)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)

GOVERNMENT RECORDS

Department of Corrections – Record Requests, Killpack, R. ..... H.B. 328 (F)

GOVERNMENTAL IMMUNITY

Immunities of Government Entities From Suit, Evans, B. ..... H.B. 383 (F)

GROSS RECEIPTS

Gross Receipts Taxes – Rates Reduction and Repeal, Styler, M. . . H.B. 347 (F)

HAZARDOUS SUBSTANCES

Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Fees for Commercial Radioactive Waste, Nielson, H. ..... S.B. 229 (F)
Pollution Lien for Cost Recovery, Dillree, M. ..... H.B. 176 (F)
Radiation Control Membership Amendments, Evans, B. ..... H.B. 409 (F)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Resolution on Placement of
High Level Nuclear Waste In Utah, Barth, S. ..... H.J.R. 23 (F)
Voluntary Release Cleanup Program, Mansell, L. ..... S.B. 190 (P)
Waste Disposal Fee Amendment, Holmgren, J. ..... S.B. 195 (P)
Waste Management Facility, Dmitrich, M. ..... S.B. 225 (F)

HEALTH

Access of Youth to Tobacco Products, Tanner, J. ..... H.B. 217 (F)
Access to Medical Records, Haymond, J. ..... H.B. 152 (F)
Action for Loss of Consortium, Fox, C. ..... H.B. 320 (P)
Air Quality Board Powers, McAllister, L. ..... S.B. 45 (F)
Air Quality, Land Use, and
Transportation Planning Provisions, McAllister, L. ..... S.B. 91 (F)
Attempted Purchase of Tobacco By Children, Jones, L. ..... S.B. 66 (F)
Chiropractic Practice Amendments, Steele, D. ..... S.B. 149 (F)
Choice of Health Care Providers, Larson, P. ..... H.B. 246 (F)
Clean Burning Stove Tax Credit Amendments, McAllister, L. ..... S.B. 139 (P)
Commercial Nonhazardous Disposal Site, Evans, B. ..... H.B. 371 (F)
Coverage for Dental Procedures, Killpack, R. ..... H.B. 326 (F)
Disclosure Required in Sale of Health Maintenance Organization
Products to Senior Citizens, Hull, J. ..... S.B. 226 (F)
Disposal Fee for Construction and Demolition Waste, Tuttle, D. ... H.B. 68 (P)
Doctor–Related Communications, Killpack, R. ..... H.B. 285 (F)
Emergency Injections for Anaphylactic Reaction, Dayton, M. .... H.B. 130 (F)
Emissions Inspection on Newer Vehicles, Muhlestein, R. ..... S.B. 21 (P)
Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Evidence – Access to Patient Records, Curtis, G. ..... H.B. 263 (F)
Fees for Commercial Radioactive Waste, Nielson, H. ..... S.B. 229 (F)
Health Care Assistant Registration Act Amendments, Haymond, J. H.B. 287 (F)
Health Care Provider Practice and
Conduct Amendments, Montgomery, R. ..... S.B. 18 (P)

Health Facility Licensure Amendments, Carlson, M. ..... H.B. 272 (P)
Health Policy Commission Amendments, Stephenson, H. ..... S.B. 122 (P)
Hiv Testing Amendments, Valentine, J. ..... H.B. 302 (F)
Hospital Tax Amendments, Valentine, J. ..... H.B. 331 (P)
Identification Badges for Health Care Workers, Barth, S. ..... H.B. 251 (F)
Informed Consent Amendments, Killpack, R. ..... H.B. 362 (P)
Insurance – Mental Health, Steiner, R. ..... S.B. 181 (F)
Kurt Oscarson Children's Organ Transplant Committee, Davis, G. H.B. 258 (P)
Land Use, Transportation, and
Air Quality Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Malpractice Against Health Care
Providers Amendments, Valentine, J. ..... H.B. 188 (P)
Medical Advisory Board Waivers, Mayne, E. ..... S.B. 51 (P)
Medical Assistance Act – Spousal Impoverishment, Howell, S. ..... S.B. 174 (P)
Medical Benefits Recovery Act Amendments, Curtis, G. ..... H.B. 284 (F)
Medical Education Program, Haymond, J. ..... H.B. 141 (P)
Mental Health Insurance, Allen, B. ..... H.B. 193 (F)
Notice of Cigarettes Ingredients, Tanner, J. ..... H.B. 402 (F)
Open Enrollment Amendments, Mantes, G. ..... S.B. 60 (P)
Optometry Practice Act, Mansell, L. ..... S.B. 20 (P)
Penalties for Sale of Tobacco to Youth, Montgomery, R. ..... S.B. 178 (F)
Pharmacy Act – Open Drug Formulary, Holmgren, J. ..... S.B. 7 (P)
Physician Assistant Practice Act Amendments, Steiner, R. ..... S.B. 46 (P)
Pollution Lien for Cost Recovery, Dillree, M. ..... H.B. 176 (F)
Radiation Control Membership Amendments, Evans, B. ..... H.B. 409 (F)
Regulation of Sale of Tobacco Products, Harper, W. ..... H.B. 73 (F)
Requirements for Body Piercing, Baca, L. ..... H.B. 377 (F)
Resolution Approving Industrial Waste
Disposal Facility, Evans, B. ..... H.C.R. 10 (F)
Resolution Calling for End to Federal Subsidies of
Tobacco, Killpack, R. ..... H.C.R. 3 (P)
Resolution Designating Bone Marrow
Registration Day, Peterson, M. ..... S.C.R. 3 (P)
Resolution on Ozone and Particulate Matter, Dmitrich, M. ..... S.J.R. 12 (P)
Resolution Urging Congressional Facilitation of
Health Care Products, Beattie, L. ..... S.J.R. 2 (P)
Rural Health Care Provider Amendments, Haymond, J. ..... H.B. 216 (P)
Safe Drinking Water Act Amendments, Holmgren, J. ..... S.B. 75 (P)
Second Hand Smoke Amendments, Beattie, L. ..... S.B. 49 (P)
Substance Abuse Counselor Licensure
Amendments, Montgomery, R. ..... S.B. 194 (P)

Tax Incentives for Clean Fuels, McAllister, L. ..... S.B. 47 (F)
Used Oil Act Amendments, McAllister, L. ..... S.B. 138 (P)
Voluntary Release Cleanup Program, Mansell, L. ..... S.B. 190 (P)
Waste Disposal Amendments, Barth, S. ..... H.B. 396 (F)

HEALTH CARE

Access to Medical Records, Haymond, J. ..... H.B. 152 (F)
Choice of Health Care Providers, Larson, P. ..... H.B. 246 (F)
Emergency Injections for Anaphylactic Reaction, Dayton, M. .... H.B. 130 (F)
Evidence – Access to Patient Records, Curtis, G. ..... H.B. 263 (F)
Identification Badges for Health Care Workers, Barth, S. ..... H.B. 251 (F)
Medical Advisory Board Waivers, Mayne, E. ..... S.B. 51 (P)
Medical Savings Account Amendments, Mantes, G. ..... S.B. 107 (P)
Open Enrollment Amendments, Mantes, G. ..... S.B. 60 (P)
Procurement Code Requirement of
Health Care Benefits for Contractors, Mayne, E. ..... S.B. 228 (F)
Requirements for Body Piercing, Baca, L. ..... H.B. 377 (F)
Resolution Urging Congressional Facilitation of
Health Care Products, Beattie, L. ..... S.J.R. 2 (P)

HEALTH CARE FACILITIES

Health Facility Licensure Amendments, Carlson, M. ..... H.B. 272 (P)
Identification Badges for Health Care Workers, Barth, S. ..... H.B. 251 (F)
Requirements for Body Piercing, Baca, L. ..... H.B. 377 (F)
Rural Health Care Provider Amendments, Haymond, J. ..... H.B. 216 (P)

HEALTH CARE PROVIDERS

Chiropractic Practice Amendments, Steele, D. ..... S.B. 149 (F)
Choice of Health Care Providers, Larson, P. ..... H.B. 246 (F)
Disclosure Required in Sale of Health Maintenance
Organization Products to Senior Citizens, Hull, J. ..... S.B. 226 (F)
Health Care Assistant Registration Act Amendments, Haymond, J. H.B. 287 (F)
Health Care Provider Practice and Conduct
Amendments, Montgomery, R. ..... S.B. 18 (P)
Identification Badges for Health Care Workers, Barth, S. ..... H.B. 251 (F)
Malpractice Against Health Care Providers
Amendments, Valentine, J. ..... H.B. 188 (P)
Medical Education Program, Haymond, J. ..... H.B. 141 (P)
Physician Assistant Practice Act Amendments, Steiner, R. ..... S.B. 46 (P)
Rural Health Care Provider Amendments, Haymond, J. ..... H.B. 216 (P)

HEALTH INSURANCE

Choice of Health Care Providers, Larson, P. ..... H.B. 246 (F)
Coverage for Dental Procedures, Killpack, R. ..... H.B. 326 (F)
Health Care Provider Practice and Conduct
Amendments, Montgomery, R. ..... S.B. 18 (P)
Health Policy Commission Amendments, Stephenson, H. ..... S.B. 122 (P)
Insurance – Mental Health, Steiner, R. ..... S.B. 181 (F)
Mental Health Insurance, Allen, B. ..... H.B. 193 (F)
Open Enrollment Amendments, Mantes, G. ..... S.B. 60 (P)

HIGHER EDUCATION

Appropriation for Biotech Program At
Utah State University, Blackham, L. ..... S.B. 201 (P)
Appropriation for Purchase of Property Adjacent
To Dixie College, Jones, L. ..... S.B. 222 (F)
Appropriation for Statewide Integration of
Engineering Education, Peterson, C. ..... S.B. 162 (P)
Appropriation for Utah State University Pasture and
Forage Initiative, Anderson, E. ..... H.B. 361 (P)
Children and Youth at Risk Amendments, Evans, B. ..... H.B. 164 (P)
Educational Savings Plan Trust Amendments, Johnson, K. ..... H.B. 200 (P)
Higher Education Parking Enforcement, Tyler, A. ..... H.B. 39 (P)
Higher Education Presidential Authority, Davis, G. ..... H.B. 261 (F)
Higher Education Revenue Bonds, Hunsaker, F. ..... H.B. 18 (P)
Higher Education Supplemental Savings
Incentive Program, Garn, K. ..... H.B. 369 (P)
Joint Liaison Committee Amendments, Evans, B. ..... H.B. 166 (P)
Medical Education Program, Haymond, J. ..... H.B. 141 (P)
Prison Inmate Education Amendments, Frandsen, L. ..... H.B. 163 (P)
Resolution on Use of Fort Douglas Area, Wharton, B. ..... S.J.R. 6 (F)
Transferability of State College Credits Resolution, Bryson, K. .... H.J.R. 4 (P)
Tuition Waiver Amendments, Hickman, J. ..... H.B. 7 (P)
Tuition Waiver for Certain Students In
Higher Education, Davis, G. ..... H.B. 346 (P)
Western Interstate Commission for
Higher Education Amendments, Hillyard, L. ..... S.B. 102 (P)

HIGHWAYS

Access Highway Designation, Hickman, J. ..... H.B. 411 (P)
Appropriation for Noise Wall, Carnahan, O. ..... H.B. 28 (F)

Appropriation for Sound Barriers, Buhler, D. ..... S.B. 8 (F)
B and C Roads Formula, Stephens, M. ..... H.B. 247 (P)
Bonds for Highway Funding, Hillyard, L. ..... S.B. 243 (P)
Centennial Nonmotorized Paths and
Trail Crossings Program, Tyler, A. ..... H.B. 278 (P)
Class B and C Road Bid Limit, Holmgren, J. ..... S.B. 106 (F)
Covering Certain Load Materials, Hull, J. ..... S.B. 17 (P)
Growth Impact Highways, Blackham, L. ..... S.B. 210 (P)
Highway Amendments, Hogue, D. ..... H.B. 345 (F)
Legacy Loop Highway Addition, Bowman, D. ..... H.B. 209 (P)
Master Road Amendments, Knudson, P. ..... H.B. 155 (P)
Outdoor Advertising Amendments, Mansell, L. ..... S.B. 14 (P)
Procurement Code – Design Build Amendments, Beattie, L. ..... S.B. 202 (P)
Sales Tax Revenues to Transportation Funding, Fox, C. ..... H.B. 413 (P)
State Transportation Infrastructure Bank, Waddoups, M. ..... S.B. 175 (P)
Taxes and Fees for Highway Funding, Dillree, M. ..... H.B. 334 (F)
Trail Enhancements, Buhler, D. ..... S.B. 220 (F)
Transportation Corridor Funding, Dillree, M. ..... H.B. 111 (P)
Utah Department of Transportation Authority to
Construct Toll Roads and Lanes, Allen, B. ..... H.B. 266 (P)
Utah National Parks Highway Designation, Johnson, K. ..... H.B. 70 (P)
Yielding to Certain Vehicles, Davis, G. ..... H.B. 249 (F)

HISTORY

Appropriation for Hill Air Force Base Heritage Museum and
Fort Douglas Military Museum, Montgomery, R. ..... S.B. 126 (P)
Changes to Division of State History, McAllister, L. ..... S.B. 154 (P)
Division of State History Duties, McAllister, L. ..... S.B. 72 (P)
Rest Stop Commemorating American West, Olsen, E. ..... H.B. 292 (P)
State Museum of Natural History Outreach Programs, Olsen, E. .. H.B. 270 (P)
Utah Statehood Centennial Capstone, Ure, D. ..... H.B. 240 (F)

HOSPITALS

Hospital Tax Amendments, Valentine, J. ..... H.B. 331 (P)

HOTELS AND HOTEL KEEPERS

County Imposition of Tourism, Recreation, Cultural, and
Convention Facilities Tax, Larson, P. ..... H.B. 355 (F)
Tax Rebates to Promote Hotel Development, Buhler, D. ..... S.B. 237 (F)
Transient Room Tax Amendments, Alexander, J. ..... H.B. 327 (P)

HOUSING

Affordable Housing Amendments, Suazo, P. ..... S.B. 131 (F)
Amendments on Affordable Housing, Haymond, J. ..... H.B. 268 (P)
City Authority over Certain Rental Units, Buhler, D. ..... S.B. 96 (P)
Housing Authority Amendments, Suazo, P. ..... S.B. 86 (P)
Housing Coordination and Planning, Hunsaker, F. ..... H.B. 171 (P)
Housing Trust Fund Technical Assistance Program, Jones, D. .... H.B. 407 (F)
Incremental Tax Financing for Affordable Housing, Davis, G. ... H.B. 397 (F)
Low Income Housing Tax Credit, Evans, R. ..... S.B. 215 (F)
Olene Walker Housing Trust Fund Amendments, Adair, G. ..... H.B. 230 (P)
Private Activity Bonding, Becker, R. ..... H.B. 56 (P)
Residential Facilities for Persons With A
Disability, Muhlestein, R. ..... S.B. 217 (P)
Second Hand Smoke Amendments, Beattie, L. ..... S.B. 49 (P)
Services for Legal Aliens, Suazo, P. ..... S.B. 187 (F)
Task Force on Regulatory Barriers to
Affordable Housing, Mansell, L. ..... S.B. 124 (P)

HUMAN SERVICES

Adoption of Children In Division of Child and
Family Services Custody, Stephens, N. ..... H.B. 109 (P)
Amendments to Divorce Requirements, Taylor, C. ..... S.B. 120 (F)
Appropriation for Domestic Violence Shelters, Evans, R. ..... S.B. 140 (P)
Appropriation to Study Centralized
Urban Programs for Native Americans, Suazo, P. ..... S.B. 153 (P)
Child Abuse Protections, Cox, G. ..... H.B. 92 (P)
Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Child Support – Social Security Credit, Harward, B. ..... H.B. 167 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Child Support Guidelines Amendments, Harward, B. ..... H.B. 165 (F)
Child Support Reduction for Extended Visitation, Dayton, M. ..... H.B. 13 (F)
Child Welfare Reform Act Amendments, Haymond, J. ..... H.B. 307 (P)
Children and Youth Task Force Reauthorization, Evans, B. ..... H.B. 172 (F)
Children's Justice Center Program, Peterson, C. ..... S.B. 182 (P)
Choice of Providers In Human Services, Haymond, J. ..... H.B. 306 (F)
Cohabitant Abuse Act Amendments, Larson, P. ..... H.B. 91 (F)
Community and Youth Prevention Programs, Frandsen, L. ..... H.B. 184 (P)
County Human Services Program Amendments, Allen, S. ..... H.B. 179 (F)
Criminal Nonsupport Amendments, Carlson, M. ..... H.B. 299 (F)

Disclosure Required in Sale of Health Maintenance
Organization Products to Senior Citizens, Hull, J. ..... S.B. 226 (F)
Divorce Education Program Technical Correction, Haymond, J. .. H.B. 271 (P)
Education Costs for Nonresident Students, Allen, S. ..... H.B. 212 (P)
Expanded Conservatorship and Guardianship Services for
Elderly, Bradshaw, A. ..... H.B. 300 (P)
Extension of Child Visitation Pilot Program, Peterson, M. ..... S.B. 116 (P)
Facilitation of Adoption Act, Killpack, R. ..... H.B. 384 (F)
Family Employment Program, Frandsen, L. ..... H.B. 269 (P)
Foster Care Citizen Review Board Amendments, Stephens, N. ... H.B. 178 (P)
Foster Parent Director, Stephens, N. ..... H.B. 274 (F)
Guardian Ad Litem Amendments, Barth, S. ..... H.B. 94 (P)
Hiv Testing Amendments, Valentine, J. ..... H.B. 302 (F)
Licensing of Day Care Facilities, Jones, D. ..... H.B. 124 (P)
Limitations on Purchase or Possession of A Firearm, Koehn, S. ... H.B. 85 (F)
Marriage Law Amendments, Davis, G. ..... H.B. 406 (P)
Preplacement and Postplacement Adoptive
Evaluations, Killpack, R. ..... H.B. 112 (F)
Prioritization of Child Support Collections, Muhlestein, R. ..... S.B. 19 (F)
Residential Facilities for Persons With A
Disability, Muhlestein, R. ..... S.B. 217 (P)
Sanctions for Noncompliance with Visitation Orders, Barth, S. ... H.B. 255 (F)
Services for Legal Aliens, Suazo, P. ..... S.B. 187 (F)
Tax Incentives for Adoption and Guardianship, Haymond, J. ..... H.B. 303 (F)
Unlawful Activity Amendments, Barth, S. ..... H.B. 22 (P)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)
Youth Corrections Amendments, Barth, S. ..... H.B. 137 (P)

I-15 CORRIDOR

Sales Tax Revenues to Transportation Funding, Fox, C. ..... H.B. 413 (P)

INCOME TAX

Corporate Income Tax Amendments, Harper, W. ..... H.B. 317 (P)
Income Tax – Education Tax Credit, Stephenson, H. ..... S.B. 61 (F)
Income Tax – Energy Savings Tax Credit Extension, Evans, R. ..... S.B. 36 (P)
Income Tax – Filing Extensions, Alexander, J. ..... H.B. 319 (P)
Income Tax – Personal Exemption Increase, Nielson, H. ..... S.B. 67 (F)
Income Tax – Research and Development Credit, Hillyard, L. ..... S.B. 177 (F)
Income Tax Checkoff, Hillyard, L. ..... S.B. 10 (P)
Income Tax Credit for Educational Choice, Olsen, E. ..... H.B. 102 (F)
Low Income Housing Tax Credit, Evans, R. ..... S.B. 215 (F)

Medical Savings Account Amendments, Mantes, G. ..... S.B. 107 (P)
Use of Income Tax Revenues, Garn, K. ..... H.B. 197 (P)

INDIAN AFFAIRS

Appropriation to Study Centralized Urban
Programs for Native Americans, Suazo, P. ..... S.B. 153 (P)
Indian Affairs Amendments, Gowans, J. ..... H.B. 185 (P)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)
Native American Performance of Marriages, Anderson, E. ..... H.B. 186 (P)

INDUSTRIAL COMMISSION

Labor Commission and Workforce Services
Amendments, Alexander, J. ..... H.B. 321 (F)
Powers of the Department of Workforce Services, Adair, G. ..... H.B. 222 (P)
Workers' Compensation – Costs of Medical Review, Adair, G. ... H.B. 224 (P)
Workers' Compensation – Noncompliance of Employer, Adair, G. H.B. 221 (P)
Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

INFORMATION TECHNOLOGY

Cellular Phone Fraud, Howell, S. ..... S.B. 31 (P)
Computer Crimes Amendments, Holladay, B. ..... H.B. 87 (P)
Consumer Protection Amendments, Buhler, D. ..... S.B. 103 (P)
Driver License – Smart Card, Adair, G. ..... H.B. 244 (F)
Electronic Law Library, Hillyard, L. ..... S.B. 144 (P)
Highway Patrol – Computer Purchase, Adair, G. ..... H.B. 242 (P)
Information Technology Amendments, Steele, D. ..... S.B. 94 (P)
Public Education Computer
Technology Task Force, Montgomery, R. ..... S.B. 15 (P)
Renewal of Drivers Licenses Kiosks, Arent, P. ..... H.B. 40 (P)
Resolution Urging Reevaluation of Centrally Assessed
Telecommunications Providers, Stephenson, H. ..... S.J.R. 10 (P)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)
Telecommunication Amendments, Steele, D. ..... S.B. 13 (P)
Telecommunications – Universal Service
Amendments, Stephens, M. ..... H.B. 71 (P)
Telecommunications Deregulation Amendments, Steele, D. ..... S.B. 92 (P)

INMATES

Escape and Absconding Amendments, Killpack, R. ..... H.B. 142 (P)

Offender Expenses Amendments, Buckner, P. ..... H.B. 343 (F)
Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Prohibition of Contraband in a Correctional Facility, Koehn, S. ..... H.B. 52 (P)
Work Programs for Prisoners Amendments, Fox, C. ..... H.B. 282 (P)

INSURANCE

Assessment on Workers' Compensation, Adair, G. ..... H.B. 225 (P)
Choice of Health Care Providers, Larson, P. ..... H.B. 246 (F)
Coal Mining Reclamation – Insurance Pool, Dmitrich, M. ..... S.B. 170 (F)
Continuing Education Requirements for
Insurance Professionals, Nelson, L. ..... H.B. 97 (F)
Doctor–Related Communications, Killpack, R. ..... H.B. 285 (F)
Domestic Abuse Insurance Practices, Allen, S. ..... H.B. 170 (P)
Homeowner's Insurance, Peterson, M. ..... S.B. 171 (P)
Insurance – Mental Health, Steiner, R. ..... S.B. 181 (F)
Insurance Deductible for Motor Vehicle Repair, Howell, S. ..... S.B. 188 (P)
Insurance Law Amendments, Poulton, L. ..... S.B. 115 (P)
Medical Savings Account Amendments, Mantes, G. ..... S.B. 107 (P)
Mental Health Insurance, Allen, B. ..... H.B. 193 (F)
Motor Vehicle Insurance – Transfer of Agent, Hull, J. ..... S.B. 44 (F)
Open Enrollment Amendments, Mantes, G. ..... S.B. 60 (P)
Rural Health Care Provider Amendments, Haymond, J. ..... H.B. 216 (P)
Self Insured Premium Assessment, Adair, G. ..... H.B. 14 (P)
Workers' Compensation Fund of Utah, Alexander, J. ..... H.B. 175 (P)

INSURANCE DEPARTMENT

Continuing Education Requirements for
Insurance Professionals, Nelson, L. ..... H.B. 97 (F)
Insurance Law Amendments, Poulton, L. ..... S.B. 115 (P)

INSURANCE, MOTOR VEHICLE

Impounding Uninsured Vehicles, Butters, C. ..... H.B. 59 (F)
Motor Vehicle Compliance With Insurance, Registration, and
Sales Tax Requirements, Peterson, C. ..... S.B. 161 (P)
Motor Vehicle Insurance – Transfer of Agent, Hull, J. ..... S.B. 44 (F)

JUDICIAL DEPARTMENT – CONSTITUTION

Privileged Information In Civil Actions, Suazo, P. ..... S.B. 129 (P)
Resolution Repealing Marital Property Provisions, Bradshaw, A. .. H.J.R. 8 (P)

JUDICIARY

Access to Medical Records, Haymond, J. ..... H.B. 152 (F)
Action for Loss of Consortium, Fox, C. ..... H.B. 320 (P)
Age of Victim of Statutory Rape, Nelson, L. ..... H.B. 256 (F)
Aggravated Assault By A Prisoner Amendments, Barth, S. ..... H.B. 264 (P)
Amendments to Capital Sentencing, Ure, D. ..... H.B. 48 (P)
Amendments to Divorce Requirements, Taylor, C. ..... S.B. 120 (F)
Amendments to Homestead Exemptions, Valentine, J. ..... H.B. 198 (P)
Amendments to Statute of Limitations, Buckner, P. ..... H.B. 75 (F)
Appeals Amendments, Peterson, C. ..... S.B. 133 (P)
Appropriation for Domestic Violence Shelters, Evans, R. ..... S.B. 140 (P)
Appropriation for Secure Youth Facilities, Howell, S. ..... S.B. 185 (F)
Assault Amendments, Knudson, P. ..... H.B. 34 (P)
Assaulting A Peace Officer, Buckner, P. ..... H.B. 253 (F)
Asset Forfeiture in Controlled Substances Violations, Arrington, J. . H.B. 38 (F)
Auto Forfeiture of Those Soliciting Prostitutes, Barth, S. ..... H.B. 304 (F)
Bail Reform, Curtis, G. ..... H.B. 336 (F)
Capital Homicide Amendments, Buhler, D. ..... S.B. 4 (P)
Cellular Phone Fraud, Howell, S. ..... S.B. 31 (P)
Centrally Assessed Taxpayers Amendments, Short, R. ..... H.B. 129 (P)
Child Abuse Protections, Cox, G. ..... H.B. 92 (P)
Child Custody and Visitation Amendments, Holladay, B. ..... H.B. 79 (F)
Child Support – Social Security Credit, Harward, B. ..... H.B. 167 (P)
Child Support Advisory Committee Membership, Taylor, C. ..... S.B. 80 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Child Support Guidelines Amendments, Harward, B. ..... H.B. 165 (F)
Child Support Reduction for Extended Visitation, Dayton, M. ..... H.B. 13 (F)
Child Visitation Guidelines, Evans, R. ..... S.B. 33 (P)
Child Welfare Reform Act Amendments, Haymond, J. ..... H.B. 307 (P)
Children's Justice Center Program, Peterson, C. ..... S.B. 182 (P)
Civil Relief Act, Knudson, P. ..... H.B. 105 (P)
Cohabitant Abuse Act Amendments, Larson, P. ..... H.B. 91 (F)
Commercial Tenant – Notice of Unlawful Detainer, Swallow, J. .. H.B. 146 (F)
Computer Crimes Amendments, Holladay, B. ..... H.B. 87 (P)
Concealed Firearms Amendments, Barth, S. ..... H.B. 30 (P)
Concurrent and Consecutive Sentencing
Limitations, Hendrickson, N. ..... H.B. 44 (P)
Controlled Substances Amendments, Hendrickson, N. ..... H.B. 21 (P)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)

Counterfeit Financial Transaction Card
Amendments, Goodfellow, B. ..... H.B. 17 (P)
County and Municipality Judgeships, Harper, W. ..... H.B. 43 (P)
Court Amendments, Fox, C. ..... H.B. 323 (P)
Court Collections, McAllister, L. ..... S.B. 213 (F)
Court Reporter Amendments, Peterson, C. ..... S.B. 155 (P)
Crime Victims' Rights Amendments, Peterson, C. ..... S.B. 152 (P)
Criminal Justice Boards and Commissions
Amendments, Bradshaw, A. ..... H.B. 121 (P)
Criminal Nonsupport Amendments, Carlson, M. ..... H.B. 299 (F)
Custody Disputes Involving a Parent with a Disability, Tanner, J. . H.B. 215 (P)
Dangerous Weapon Penalty Enhancement, Cox, G. ..... H.B. 54 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Dangerous Weapons at Child-Centered Schools and
Facilities, Waddoups, M. ..... S.B. 38 (F)
Definition of Law Enforcement Official and Judge, Hillyard, L. ... S.B. 132 (P)
Department of Corrections – Emergency Release, Hillyard, L. .... S.B. 250 (P)
Department of Corrections – Record Requests, Killpack, R. ..... H.B. 328 (F)
District Court Judge Increase, Hillyard, L. ..... S.B. 28 (P)
Divorce Education Program Technical Correction, Haymond, J. .. H.B. 271 (P)
Domestic Relations Cases – Name Designation, Valentine, J. .... H.B. 229 (P)
Drug Dealer's Liability Act, Taylor, C. ..... S.B. 54 (P)
Eminent Domain Amendments, Dmitrich, M. ..... S.B. 156 (F)
Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Escape and Absconding Amendments, Killpack, R. ..... H.B. 142 (P)
Evidence – Access to Patient Records, Curtis, G. ..... H.B. 263 (F)
Expanded Conservatorship and Guardianship Services for
Elderly, Bradshaw, A. ..... H.B. 300 (P)
Extension of Child Visitation Pilot Program, Peterson, M. ..... S.B. 116 (P)
Facilitation of Adoption Act, Killpack, R. ..... H.B. 384 (F)
Fee for Background Check Before Handgun Purchase, Koehn, S. .. H.B. 46 (P)
Fictitious Name, Jones, D. ..... H.B. 338 (F)
Firearm Permits for Retired Law Enforcement Personnel, Cox, G. H.B. 337 (F)
Foster Care Citizen Review Board Amendments, Stephens, N. ... H.B. 178 (P)
Fugitive Bail Amendments, Holladay, B. ..... H.B. 132 (P)
Gang Prevention and Intervention, Short, R. ..... H.B. 342 (P)
Guardian Ad Litem Amendments, Barth, S. ..... H.B. 94 (P)
Handgun Purchase Requirements, Waddoups, M. ..... S.B. 111 (F)
Harmful Material to A Minor, Buckner, P. ..... H.B. 329 (P)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)
Judges Noncontributory Retirement System, Peterson, C. ..... S.B. 83 (P)

Judicial Nominating Commission Amendment, Taylor, C. ..... S.B. 197 (P)
Justice Court Amendments, Fox, C. ..... H.B. 324 (P)
Juvenile Court Hearings and Records, Arent, P. ..... H.B. 42 (P)
Juvenile Court Powers, Tanner, N. ..... S.B. 90 (P)
Juvenile Court Recodification - Phase 2, Hillyard, L. ..... S.B. 134 (P)
Juvenile Curfew, Jones, L. ..... S.B. 42 (F)
Juvenile Judges - Short Term Commitment of Youth, Tanner, N. ... S.B. 89 (P)
Landlord - Tenant Amendments, Montgomery, R. ..... S.B. 71 (P)
Limitations on Purchase or Possession of A Firearm, Koehn, S. ... H.B. 85 (F)
Magistrate Authority, Harward, B. ..... H.B. 293 (P)
Malpractice Against Health Care Providers
Amendments, Valentine, J. ..... H.B. 188 (P)
Manufacturing or Possession of Instrument for
Theft or Burglary Amendments, Davis, G. ..... H.B. 149 (F)
Marital Property Rights Amendments, Bradshaw, A. ..... H.B. 374 (P)
Marriage Law Amendments, Davis, G. ..... H.B. 406 (F)
Notaries Public Revision, Bryson, K. ..... H.B. 95 (F)
Nuisance Code Amendments - Shooting Ranges, Wright, B. ..... H.B. 360 (F)
Offender Expenses Amendments, Buckner, P. ..... H.B. 343 (F)
Offenders - Income Withholding, Suazo, P. ..... S.B. 179 (F)
Out of State Firearm Permit, Killpack, R. ..... H.B. 207 (P)
Outside Employment for Mental Health Advisor, Dayton, M. ..... H.B. 77 (F)
Parental Responsibility for Wrongful Conduct of Child, Suazo, P. .. S.B. 246 (F)
Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Penalty for Joy Riding, Suazo, P. ..... S.B. 143 (P)
Penalty for Joyriding, Chard, B. ..... H.B. 310 (F)
Penalty for Theft of Animal, Buttars, C. ..... H.B. 57 (P)
Perjury Reform, Curtis, G. ..... H.B. 286 (P)
Pleas to Lesser Offense, Barth, S. ..... H.B. 288 (F)
Post Certification of Youth Corrections Workers, Chard, B. ..... H.B. 177 (P)
Post Conviction Remedies - Death Penalty, Stephens, M. ..... H.B. 60 (P)
Preplacement and Postplacement Adoptive
Evaluations, Killpack, R. ..... H.B. 112 (F)
Prison Inmate Education Amendments, Frandsen, L. ..... H.B. 163 (P)
Private Property Owners' Right to Prohibit
Dangerous Weapons, Waddoups, M. ..... S.B. 39 (F)
Privileged Information In Civil Actions, Suazo, P. ..... S.B. 129 (P)
Prohibition of Contraband in a Correctional Facility, Koehn, S. ..... H.B. 52 (P)
Prohibition of Ultimate Fighting, Poulton, L. ..... S.B. 43 (P)
Property Survey - Statute of Limitations, Adair, G. ..... H.B. 227 (P)
Prosecutor Assistance in Investigations, Curtis, G. ..... H.B. 49 (F)

Protection of Pension, Profit Sharing, and
Similar Plans In Bankruptcy, Ure, D. ..... H.B. 135 (F)
Public Assistance Welfare Fraud, Murray, J. ..... H.B. 257 (P)
Public Nudity Prohibition, Taylor, C. ..... S.B. 244 (F)
Real Property – Presumption of Title, Swallow, J. ..... H.B. 80 (P)
Recording Federal Tax Liens, Siddoway, R. ..... H.B. 370 (P)
Recording Judgments on Real Property, Mansell, L. ..... S.B. 121 (P)
Recovery for Damages From Drug Dealer, Barth, S. ..... H.B. 281 (F)
Resentencing Amendments, Gladwell, D. ..... H.B. 58 (P)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)
Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)
Revocation of Parole – Representation By Counsel, Peterson, C. .... S.B. 148 (P)
Sanctions for Noncompliance with Visitation Orders, Barth, S. ... H.B. 255 (F)
Sentencing Guidelines, Hillyard, L. ..... S.B. 25 (P)
Serious Habitual Youth Offender Program, Chard, B. ..... H.B. 69 (P)
Sex Offender Notification Amendments, Allen, B. ..... H.B. 348 (P)
Sodomy Amendments, Ure, D. ..... H.B. 134 (F)
Statute of Limitations Amendments, Barth, S. ..... H.B. 262 (P)
Tolling a Criminal Sentence, Curtis, G. ..... H.B. 51 (P)
Trespassing In Abandoned Mines, Gowans, J. ..... H.B. 376 (P)
Uniform Gift to Minors Act Amendments, Montgomery, R. ..... S.B. 205 (F)
Unlawful Activity Amendments, Barth, S. ..... H.B. 22 (P)
Unlawful Detainer Amendments, Swallow, J. ..... H.B. 143 (P)
Unlawful Sexual Conduct Relating to Minors, Taylor, C. ..... S.B. 63 (F)
Values–Oriented Treatment Program, Evans, R. ..... S.B. 192 (F)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)
Witness Immunity Amendments, Gladwell, D. ..... H.B. 78 (P)
Work Programs for Prisoners Amendments, Fox, C. ..... H.B. 282 (P)
Youth Corrections Amendments, Barth, S. ..... H.B. 137 (P)

JUVENILES

Child Welfare Reform Act Amendments, Haymond, J. ..... H.B. 307 (P)
Children and Youth at Risk Amendments, Evans, B. ..... H.B. 164 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
Gang Prevention and Intervention, Short, R. ..... H.B. 342 (P)
Guardian Ad Litem Amendments, Barth, S. ..... H.B. 94 (P)
Juvenile Court Hearings and Records, Arent, P. ..... H.B. 42 (P)
Juvenile Court Powers, Tanner, N. ..... S.B. 90 (P)
Juvenile Court Recodification – Phase 2, Hillyard, L. ..... S.B. 134 (P)
Juvenile Curfew, Jones, L. ..... S.B. 42 (F)

Juvenile Judges – Short Term Commitment of Youth, Tanner, N. . . . S.B. 89 (P)
Penalties for Sale of Tobacco to Youth, Montgomery, R. . . . . S.B. 178 (F)
Sentencing Guidelines, Hillyard, L. . . . . S.B. 25 (P)
Serious Habitual Youth Offender Program, Chard, B. . . . . H.B. 69 (P)
Truancy Prevention Appropriation, Alexander, J. . . . . H.B. 392 (P)
Youth Corrections Amendments, Barth, S. . . . . H.B. 137 (P)

LABOR

Amendments to Workers' Compensation, Steele, D. . . . . S.B. 37 (F)
Assessment on Workers' Compensation, Adair, G. . . . . H.B. 225 (P)
Contractor's Duties to Subcontractors, Mansell, L. . . . . S.B. 73 (P)
Employment of Utah Workers, Mayne, E. . . . . S.B. 234 (F)
Employment Relationships in Film Industry, Mayne, E. . . . . S.B. 233 (F)
Employment Security Amendments, Knudson, P. . . . . H.B. 220 (P)
Labor – Working Conditions, Buhler, D. . . . . S.B. 109 (F)
Labor Commission and Workforce Services
Amendments, Alexander, J. . . . . H.B. 321 (F)
Labor Organization Deductions, Stephenson, H. . . . . S.B. 58 (F)
Powers of the Department of Workforce Services, Adair, G. . . . . H.B. 222 (P)
Procurement Code Requirement of
Health Care Benefits for Contractors, Mayne, E. . . . . S.B. 228 (F)
Retention Proceeds Reform for Construction Projects, Peterson, C. . S.B. 136 (F)
Self Insured Premium Assessment, Adair, G. . . . . H.B. 14 (P)
Tax Assessments, Refunds, and Credits, Harper, W. . . . . H.B. 316 (P)
Workers' Compensation – Costs of Medical Review, Adair, G. . . . H.B. 224 (P)
Workers' Compensation – Exemption for
Agricultural Workers, Steiner, R. . . . . S.B. 11 (F)
Workers' Compensation – Noncompliance of Employer, Adair, G. H.B. 221 (P)
Workers' Compensation Exclusive Remedy, Buhler, D. . . . . S.B. 110 (P)
Workers' Compensation Fund of Utah, Alexander, J. . . . . H.B. 175 (P)
Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. . . . . S.B. 166 (P)

LABOR ORGANIZATIONS

Labor Organization Deductions, Stephenson, H. . . . . S.B. 58 (F)

LANDLORD - TENANT

Commercial Tenant – Notice of Unlawful Detainer, Swallow, J. . . H.B. 146 (F)
Landlord – Tenant Amendments, Montgomery, R. . . . . S.B. 71 (P)
Limitation of Landowner Liability Amendments, Tuttle, D. . . . . H.B. 11 (P)

Mobile Home Tenant Amendments, Frandsen, L. ..... H.B. 29 (P)
Second Hand Smoke Amendments, Beattie, L. ..... S.B. 49 (P)
Unlawful Detainer Amendments, Swallow, J. ..... H.B. 143 (P)

LEGISLATIVE AFFAIRS

Administrative Rules Review Committee Amendments, Ure, D. .. H.B. 182 (P)
Appropriation for Domestic Violence Shelters, Evans, R. ..... S.B. 140 (P)
Appropriation for Utah State University Pasture and
Forage Initiative, Anderson, E. ..... H.B. 361 (P)
Appropriations Act, Stephens, M. ..... H.B. 1 (P)
Budget Review Task Force, Peterson, M. ..... S.B. 22 (F)
Centennial Charter Schools Task Force, Allen, B. ..... H.B. 389 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Children and Youth Task Force Reauthorization, Evans, B. ..... H.B. 172 (F)
Community and Youth Prevention Programs, Frandsen, L. ..... H.B. 184 (P)
Compensation of In-Session Employee Resolution, Haymond, J. . H.J.R. 13 (P)
Council on Excellence In Government, Ure, D. ..... H.B. 267 (P)
Electrical Deregulation and Customer Choice Task Force, Fox, C. H.B. 313 (P)
Electronic Law Library, Hillyard, L. ..... S.B. 144 (P)
Ethics Act, Tanner, J. ..... H.B. 9 (F)
General Government Amendments, Barth, S. ..... H.B. 395 (F)
House Rules Resolution - Admittance to
House Chamber, Hickman, J. ..... H.R. 2 (P)
House Rules Resolution - Bill and
Committee Processes, Hickman, J. ..... H.R. 6 (P)
House Rules Resolution - Committees, Allen, B. ..... H.R. 8 (F)
House Rules Resolution - Speaker Responsibilities, Hickman, J. ... H.R. 4 (P)
Joint Rules Resolution - Amending
Legislative Procedures, Holmgren, J. ..... S.J.R. 7 (P)
Joint Rules Resolution - Amendments to
Interim Rules, Harward, B. ..... H.J.R. 6 (P)
Joint Rules Resolution - Changes to Bill and
Appropriation Process, Beattie, L. ..... S.J.R. 9 (P)
Joint Rules Resolution - Committees, Allen, B. ..... H.J.R. 20 (F)
Joint Rules Resolution - Fiscal Prioritization, Steiner, R. ..... S.J.R. 8 (F)
Joint Rules Resolution - Legislative Expenses and
Mileage, Hickman, J. ..... H.J.R. 12 (P)
Joint Rules Resolution - Quorum Requirements, Hickman, J. .... H.J.R. 21 (P)
Land Use, Transportation, and Air Quality
Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)

Legislative Oversight and Sunset Review
Amendments, Blackham, L. ..... S.B. 113 (P)
Management of Institutional Funds Act, Hillyard, L. ..... S.B. 165 (P)
Master Study Resolution, Fox, C. ..... H.J.R. 19 (P)
Olympic Facilities Repayment Resolution, Myrin, A. ..... S.J.R. 11 (P)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)
Public School Snow Days Resolution, Howell, S. ..... S.J.R. 4 (P)
Reauthorization of Administrative Rules, McAllister, L. ..... S.B. 146 (P)
Reduction and Summarization of Annual Reports, Olsen, E. ..... H.B. 181 (P)
Resolution Amending House Rules, Hickman, J. ..... H.R. 3 (P)
Resolution Amending Legislator Eligibility Standards, Beattie, L. . S.J.R. 1 (P)
Resolution Approving Industrial Waste
Disposal Facility, Evans, B. ..... H.C.R. 10 (F)
Resolution Integrating Utah Tomorrow Principles, McAllister, L. .. S.C.R. 1 (F)
Resolution on Republic of China on Taiwan, Peterson, C. ..... S.J.R. 5 (P)
Resolution Reappointing Director and General Counsel, Brown, M. H.J.R. 7 (P)
Resolution Recognizing Contributions of
Representative Kurt E. Oscarson, Brown, M. ..... H.R. 1 (F)
Resolution Requiring Supermajority Vote to
Increase Taxes, Fees, or Other Sources of Revenue, Way, G. ... H.J.R. 2 (F)
Retail Power Task Force, Haymond, J. ..... H.B. 110 (F)
Revising Term Limits, Arrington, J. ..... H.B. 144 (F)
Revisor's Statute, Hickman, J. ..... H.B. 228 (P)
Senate Rules Resolution – Introducing Bills, Beattie, L. ..... S.R. 1 (P)
Senate Rules Resolution – Motions to Circle, Peterson, M. ..... S.R. 2 (P)
Sunset Reauthorizations, Brown, M. ..... H.B. 180 (P)
Supplemental Appropriations Act, McAllister, L. ..... S.B. 1 (P)
Supplemental Appropriations Act II, McAllister, L. ..... S.B. 247 (P)
Task Force on Regulatory Barriers to
Affordable Housing, Mansell, L. ..... S.B. 124 (P)
Teacher Termination Procedures Task Force, Rowan, T. ..... H.B. 101 (F)
Transferability of State College Credits Resolution, Bryson, K. .... H.J.R. 4 (P)
Utah State Capitol Building Centennial Study, Tanner, N. ..... S.B. 164 (P)
Utah Tomorrow Resolution, McAllister, L. ..... S.C.R. 2 (F)

LEGISLATIVE DEPARTMENT - CONSTITUTION

Constitutional Revision Commission Amendments, Dmitrich, M. .. S.B. 127 (P)

LEGISLATURE

Amendments to Ethics Law, Buhler, D. ..... S.B. 239 (P)

House Rules Resolution – Admittance to
House Chamber, Hickman, J. ..... H.R. 2 (P)
House Rules Resolution – Bill and Committee
Processes, Hickman, J. ..... H.R. 6 (P)
House Rules Resolution – Speaker Responsibilities, Hickman, J. ... H.R. 4 (P)
Joint Rules Resolution – Amending
Legislative Procedures, Holmgren, J. ..... S.J.R. 7 (P)
Joint Rules Resolution – Legislative
Expenses and Mileage, Hickman, J. ..... H.J.R. 12 (P)
Lobbyist Reporting Issues, Ure, D. ..... H.B. 168 (F)
Reduction and Summarization of Annual Reports, Olsen, E. ..... H.B. 181 (P)
Resolution Amending House Rules, Hickman, J. ..... H.R. 3 (P)
Resolution Amending Legislator Eligibility Standards, Beattie, L. . S.J.R. 1 (P)
Resolution Reappointing Director and General Counsel, Brown, M. H.J.R. 7 (P)
Salary Increases for Government Officials, Styler, M. ..... H.B. 241 (F)
Senate Rules Resolution – Introducing Bills, Beattie, L. ..... S.R. 1 (P)
State Auditor Requirements, Ure, D. ..... H.B. 380 (P)
Sunset Reauthorizations, Brown, M. ..... H.B. 180 (P)

LIABILITY

Dramshop Liability Amendments, Buhler, D. ..... S.B. 112 (P)
Immunity to Dam Owners, Johnson, B. ..... H.B. 174 (P)

LIABILITY INSURANCE

Watercraft – Liability Insurance, Tanner, N. ..... S.B. 52 (P)

LICENSURE, HUMAN SERVICES PROGRAMS

Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Health Care Assistant Registration Act Amendments, Haymond, J. H.B. 287 (F)

LIENS

Pollution Lien for Cost Recovery, Dillree, M. ..... H.B. 176 (F)
Recording Federal Tax Liens, Siddoway, R. ..... H.B. 370 (P)
Recording Judgments on Real Property, Mansell, L. ..... S.B. 121 (P)
Wrongful Lien Amendments, Swallow, J. ..... H.B. 96 (P)

LIMITED LIABILITY COMPANY

Limited Liability Company Act Amendments, Valentine, J. ..... H.B. 295 (P)

LIVESTOCK

Elk Farming, Johnson, B. ..... H.B. 90 (P)

LOBBYING

Lobbyist Reporting Issues, Ure, D. ..... H.B. 168 (F)

LOCAL BOARDS OF EDUCATION

Children's Reading Skills, Haymond, J. ..... H.B. 67 (P)
Creating a Public School District, Peterson, M. ..... S.B. 5 (F)
Education Assessment Program, Siddoway, R. ..... H.B. 194 (F)
Independent Hearing Officers for Teachers, Evans, R. ..... S.B. 238 (F)
Modified School Week Pilot Program, Hatch, T. ..... H.B. 341 (P)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)
Public Education System Amendments, Olsen, E. ..... H.B. 325 (F)
Public School Snow Days Resolution, Howell, S. ..... S.J.R. 4 (P)
School Board Compensation, Allen, S. ..... H.B. 190 (P)
Teacher Termination Procedures Task Force, Rowan, T. ..... H.B. 101 (F)

LOCAL TAXATION OF UTILITIES

Business License Fee and Municipal
Taxing Authority, Blackham, L. ..... S.B. 216 (F)
Local Taxing Authority, Valentine, J. ..... H.B. 98 (P)

MARRIAGE

Action for Loss of Consortium, Fox, C. ..... H.B. 320 (P)
Amendments to Divorce Requirements, Taylor, C. ..... S.B. 120 (F)
Child Custody and Visitation Amendments, Holladay, B. ..... H.B. 79 (F)
Child Visitation Guidelines, Evans, R. ..... S.B. 33 (P)
Custody Disputes Involving a Parent with a Disability, Tanner, J. . H.B. 215 (P)
Domestic Relations Cases – Name Designation, Valentine, J. .... H.B. 229 (P)
Extension of Child Visitation Pilot Program, Peterson, M. ..... S.B. 116 (P)
Marital Property Rights Amendments, Bradshaw, A. ..... H.B. 374 (P)
Marriage Law Amendments, Davis, G. ..... H.B. 406 (F)
Native American Performance of Marriages, Anderson, E. ..... H.B. 186 (P)
Real Property – Presumption of Title, Swallow, J. ..... H.B. 80 (P)
Resolution Repealing Marital Property Provisions, Bradshaw, A. .. H.J.R. 8 (P)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)

MEDICAID

Medical Assistance Act – Spousal Impoverishment, Howell, S. ..... S.B. 174 (P)

MEDICAL ASSISTANCE PROGRAMS

Medical Assistance Act – Spousal Impoverishment, Howell, S. ..... S.B. 174 (P)

Medical Benefits Recovery Act Amendments, Curtis, G. ..... H.B. 284 (F)
Resolution Designating Bone Marrow
Registration Day, Peterson, M. ..... S.C.R. 3 (P)

MEDICAL FEES AND SERVICE, EMPLOYMENT

Workers' Compensation – Costs of Medical Review, Adair, G. ... H.B. 224 (P)

MEDICAL RECORDS

Access to Medical Records, Haymond, J. ..... H.B. 152 (F)
Evidence – Access to Patient Records, Curtis, G. ..... H.B. 263 (F)

MEDICAL WASTE

Solid Waste Amendments, Allen, B. ..... H.B. 294 (F)

MEDICARE

Medical Education Program, Haymond, J. ..... H.B. 141 (P)

MEDICINE

Resolution Designating Bone Marrow
Registration Day, Peterson, M. ..... S.C.R. 3 (P)

MENTAL HEALTH

County Human Services Program Amendments, Allen, S. ..... H.B. 179 (F)
Insurance – Mental Health, Steiner, R. ..... S.B. 181 (F)
Mental Health Insurance, Allen, B. ..... H.B. 193 (F)
Substance Abuse Counselor Licensure
Amendments, Montgomery, R. ..... S.B. 194 (P)

MENTAL HEALTH PROFESSIONAL

Outside Employment for Mental Health Advisor, Dayton, M. ..... H.B. 77 (F)

MILITARY SERVICES

Civil Defense Compact, Koehn, S. ..... H.B. 291 (P)
Civil Relief Act, Knudson, P. ..... H.B. 105 (P)
Resolution on Use of Fort Douglas Area, Wharton, B. ..... S.J.R. 6 (F)
Resolution Supporting Realignment of
Air Force Base Workload, Chard, B. ..... H.C.R. 4 (P)

MILITIA - CONSTITUTION

Civil Defense Compact, Koehn, S. ..... H.B. 291 (P)

MINERAL LEASE FUNDS

Mineral Lease Account Amendments, Seitz, J. ..... H.B. 108 (F)

MINES AND MINING

Coal Mining Reclamation - Insurance Pool, Dmitrich, M. ..... S.B. 170 (F)
Coal Reclamation Amendments, Dmitrich, M. ..... S.B. 142 (P)
Mining Bond and Surety Forfeiture Fund, Styler, M. ..... H.B. 265 (P)
Mining Reclamation Amendments, Gowans, J. ..... H.B. 145 (F)
Oil and Gas Reclamation Compensation, Evans, B. ..... H.B. 120 (F)
Oil and Gas Royalty Amendments, Evans, B. ..... H.B. 119 (F)
Trespassing In Abandoned Mines, Gowans, J. ..... H.B. 376 (P)
Underground Coal Mining - Water
Replacement Requirements, Dmitrich, M. ..... S.B. 12 (P)

MINORS

Child Visitation Guidelines, Evans, R. ..... S.B. 33 (P)
Harmful Material to A Minor, Buckner, P. ..... H.B. 329 (P)
Uniform Gift to Minors Act Amendments, Montgomery, R. ..... S.B. 205 (F)
Unlawful Sexual Conduct Relating to Minors, Taylor, C. ..... S.B. 63 (F)
Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

MOTION PICTURES

Employment Relationships in Film Industry, Mayne, E. ..... S.B. 233 (F)

MOTOR CARRIER REGULATION

Motor Carrier Pilot Program, Waddoups, M. ..... S.B. 208 (P)

MOTOR FUEL AND SPECIAL FUEL TAXES

Collection of Fuel Tax, Stephenson, H. ..... S.B. 252 (P)
Funding for Transportation, Allen, B. ..... H.B. 315 (F)
Sales Tax Reduction, Fuel Taxes, and Repeal of Environmental
Surcharge on Petroleum, McAllister, L. ..... S.B. 253 (P)
Use of Motor Fuel Tax, Blackham, L. ..... S.B. 254 (F)

MOTOR VEHICLES

Auto Forfeiture of Those Soliciting Prostitutes, Barth, S. ..... H.B. 304 (F)
Centennial License Plate Amendments, Hull, J. ..... S.B. 204 (P)
Child Restraint Requirements and Penalties, King, B. ..... H.B. 50 (P)
Commercial Vehicle Registration, Steele, D. ..... S.B. 117 (P)
County Collection of Uniform and
Motor Vehicle Fees, Brown, M. ..... H.B. 386 (F)
Display of License Plates for Trucks and Trailers, Adair, G. ..... H.B. 393 (F)
Driver License Reinstatement, Adair, G. ..... H.B. 226 (P)
Emissions Inspection on Newer Vehicles, Muhlestein, R. ..... S.B. 21 (P)
Hardship Driver Permit for Youth, Blackham, L. ..... S.B. 125 (F)
Impounding Uninsured Vehicles, Butters, C. ..... H.B. 59 (F)
Insurance Deductible for Motor Vehicle Repair, Howell, S. ..... S.B. 188 (P)
Lights on Vehicles, Buckner, P. ..... H.B. 147 (P)
Medical Advisory Board Waivers, Mayne, E. ..... S.B. 51 (P)
Motor Vehicle Compliance With Insurance,
Registration, and Sales Tax Requirements, Peterson, C. ..... S.B. 161 (P)
Motor Vehicle Dealer Franchise Act Amendments, Fox, C. ..... H.B. 312 (P)
Motor Vehicle Insurance – Transfer of Agent, Hull, J. ..... S.B. 44 (F)
Motor Vehicle Registration Requirements, Short, R. ..... H.B. 245 (F)
Motor Vehicle Safety Investigators, Harper, W. ..... H.B. 31 (P)
New Motor Vehicle Broker, Peterson, C. ..... S.B. 207 (P)
Off–Highway Vehicle Operator Requirements, Holmgren, J. ..... S.B. 128 (P)
Penalty for Joy Riding, Suazo, P. ..... S.B. 143 (P)
Penalty for Joyriding, Chard, B. ..... H.B. 310 (F)
Penalty for Speeding in Construction Zones, Dillree, M. ..... H.B. 151 (F)
Personal Information In Motor Vehicle Records, Carlson, M. .... H.B. 235 (F)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Registration Fee on Vehicles, Valentine, J. ..... H.B. 414 (P)
Regulation of Octane Rating on Gas, Taylor, C. ..... S.B. 245 (F)
Sales Tax Revenues to Transportation Funding, Fox, C. ..... H.B. 413 (P)
School Bus Parking Zones, Mayne, E. ..... S.B. 56 (P)
State Motor Vehicle Fleet Operations Amendments, Mantes, G. .... S.B. 57 (P)
Tax Incentives for Clean Fuels, McAllister, L. ..... S.B. 47 (F)
Utah Automotive Repair Act, Wharton, B. ..... S.B. 176 (F)
Vehicle Air Bag Amendments, Mantes, G. ..... S.B. 147 (P)
Vehicle Safety at Railroad Crossings, Hendrickson, N. ..... H.B. 192 (P)
Yielding to Certain Vehicles, Davis, G. ..... H.B. 249 (F)

MUSEUMS

Appropriation for Children's Art Facility Expansion, Haymond, J. . H.B. 93 (P)
Appropriation for Hill Air Force Base Heritage Museum and Fort Douglas Military Museum, Montgomery, R. ..... S.B. 126 (P)
Appropriation for Study of Facility for Children's Museum of Utah, Suazo, P. ..... S.B. 198 (P)
State Museum of Natural History Outreach Programs, Olsen, E. .. H.B. 270 (P)

NATURAL RESOURCES

Acceptance of Trust Lands Resolution, Garn, K. ..... H.J.R. 14 (P)
Air Quality, Land Use, and Transportation Planning Provisions, McAllister, L. ..... S.B. 91 (F)
Antelope Island Improvements, Koehn, S. ..... H.B. 136 (F)
Application for Water Rights, Hatch, T. ..... H.B. 231 (P)
Appropriation for Forestry Extension Services, Myrin, A. ..... S.B. 24 (P)
Appropriation for Wildland Fire Suppression, Blackham, L. ..... S.B. 189 (F)
Bear River Development Act Amendments, Holmgren, J. ..... S.B. 151 (P)
Coal Mining Reclamation – Insurance Pool, Dmitrich, M. ..... S.B. 170 (F)
Coal Reclamation Amendments, Dmitrich, M. ..... S.B. 142 (P)
Cooperative Wildlife Management Units, Chard, B. ..... H.B. 115 (P)
Cougar and Bear Depredation Loss, Evans, B. ..... H.B. 289 (P)
Diligence and Underground Water Claims – Publication and Review, Styler, M. ..... H.B. 131 (P)
Division of Wildlife – Management of Lands, Myrin, A. ..... S.B. 62 (F)
Easement for Ditches, Styler, M. ..... H.B. 305 (P)
Elk Farming, Johnson, B. ..... H.B. 90 (P)
Endangered Species Mitigation Fund, Hatch, T. ..... H.B. 359 (P)
Escalante National Monument Resolution, Hatch, T. ..... H.C.R. 1 (P)
Growth Management – Regional Land Use Planning, Adair, G. .. H.B. 308 (F)
Hunting Permits for Persons With Disabilities, Allen, B. ..... H.B. 140 (P)
Immunity to Dam Owners, Johnson, B. ..... H.B. 174 (P)
Mining Reclamation Amendments, Gowans, J. ..... H.B. 145 (F)
Natural Gas Technician Certification Act, Siddoway, R. ..... H.B. 125 (F)
Oil and Gas Reclamation Compensation, Evans, B. ..... H.B. 120 (F)
Oil and Gas Royalty Amendments, Evans, B. ..... H.B. 119 (F)
Penalty for Poaching Cougars, Davis, G. ..... H.B. 297 (F)
Public Water Supply Agencies – Application and Use, Iverson, D. . H.B. 25 (P)
Regulation of Wildlife Outfitters and Guides, Johnson, B. ..... H.B. 37 (F)
Resolution Opposing Governmental Regulations, Iverson, D. .... H.C.R. 2 (P)
Snowmobile User Fee, Jones, L. ..... S.B. 211 (F)
Sundance Wilderness Area Resolution, Johnson, B. ..... H.J.R. 9 (F)

Trespassing In Abandoned Mines, Gowans, J. ..... H.B. 376 (P)
Underground Coal Mining – Water
Replacement Requirements, Dmitrich, M. ..... S.B. 12 (P)
Unlawful Activity Amendments, Barth, S. ..... H.B. 22 (P)
Utah Wilderness Designation Resolution, Johnson, B. ..... H.C.R. 6 (P)
Utility Siting Amendments, Knudson, P. ..... H.B. 127 (P)
Watercraft – Liability Insurance, Tanner, N. ..... S.B. 52 (P)
Wildland Fire Amendments, Gowans, J. ..... H.B. 275 (P)
Wildland Fire Suppression Amendments, Blackham, L. ..... S.B. 231 (F)

NOISE ABATEMENT

Appropriation for Noise Wall, Carnahan, O. ..... H.B. 28 (F)

NOTARY PUBLIC

Notaries Public Revision, Bryson, K. ..... H.B. 95 (F)

NUISANCES

Nuisance Code Amendments – Shooting Ranges, Wright, B. ..... H.B. 360 (F)
Second Hand Smoke Amendments, Beattie, L. ..... S.B. 49 (P)

OCCUPATIONAL LICENSING

Bail Reform, Curtis, G. ..... H.B. 336 (F)
Building Code Amendments, Peterson, C. ..... S.B. 135 (F)
Child Care Licensing Amendments, Hunsaker, F. ..... H.B. 339 (F)
Child Care Licensing Amendments, Chard, B. ..... H.B. 113 (P)
Continuing Education Requirements for
Insurance Professionals, Nelson, L. ..... H.B. 97 (F)
Doctor–Related Communications, Killpack, R. ..... H.B. 285 (F)
Exemptions from Construction Trades Licensing Act, Wright, B. .. H.B. 62 (P)
Licensing of Day Care Facilities, Jones, D. ..... H.B. 124 (P)
Licensure of Estheticians and Nail Technicians Within the
Cosmetologist/Barbering Licensing Act, Carnahan, O. ..... H.B. 260 (F)
Occupational and Professional Licensing Amendments, Taylor, C. . S.B. 169 (F)
Optometry Practice Act, Mansell, L. ..... S.B. 20 (P)
Private Investigator Regulation Act Amendments, Koehn, S. .... H.B. 368 (F)
Professional License – Public Display, Cox, G. ..... H.B. 379 (F)
Real Estate Agent Background Check, Waddoups, M. ..... S.B. 69 (P)
Substance Abuse Counselor Licensure
Amendments, Montgomery, R. ..... S.B. 194 (P)

OCCUPATIONS AND PROFESSIONS

Asset Forfeiture in Controlled Substances Violations, Arrington, J. . H.B. 38 (F)
Bail Reform, Curtis, G. ..... H.B. 336 (F)
Chiropractic Practice Amendments, Steele, D. ..... S.B. 149 (F)
Controlled Substances Amendments, Hendrickson, N. ..... H.B. 21 (P)
Controlled Substances Container Amendments, Arent, P. ..... H.B. 276 (P)
Court Reporter Amendments, Peterson, C. ..... S.B. 155 (P)
Doctor–Related Communications, Killpack, R. ..... H.B. 285 (F)
Employee Leasing Company Licensing Act
Amendments, Allen, B. ..... H.B. 139 (P)
Exemptions from Construction Trades Licensing Act, Wright, B. .. H.B. 62 (P)
Fees on Sale of Factory Built Housing, Hillyard, L. ..... S.B. 214 (P)
Health Care Assistant Registration Act Amendments, Haymond, J. H.B. 287 (F)
Health Care Provider Practice and Conduct
Amendments, Montgomery, R. ..... S.B. 18 (P)
Licensure of Estheticians and Nail Technicians Within the
Cosmetologist/Barbering Licensing Act, Carnahan, O. ..... H.B. 260 (F)
Motor Vehicle Dealer Franchise Act Amendments, Fox, C. ..... H.B. 312 (P)
Occupational and Professional Licensing Amendments, Taylor, C. . S.B. 169 (F)
Optometry Practice Act, Mansell, L. ..... S.B. 20 (P)
Pharmacy Act – Open Drug Formulary, Holmgren, J. ..... S.B. 7 (P)
Physician Assistant Practice Act Amendments, Steiner, R. ..... S.B. 46 (P)
Professional License – Public Display, Cox, G. ..... H.B. 379 (F)
Prohibition of Ultimate Fighting, Poulton, L. ..... S.B. 43 (P)

OFF–HIGHWAY VEHICLES

Off–Highway Vehicle Operator Requirements, Holmgren, J. ..... S.B. 128 (P)

OFFENSES

Age of Victim of Statutory Rape, Nelson, L. ..... H.B. 256 (F)
Amendments to Capital Sentencing, Ure, D. ..... H.B. 48 (P)
Dangerous Weapon Penalty Enhancement, Cox, G. ..... H.B. 54 (P)
Penalty for Theft of Animal, Buttars, C. ..... H.B. 57 (P)

OIL AND GAS

Mining Bond and Surety Forfeiture Fund, Styler, M. ..... H.B. 265 (P)
Oil and Gas Reclamation Compensation, Evans, B. ..... H.B. 120 (F)
Oil and Gas Royalty Amendments, Evans, B. ..... H.B. 119 (F)
Resolution Approving Industrial Waste
Disposal Facility, Evans, B. ..... H.C.R. 10 (F)

OLYMPICS

Government Relationship to Olympic Events, Myrin, A. ..... S.B. 218 (F)
Olympic Facilities Repayment Resolution, Myrin, A. ..... S.J.R. 11 (P)
Preference for Utah Construction on Olympics, Davis, G. ..... H.B. 314 (F)
Resolution on Use of Fort Douglas Area, Wharton, B. ..... S.J.R. 6 (F)
Utah Sports Authority and Advisory
Committee Amendments, Tanner, J. ..... H.B. 214 (P)

PARKS

Access Highway Designation, Hickman, J. ..... H.B. 411 (P)
Antelope Island Improvements, Koehn, S. ..... H.B. 136 (F)
Appropriation for Weber County Fairgrounds, Adair, G. ..... H.B. 283 (P)
Resolution Regarding Future Operation and Development of
This Is The Place State Park, Tanner, J. ..... H.J.R. 17 (P)
Sales Tax Exemption – Municipality–Sponsored Events, Ure, D. . H.B. 133 (F)
Utah National Parks Highway Designation, Johnson, K. ..... H.B. 70 (P)

PARTNERSHIPS

Revised Uniform Partnership and
Limited Liability Partnership Act, Hillyard, L. ..... S.B. 183 (F)

PEACE OFFICER

Appropriation for Additional Highway Patrol Troopers, Adair, G. . H.B. 243 (P)
Assaulting A Peace Officer, Buckner, P. ..... H.B. 253 (F)
Deputy Sheriffs – Merit System Commission
Amendments, Davis, G. ..... H.B. 330 (P)
Firearm Permits for Retired Law Enforcement Personnel, Cox, G. H.B. 337 (F)
Highway Patrol – Computer Purchase, Adair, G. ..... H.B. 242 (P)
Lights on Vehicles, Buckner, P. ..... H.B. 147 (P)
Peace Officer Standards and Training, Chard, B. ..... H.B. 202 (P)
Protective Service Officers Amendments, Beattie, L. ..... S.B. 159 (P)

PEDESTRIAN SAFETY

Centennial Nonmotorized Paths and
Trail Crossings Program, Tyler, A. ..... H.B. 278 (P)
Pedestrian Overpass Appropriation, Peterson, M. ..... S.B. 145 (F)
Pedestrian Right of Way, Swallow, J. ..... H.B. 196 (P)
Trail Enhancements, Buhler, D. ..... S.B. 220 (F)

PERSON, OFFENSES AGAINST

Age of Victim of Statutory Rape, Nelson, L. ..... H.B. 256 (F)

Capital Homicide Amendments, Buhler, D. ..... S.B. 4 (P)

PHARMACIES

Pharmacy Act – Open Drug Formulary, Holmgren, J. ..... S.B. 7 (P)

PRIVILEGE TAX

Privilege Tax Amendments, Hillyard, L. ..... S.B. 219 (P)

PROBATION

Parolees and Probationers Education Requirements, Poulton, L. ..... S.B. 9 (P)
Sex Offender Notification Amendments, Allen, B. ..... H.B. 348 (P)

PROPERTY TAX

Adjustment in Certified Rate on Property Tax, Stephenson, H. ..... S.B. 87 (P)
Amendments to Homestead Exemptions, Valentine, J. ..... H.B. 198 (P)
Budgetary Process – Revenue Reporting, Stephenson, H. ..... S.B. 88 (P)
Business License Fee and Municipal
Taxing Authority, Blackham, L. ..... S.B. 216 (F)
Centrally Assessed Taxpayers Amendments, Short, R. ..... H.B. 129 (P)
County Sales Tax Authorization, Hatch, T. ..... H.B. 36 (F)
Funding for Transportation, Allen, B. ..... H.B. 315 (F)
Local Taxing Authority, Valentine, J. ..... H.B. 98 (P)
Property Tax – Circuit Breaker, Short, R. ..... H.B. 154 (P)
Property Tax – Real and Personal Property
Assessment Amendments, Dmitrich, M. ..... S.B. 186 (P)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Property Tax Notification, Assessment, Collection, and
Appeal, Anderson, E. ..... H.B. 61 (P)
Property Tax Relief Amendments, Short, R. ..... H.B. 153 (P)
Property Tax Residential Exemption, Buhler, D. ..... S.B. 168 (F)
Property Tax Valuations on Primary Residence of
Elderly Persons, Jones, D. ..... H.B. 352 (F)
Resolution Allowing Property Tax Deferment for Elderly, Tyler, A. H.J.R. 1 (F)
Resolution Amending Property Tax Exemptions, Davis, G. ..... H.J.R. 11 (F)
Resolution Amending Property Tax Valuation, Bigelow, R. ..... H.J.R. 10 (F)
Resolution Restricting Property Tax Valuation on
Primary Residences of the Elderly, Jones, D. ..... H.J.R. 3 (F)
Sales Tax Option for Counties, Mansell, L. ..... S.B. 26 (P)
Uniform Fees on Tangible Personal Property, Peterson, C. ..... S.B. 251 (P)

PROPERTY TAX RELIEF

Property Tax – Circuit Breaker, Short, R. ..... H.B. 154 (P)
Property Tax Relief Amendments, Short, R. ..... H.B. 153 (P)
Property Tax Residential Exemption, Buhler, D. ..... S.B. 168 (F)
Property Tax Valuations on Primary Residence of
Elderly Persons, Jones, D. ..... H.B. 352 (F)
Resolution Restricting Property Tax Valuation on
Primary Residences of the Elderly, Jones, D. ..... H.J.R. 3 (F)

PROPERTY, OFFENSES AGAINST

Private Property Protection Act Amendments, Olsen, E. ..... H.B. 64 (P)

PUBLIC ASSISTANCE

Family Employment Program, Frandsen, L. ..... H.B. 269 (P)
Public Assistance Welfare Fraud, Murray, J. ..... H.B. 257 (P)
Services for Legal Aliens, Suazo, P. ..... S.B. 187 (F)
Welfare Reform Amendments to Child Support, Tanner, N. ..... S.B. 64 (P)
Workforce Services and Labor Commission Implementation and
Amendments, Buhler, D. ..... S.B. 166 (P)

PUBLIC EDUCATION

Adult High School Completion Amendments, Suazo, P. ..... S.B. 158 (F)
Amendments to Redevelopment Agency Provisions, Walsh, R. ... H.B. 365 (F)
Annexation Transition for School Districts, Killpack, R. ..... H.B. 296 (P)
Class Size Reduction Options, Peterson, M. ..... S.B. 191 (F)
Compulsory Education Requirements, Bryson, K. ..... H.B. 340 (F)
Conduct Related to School Activities, Stephenson, H. ..... S.B. 150 (P)
Corporal Punishment in Public Schools Amendments, Steele, D. .. S.B. 101 (F)
Creating a Public School District, Peterson, M. ..... S.B. 5 (F)
Education Assessment Program, Siddoway, R. ..... H.B. 194 (F)
Education Costs for Nonresident Students, Allen, S. ..... H.B. 212 (P)
Extracurricular Activities, Stephenson, H. ..... S.B. 76 (F)
Funding Air Conditioning and Computer Personnel for
Public Education, Davis, G. ..... H.B. 335 (F)
Gang Prevention and Intervention, Short, R. ..... H.B. 342 (P)
Gun Education for Elementary Schools, Holladay, B. ..... H.B. 83 (F)
Minimum School Program Act Amendments, Wright, B. ..... H.B. 2 (P)
Modified School Week Pilot Program, Hatch, T. ..... H.B. 341 (P)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)

Public School Snow Days Resolution, Howell, S. ..... S.J.R. 4 (P)
Resolution Governing Public Education, Way, G. ..... H.J.R. 18 (F)
Sales Tax – Exemption for Sales Relating to Schools, Hickman, J. H.B. 318 (F)
School Board Compensation, Allen, S. ..... H.B. 190 (P)
School Bus Parking Zones, Mayne, E. ..... S.B. 56 (P)
State Museum of Natural History Outreach Programs, Olsen, E. .. H.B. 270 (P)
Student Education / Occupation Plan Amendments, Frandsen, L. . H.B. 138 (P)
Transportation of Students by School Districts, Johnson, K. ..... H.B. 158 (F)
Truancy Prevention Appropriation, Alexander, J. ..... H.B. 392 (P)
Use of Income Tax Revenues, Garn, K. ..... H.B. 197 (P)
Validity of Credentials in Public Education, McAllister, L. ..... S.B. 118 (P)

PUBLIC FUNDS AND ACCOUNTS

Community Economic Development Project Fund, Curtis, G. .... H.B. 100 (F)
Housing Trust Fund Technical Assistance Program, Jones, D. .... H.B. 407 (F)
Industrial Assistance Fund –
Rural Resettlement Program, Olsen, E. ..... H.B. 372 (P)
Olene Walker Housing Trust Fund Amendments, Adair, G. ..... H.B. 230 (P)
State Auditor Requirements, Ure, D. ..... H.B. 380 (P)
Use of Utah Industrial Assistance, Haymond, J. ..... H.B. 211 (F)

PUBLIC OFFICERS

Amendments to Ethics Law, Buhler, D. ..... S.B. 239 (P)
County Officers – Official Bond, Hillyard, L. ..... S.B. 221 (P)
County Officers Amendments, Seitz, J. ..... H.B. 199 (P)
Ethics Act, Tanner, J. ..... H.B. 9 (F)
Municipal Districts, Bush, D. ..... H.B. 24 (P)
Powers of Mayors, Knudson, P. ..... H.B. 219 (P)
Public Transit District Ethics, Short, R. ..... H.B. 82 (P)
Salary Increases for Government Officials, Styler, M. ..... H.B. 241 (F)

PUBLIC SAFETY

Alcohol and Drug Testing Fee, Bush, D. ..... H.B. 55 (P)
Appropriation for Additional Highway Patrol Troopers, Adair, G. . H.B. 243 (P)
Blood Alcohol Content for Drivers, Saunders, C. ..... H.B. 233 (F)
Child Restraint Requirements and Penalties, King, B. ..... H.B. 50 (P)
Citation Procedure, Hendrickson, N. ..... H.B. 20 (P)
Concealed Firearms Amendments, Barth, S. ..... H.B. 30 (P)
Dangerous Weapon Penalty Enhancement, Cox, G. ..... H.B. 54 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)

Dangerous Weapons at Child–Centered Schools and
Facilities, Waddoups, M. ..... S.B. 38 (F)
Definition of Law Enforcement Official and Judge, Hillyard, L. ... S.B. 132 (P)
Driver License – Smart Card, Adair, G. ..... H.B. 244 (F)
Driver License Amendments, Steele, D. ..... S.B. 23 (P)
Driving Under The Influence Amendments, Stephens, N. ..... H.B. 65 (F)
Fee for Background Check Before Handgun Purchase, Koehn, S. .. H.B. 46 (P)
Firearm Permits for Retired Law Enforcement Personnel, Cox, G. H.B. 337 (F)
Government Relationship to Olympic Events, Myrin, A. ..... S.B. 218 (F)
Graduated Driver License Provisions, Bush, D. ..... H.B. 157 (F)
Gun Education for Elementary Schools, Holladay, B. ..... H.B. 83 (F)
Handgun Purchase Requirements, Waddoups, M. ..... S.B. 111 (F)
Hardship Driver Permit for Youth, Blackham, L. ..... S.B. 125 (F)
Highway Patrol – Computer Purchase, Adair, G. ..... H.B. 242 (P)
Impounding Uninsured Vehicles, Butters, C. ..... H.B. 59 (F)
Lights on Vehicles, Buckner, P. ..... H.B. 147 (P)
Limitations on Purchase or Possession of A Firearm, Koehn, S. ... H.B. 85 (F)
Mcgruff House Program, Beck, T. ..... H.B. 277 (P)
Motor Vehicle Safety Investigators, Harper, W. ..... H.B. 31 (P)
Natural Gas Technician Certification Act, Siddoway, R. ..... H.B. 125 (F)
Noncontributory Retirement System for Firefighters, Suazo, P. .... S.B. 130 (F)
Out of State Firearm Permit, Killpack, R. ..... H.B. 207 (P)
Peace Officer Standards and Training, Chard, B. ..... H.B. 202 (P)
Pedestrian Overpass Appropriation, Peterson, M. ..... S.B. 145 (F)
Pedestrian Right of Way, Swallow, J. ..... H.B. 196 (P)
Penalty for Speeding in Construction Zones, Dillree, M. ..... H.B. 151 (F)
Personal Information In Motor Vehicle Records, Carlson, M. .... H.B. 235 (F)
Post Certification of Youth Corrections Workers, Chard, B. ..... H.B. 177 (P)
Private Investigator Regulation Act Amendments, Koehn, S. .... H.B. 368 (F)
Private Property Owners' Right to
Prohibit Dangerous Weapons, Waddoups, M. ..... S.B. 39 (F)
Protective Service Officers Amendments, Beattie, L. ..... S.B. 159 (P)
Public Safety – Missing Persons Center, Johnson, K. ..... H.B. 4 (P)
Public Safety Eligibility Amendments, Montgomery, R. ..... S.B. 85 (P)
Public Safety Firefighter Death Benefits, Carlson, M. ..... H.B. 123 (F)
Public Safety Noncontributory Retirement –
Conversion Window, Koehn, S. ..... H.B. 399 (F)
Public Safety Retirement Cost of Living Adjustment, Buhler, D. ... S.B. 108 (F)
Recreation Impact Fees, Valentine, J. ..... H.B. 32 (P)
Renewal of Drivers Licenses Kiosks, Arent, P. ..... H.B. 40 (P)
Requirements for Concealed Firearm Permit, Nelson, L. ..... H.B. 118 (F)

Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)
Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)
State and Federal Law Enforcement–Joint Jurisdiction, Steele, D. .. S.B. 141 (P)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)
Traffic Checkpoint Amendments, Stephens, N. ..... H.B. 45 (P)
Utah Automotive Repair Act, Wharton, B. ..... S.B. 176 (F)
Vehicle Air Bag Amendments, Mantes, G. ..... S.B. 147 (P)

PUBLIC TELECOMMUNICATIONS UTILITY LAW

Telecommunication Amendments, Steele, D. ..... S.B. 13 (P)
Telecommunications – Universal Service
Amendments, Stephens, M. ..... H.B. 71 (P)
Telecommunications Deregulation Amendments, Steele, D. ..... S.B. 92 (P)

PUBLIC TRANSIT DISTRICTS

Accountability and Oversight of
Utah Transit Authority, Peterson, M. ..... S.B. 30 (F)
Public Transit District Boards, Mansell, L. ..... S.B. 84 (P)
Transit District Authority, Bigelow, R. ..... H.B. 15 (F)
Transit District Collections and Budget, Short, R. ..... H.B. 169 (P)
Utah Transit Authority Budget Approval, Wharton, B. ..... S.B. 172 (F)

PUBLIC UTILITIES

Electrical Deregulation and Customer Choice Task Force, Fox, C. H.B. 313 (P)
Retail Power Task Force, Haymond, J. ..... H.B. 110 (F)
Securities Issuance by Electrical Corporations, Haymond, J. ..... H.B. 239 (P)
Telecommunication Amendments, Steele, D. ..... S.B. 13 (P)
Telecommunications – Universal Service
Amendments, Stephens, M. ..... H.B. 71 (P)
Telecommunications Deregulation Amendments, Steele, D. ..... S.B. 92 (P)
Utility Siting Amendments, Knudson, P. ..... H.B. 127 (P)

RADIATION

Fees for Commercial Radioactive Waste, Nielson, H. ..... S.B. 229 (F)
Radiation Control Membership Amendments, Evans, B. ..... H.B. 409 (F)
Resolution on Placement of
High Level Nuclear Waste In Utah, Barth, S. ..... H.J.R. 23 (F)

RAILROADS

Resolution on Abandoned Railroads' Rights–Of–Way, Saunders, C. H.J.R. 5 (F)

Vehicle Safety at Railroad Crossings, Hendrickson, N. ..... H.B. 192 (P)

REAL ESTATE

Easement for Ditches, Styler, M. ..... H.B. 305 (P)
Immunity to Dam Owners, Johnson, B. ..... H.B. 174 (P)
Limitation of Landowner Liability Amendments, Tuttle, D. ..... H.B. 11 (P)
Marital Property Rights Amendments, Bradshaw, A. ..... H.B. 374 (P)
Mobile Home Tenant Amendments, Frandsen, L. ..... H.B. 29 (P)
Nightly Rental Property Managers, Myrin, A. ..... S.B. 200 (P)
Property Survey – Statute of Limitations, Adair, G. ..... H.B. 227 (P)
Real Estate Agent Background Check, Waddoups, M. ..... S.B. 69 (P)
Real Property – Presumption of Title, Swallow, J. ..... H.B. 80 (P)
Resolution Repealing Marital Property Provisions, Bradshaw, A. .. H.J.R. 8 (P)
Second Hand Smoke Amendments, Beattie, L. ..... S.B. 49 (P)
Voluntary Release Cleanup Program, Mansell, L. ..... S.B. 190 (P)

RECODIFICATION

Juvenile Court Recodification – Phase 2, Hillyard, L. ..... S.B. 134 (P)

RECREATION

Centennial Nonmotorized Paths and
Trail Crossings Program, Tyler, A. ..... H.B. 278 (P)
County Imposition of Tourism, Recreation,
Cultural, and Convention Facilities Tax, Larson, P. ..... H.B. 355 (F)
Recreation Impact Fees, Valentine, J. ..... H.B. 32 (P)
Snowmobile User Fee, Jones, L. ..... S.B. 211 (F)
Sundance Wilderness Area Resolution, Johnson, B. ..... H.J.R. 9 (F)
Tax Rebates to Promote Hotel Development, Buhler, D. ..... S.B. 237 (F)
Trail Enhancements, Buhler, D. ..... S.B. 220 (F)
Transient Room Tax Amendments, Alexander, J. ..... H.B. 327 (P)
Watercraft – Liability Insurance, Tanner, N. ..... S.B. 52 (P)

RECYCLING

Sales Tax Exemption for Scrap Recyclers, Buhler, D. ..... S.B. 29 (P)
Used Oil Act Amendments, McAllister, L. ..... S.B. 138 (P)

REDEVELOPMENT AGENCIES

Amendments to Redevelopment Agency Provisions, Walsh, R. ... H.B. 365 (F)
Incremental Tax Financing for Affordable Housing, Davis, G. ... H.B. 397 (F)

Redevelopment Agency Amendments, Taylor, C. ..... S.B. 53 (F)

REEMPLOYMENT

Workforce Services and Labor Commission Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

REGISTRATION AND REGISTRATION FEES

Centennial License Plate Amendments, Hull, J. ..... S.B. 204 (P)
Commercial Vehicle Registration, Steele, D. ..... S.B. 117 (P)
Medical Advisory Board Waivers, Mayne, E. ..... S.B. 51 (P)
Motor Vehicle Compliance With Insurance, Registration, and Sales Tax Requirements, Peterson, C. ..... S.B. 161 (P)
Motor Vehicle Registration Requirements, Short, R. ..... H.B. 245 (F)
Personal Information In Motor Vehicle Records, Carlson, M. .... H.B. 235 (F)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Registration Fee on Vehicles, Valentine, J. ..... H.B. 414 (P)
Utah Automotive Repair Act, Wharton, B. ..... S.B. 176 (F)

RESOLUTIONS

Acceptance of Trust Lands Resolution, Garn, K. ..... H.J.R. 14 (P)
Compensation of In–Session Employee Resolution, Haymond, J. . H.J.R. 13 (P)
Escalante National Monument Resolution, Hatch, T. ..... H.C.R. 1 (P)
House Rules Resolution – Admittance to House Chamber, Hickman, J. ..... H.R. 2 (P)
House Rules Resolution – Bill and Committee Processes, Hickman, J. ..... H.R. 6 (P)
House Rules Resolution – Committees, Allen, B. ..... H.R. 8 (F)
House Rules Resolution – Quorum Committee, Hickman, J. ..... H.R. 9 (P)
House Rules Resolution – Speaker Responsibilities, Hickman, J. ... H.R. 4 (P)
Joint Rules Resolution – Amending Legislative Procedures, Holmgren, J. ..... S.J.R. 7 (P)
Joint Rules Resolution – Amendments to Interim Rules, Harward, B. ..... H.J.R. 6 (P)
Joint Rules Resolution – Changes to Bill and Appropriation Process, Beattie, L. ..... S.J.R. 9 (P)
Joint Rules Resolution – Committees, Allen, B. ..... H.J.R. 20 (F)
Joint Rules Resolution – Fiscal Prioritization, Steiner, R. ..... S.J.R. 8 (F)
Joint Rules Resolution – Legislative Expenses and Mileage, Hickman, J. ..... H.J.R. 12 (P)
Joint Rules Resolution – Quorum Requirements, Hickman, J. .... H.J.R. 21 (P)

Master Study Resolution, Fox, C. ..... H.J.R. 19 (P)
Olympic Facilities Repayment Resolution, Myrin, A. ..... S.J.R. 11 (P)
Public School Snow Days Resolution, Howell, S. ..... S.J.R. 4 (P)
Resolution Allowing Property Tax Deferment for Elderly, Tyler, A. H.J.R. 1 (F)
Resolution Amending House Rules, Hickman, J. ..... H.R. 3 (P)
Resolution Amending Property Tax Exemptions, Davis, G. ..... H.J.R. 11 (F)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Resolution Approving Development of
Waste Disposal Facility, Anderson, E. ..... H.C.R. 8 (P)
Resolution Approving Industrial Waste
Disposal Facility, Evans, B. ..... H.C.R. 10 (F)
Resolution Calling for End to Federal Subsidies of
Tobacco, Killpack, R. ..... H.C.R. 3 (P)
Resolution Calling for State's Amendments to
Federal Constitution, Dillree, M. ..... H.C.R. 7 (F)
Resolution Designating Bone
Marrow Registration Day, Peterson, M. ..... S.C.R. 3 (P)
Resolution Encouraging Economic Resettlement of
Rural Utah, Blackham, L. ..... S.C.R. 4 (P)
Resolution Encouraging Shortening Daylight
Savings Period, Mayne, E. ..... S.J.R. 3 (P)
Resolution Governing Public Education, Way, G. ..... H.J.R. 18 (F)
Resolution Integrating Utah Tomorrow Principles, McAllister, L. .. S.C.R. 1 (F)
Resolution of Commitment to Gifted Children, Cox, G. ..... H.R. 5 (F)
Resolution on Abandoned Railroads' Rights-Of-Way, Saunders, C. H.J.R. 5 (F)
Resolution on Ozone and Particulate Matter, Dmitrich, M. ..... S.J.R. 12 (P)
Resolution on Placement of High
Level Nuclear Waste In Utah, Barth, S. ..... H.J.R. 23 (F)
Resolution on Republic of China on Taiwan, Peterson, C. ..... S.J.R. 5 (P)
Resolution on Use of Fort Douglas Area, Wharton, B. ..... S.J.R. 6 (F)
Resolution on Water Infrastructure for
Central Utah Project, Becker, R. ..... H.J.R. 16 (F)
Resolution Opposing Federal Government Encroachments on
Rights of States, Rowan, T. ..... H.R. 7 (P)
Resolution Opposing Governmental Regulations, Iverson, D. .... H.C.R. 2 (P)
Resolution Reappointing Director and General Counsel, Brown, M. H.J.R. 7 (P)
Resolution Recognizing Contributions of
Representative Kurt E. Oscarson, Brown, M. ..... H.R. 1 (F)
Resolution Recognizing Life and Contributions of
Representative Kurt E. Oscarson, Davis, G. ..... H.C.R. 5 (P)
Resolution Recognizing Rockville Open Space Project, Hatch, T. . H.J.R. 22 (P)

Resolution Regarding Future Operation and Development of
This Is The Place State Park, Tanner, J. ..... H.J.R. 17 (P)
Resolution Requiring Supermajority Vote to Increase Taxes,
Fees, or Other Sources of Revenue, Way, G. ..... H.J.R. 2 (F)
Resolution Supporting Increase of Private Activity
Bonding Cap, Haymond, J. ..... H.C.R. 9 (F)
Resolution Supporting Realignment of
Air Force Base Workload, Chard, B. ..... H.C.R. 4 (P)
Resolution Urging Congressional Facilitation of
Health Care Products, Beattie, L. ..... S.J.R. 2 (P)
Resolution Urging Proper Protection and
Management of Wildlife, Fox, C. ..... H.J.R. 15 (P)
Resolution Urging Reevaluation of Centrally
Assessed Telecommunications Providers, Stephenson, H. .... S.J.R. 10 (P)
Senate Rules Resolution – Introducing Bills, Beattie, L. ..... S.R. 1 (P)
Senate Rules Resolution – Motions to Circle, Peterson, M. ..... S.R. 2 (P)
Senate Rules Resolution – Quorum Committee, Holmgren, J. ..... S.R. 3 (P)
Sundance Wilderness Area Resolution, Johnson, B. ..... H.J.R. 9 (F)
Transferability of State College Credits Resolution, Bryson, K. .... H.J.R. 4 (P)
Utah Tomorrow Resolution, McAllister, L. ..... S.C.R. 2 (F)
Utah Wilderness Designation Resolution, Johnson, B. ..... H.C.R. 6 (P)

RESOLUTIONS, CONSTITUTIONAL

Acceptance of Trust Lands Resolution, Garn, K. ..... H.J.R. 14 (P)
Resolution Allowing Property Tax Deferment for Elderly, Tyler, A. H.J.R. 1 (F)
Resolution Amending Legislator Eligibility Standards, Beattie, L. . S.J.R. 1 (P)
Resolution Amending Property Tax Exemptions, Davis, G. ..... H.J.R. 11 (F)
Resolution Amending Property Tax Valuation, Bigelow, R. ..... H.J.R. 10 (F)
Resolution Governing Public Education, Way, G. ..... H.J.R. 18 (F)
Resolution Repealing Marital Property Provisions, Bradshaw, A. .. H.J.R. 8 (P)
Resolution Requiring Supermajority Vote to
Increase Taxes, Fees, or Other Sources of Revenue, Way, G. ... H.J.R. 2 (F)
Resolution Restricting Property Tax Valuation on
Primary Residences of the Elderly, Jones, D. ..... H.J.R. 3 (F)

RESOLUTIONS, RULES

House Rules Resolution – Admittance to
House Chamber, Hickman, J. ..... H.R. 2 (P)
House Rules Resolution – Bill and
Committee Processes, Hickman, J. ..... H.R. 6 (P)
House Rules Resolution – Committees, Allen, B. ..... H.R. 8 (F)

House Rules Resolution – Quorum Committee, Hickman, J. ..... H.R. 9 (P)
House Rules Resolution – Speaker Responsibilities, Hickman, J. ... H.R. 4 (P)
Joint Rules Resolution – Amending Legislative
Procedures, Holmgren, J. ..... S.J.R. 7 (P)
Joint Rules Resolution – Amendments to
Interim Rules, Harward, B. ..... H.J.R. 6 (P)
Joint Rules Resolution – Changes to Bill and
Appropriation Process, Beattie, L. ..... S.J.R. 9 (P)
Joint Rules Resolution – Committees, Allen, B. ..... H.J.R. 20 (F)
Joint Rules Resolution – Fiscal Prioritization, Steiner, R. ..... S.J.R. 8 (F)
Joint Rules Resolution – Legislative Expenses and
Mileage, Hickman, J. ..... H.J.R. 12 (P)
Joint Rules Resolution – Quorum Requirements, Hickman, J. .... H.J.R. 21 (P)
Resolution Amending House Rules, Hickman, J. ..... H.R. 3 (P)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Senate Rules Resolution – Introducing Bills, Beattie, L. ..... S.R. 1 (P)
Senate Rules Resolution – Motions to Circle, Peterson, M. ..... S.R. 2 (P)
Senate Rules Resolution – Quorum Committee, Holmgren, J. ..... S.R. 3 (P)

RESTITUTION

Joint Rules Resolution – Fiscal Prioritization, Steiner, R. ..... S.J.R. 8 (F)
Landlord – Tenant Amendments, Montgomery, R. ..... S.B. 71 (P)
Offenders – Income Withholding, Suazo, P. ..... S.B. 179 (F)

RETIREMENT

Firefighters' Noncontributory Retirement System, Murray, J. .... H.B. 195 (F)
Judges Noncontributory Retirement System, Peterson, C. ..... S.B. 83 (P)
Noncontributory Retirement System for Firefighters, Suazo, P. .... S.B. 130 (F)
Protection of Pension, Profit Sharing, and
Similar Plans In Bankruptcy, Ure, D. ..... H.B. 135 (F)
Public Safety Eligibility Amendments, Montgomery, R. ..... S.B. 85 (P)
Public Safety Firefighter Death Benefits, Carlson, M. ..... H.B. 123 (F)
Public Safety Noncontributory Retirement –
Conversion Window, Koehn, S. ..... H.B. 399 (F)
Public Safety Retirement Cost of Living Adjustment, Buhler, D. ... S.B. 108 (F)
Retirement Conversion and Credit Resolution, Mayne, E. ..... S.J.R. 13 (F)
Retirement Office Amendments, Short, R. ..... H.B. 173 (P)
Surviving Spouse Pension, Carnahan, O. ..... H.B. 6 (P)

REVENUE AND TAXATION

Adjustment in Certified Rate on Property Tax, Stephenson, H. ..... S.B. 87 (P)

Amendments to Redevelopment Agency Provisions, Walsh, R. . . . H.B. 365 (F)
Assessment on Workers' Compensation, Adair, G. . . . . H.B. 225 (P)
Budgetary Process – Revenue Reporting, Stephenson, H. . . . . S.B. 88 (P)
Business License Fee and Municipal
Taxing Authority, Blackham, L. . . . . S.B. 216 (F)
Centrally Assessed Taxpayers Amendments, Short, R. . . . . H.B. 129 (P)
Cigarette Tax, Howell, S. . . . . S.B. 227 (F)
Cigarette Tax – Rate Increase, Valentine, J. . . . . H.B. 250 (F)
Cigarettes – Tax Increase and Regulation, Tanner, J. . . . . H.B. 27 (P)
Clean Burning Stove Tax Credit Amendments, McAllister, L. . . . . S.B. 139 (P)
Coal Tax Credit, Dmitrich, M. . . . . S.B. 41 (P)
Collection of Fuel Tax, Stephenson, H. . . . . S.B. 252 (P)
Commercial Vehicle Registration, Steele, D. . . . . S.B. 117 (P)
Corporate Income Tax Amendments, Harper, W. . . . . H.B. 317 (P)
County Imposition of Tourism, Recreation,
Cultural, and Convention Facilities Tax, Larson, P. . . . . H.B. 355 (F)
County Option Sales Tax for Botanical and
Cultural Organizations, Allen, B. . . . . H.B. 148 (P)
County Sales Tax Authorization, Hatch, T. . . . . H.B. 36 (F)
Delay of and Use of Tax Breaks, Mayne, E. . . . . S.B. 232 (F)
Endangered Species Mitigation Fund, Hatch, T. . . . . H.B. 359 (P)
Federal Fuel Tax Replacement Provisions, Allen, B. . . . . H.B. 191 (F)
Funding for Transportation, Allen, B. . . . . H.B. 315 (F)
Gross Receipts Taxes – Rates Reduction and Repeal, Styler, M. . . H.B. 347 (F)
Higher Education Revenue Bonds, Hunsaker, F. . . . . H.B. 18 (P)
Hospital Tax Amendments, Valentine, J. . . . . H.B. 331 (P)
Income Tax – Education Tax Credit, Stephenson, H. . . . . S.B. 61 (F)
Income Tax – Energy Savings Tax Credit Extension, Evans, R. . . . . S.B. 36 (P)
Income Tax – Filing Extensions, Alexander, J. . . . . H.B. 319 (P)
Income Tax – Personal Exemption Increase, Nielson, H. . . . . S.B. 67 (F)
Income Tax – Research and Development Credit, Hillyard, L. . . . . S.B. 177 (F)
Income Tax Checkoff, Hillyard, L. . . . . S.B. 10 (P)
Income Tax Credit for Educational Choice, Olsen, E. . . . . H.B. 102 (F)
Increase In Cigarette Tax, Davis, G. . . . . H.B. 344 (F)
Local Taxing Authority, Valentine, J. . . . . H.B. 98 (P)
Low Income Housing Tax Credit, Evans, R. . . . . S.B. 215 (F)
Medical Savings Account Amendments, Mantes, G. . . . . S.B. 107 (P)
Mineral Lease Account Amendments, Seitz, J. . . . . H.B. 108 (F)
Motor Vehicle Compliance With Insurance, Registration, and
Sales Tax Requirements, Peterson, C. . . . . S.B. 161 (P)
Privilege Tax Amendments, Hillyard, L. . . . . S.B. 219 (P)

Property Tax – Circuit Breaker, Short, R. ..... H.B. 154 (P)
Property Tax – Real and Personal Property
Assessment Amendments, Dmitrich, M. ..... S.B. 186 (P)
Property Tax Amendments, Ure, D. ..... H.B. 206 (P)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Property Tax Notification, Assessment, Collection, and
Appeal, Anderson, E. ..... H.B. 61 (P)
Property Tax Relief Amendments, Short, R. ..... H.B. 153 (P)
Property Tax Residential Exemption, Buhler, D. ..... S.B. 168 (F)
Property Tax Valuations on Primary Residence of
Elderly Persons, Jones, D. ..... H.B. 352 (F)
Recording Federal Tax Liens, Siddoway, R. ..... H.B. 370 (P)
Repeal of Sales Tax on Food, King, B. ..... H.B. 53 (F)
Resort Community Amendments, Hatch, T. ..... H.B. 405 (F)
Sales and Use Tax Revision, Blackham, L. ..... S.B. 212 (F)
Sales Tax – Environmental Clean Up Exemption, Wright, B. ..... H.B. 398 (F)
Sales Tax – Exemption for Employee Transportation, Swallow, J. .. H.B. 84 (P)
Sales Tax – Exemption for Government Copies, Valentine, J. .... H.B. 332 (P)
Sales Tax – Exemption for Sales Relating to Schools, Hickman, J. H.B. 318 (F)
Sales Tax – Local Option for Conservation
Easements for Agricultural Use, Olsen, E. ..... H.B. 122 (F)
Sales Tax – Telephone Exemption, Hillyard, L. ..... S.B. 184 (P)
Sales Tax Exemption – Municipality–Sponsored Events, Ure, D. . H.B. 133 (F)
Sales Tax Exemption for Certain Machinery and Parts, Barth, S. .. H.B. 373 (F)
Sales Tax Exemption for Food, Barth, S. ..... H.B. 210 (F)
Sales Tax Exemption for Scrap Recyclers, Buhler, D. ..... S.B. 29 (P)
Sales Tax Incentives, Allen, B. ..... H.B. 333 (F)
Sales Tax Option for Counties, Mansell, L. ..... S.B. 26 (P)
Sales Tax Reduction, Fuel Taxes, and Repeal of
Environmental Surcharge on Petroleum, McAllister, L. ..... S.B. 253 (P)
Sales Tax Refund Amendments, Valentine, J. ..... H.B. 301 (P)
Sales Tax Refund on Donated Food, Stephenson, H. ..... S.B. 50 (P)
Sales Tax Revenues to Transportation Funding, Fox, C. ..... H.B. 413 (P)
Tax Assessments, Refunds, and Credits, Harper, W. ..... H.B. 316 (P)
Tax Incentives for Adoption and Guardianship, Haymond, J. ..... H.B. 303 (F)
Tax Incentives for Clean Fuels, McAllister, L. ..... S.B. 47 (F)
Tax Rebates to Promote Hotel Development, Buhler, D. ..... S.B. 237 (F)
Taxes and Fees for Highway Funding, Dillree, M. ..... H.B. 334 (F)
Transient Room Tax Amendments, Alexander, J. ..... H.B. 327 (P)
Transportation Corridor Funding, Dillree, M. ..... H.B. 111 (P)
Uniform Fees on Tangible Personal Property, Peterson, C. ..... S.B. 251 (P)

Use of Income Tax Revenues, Garn, K. ..... H.B. 197 (P)
Use of Motor Fuel Tax, Blackham, L. ..... S.B. 254 (F)

REVENUE AND TAXATION - CONSTITUTION

Resolution Allowing Property Tax Deferment for Elderly, Tyler, A. H.J.R. 1 (F)
Resolution Amending Property Tax Exemptions, Davis, G. ..... H.J.R. 11 (F)
Resolution Amending Property Tax Valuation, Bigelow, R. ..... H.J.R. 10 (F)
Resolution Requiring Supermajority Vote to
Increase Taxes, Fees, or Other Sources of Revenue, Way, G. ... H.J.R. 2 (F)
Resolution Restricting Property Tax Valuation on
Primary Residences of the Elderly, Jones, D. ..... H.J.R. 3 (F)

REVISOR BILL

Revisor's Statute, Hickman, J. ..... H.B. 228 (P)

RIGHT OF WAY

Resolution on Abandoned Railroads' Rights-Of-Way, Saunders, C. H.J.R. 5 (F)

RISK MANAGEMENT FUND

State Risk Management Coverage of Teachers, Poulton, L. ..... S.B. 104 (P)

RURAL HEALTH

Rural Health Care Provider Amendments, Haymond, J. ..... H.B. 216 (P)
Use of Utah Industrial Assistance, Haymond, J. ..... H.B. 211 (F)

SALES AND LEASES

New Motor Vehicle Broker, Peterson, C. ..... S.B. 207 (P)

SALES AND USE TAX

County Imposition of Tourism, Recreation, Cultural, and
Convention Facilities Tax, Larson, P. ..... H.B. 355 (F)
County Option Sales Tax for Botanical and
Cultural Organizations, Allen, B. ..... H.B. 148 (P)
County Sales Tax Authorization, Hatch, T. ..... H.B. 36 (F)
Motor Vehicle Compliance With Insurance,
Registration, and Sales Tax Requirements, Peterson, C. ..... S.B. 161 (P)
Repeal of Sales Tax on Food, King, B. ..... H.B. 53 (F)

Sales and Use Tax Revision, Blackham, L. ..... S.B. 212 (P)
Sales Tax – Environmental Clean Up Exemption, Wright, B. ..... H.B. 398 (F)
Sales Tax – Exemption for Employee Transportation, Swallow, J. .. H.B. 84 (P)
Sales Tax – Exemption for Government Copies, Valentine, J. .... H.B. 332 (P)
Sales Tax – Exemption for Sales Relating to Schools, Hickman, J. H.B. 318 (F)
Sales Tax – Local Option for Conservation Easements for
Agricultural Use, Olsen, E. ..... H.B. 122 (F)
Sales Tax – Telephone Exemption, Hillyard, L. ..... S.B. 184 (P)
Sales Tax Exemption – Municipality–Sponsored Events, Ure, D. . H.B. 133 (F)
Sales Tax Exemption for Certain Machinery and Parts, Barth, S. .. H.B. 373 (F)
Sales Tax Exemption for Food, Barth, S. ..... H.B. 210 (F)
Sales Tax Exemption for Scrap Recyclers, Buhler, D. ..... S.B. 29 (P)
Sales Tax Incentives, Allen, B. ..... H.B. 333 (F)
Sales Tax Option for Counties, Mansell, L. ..... S.B. 26 (P)
Sales Tax Refund Amendments, Valentine, J. ..... H.B. 301 (P)
Sales Tax Refund on Donated Food, Stephenson, H. ..... S.B. 50 (P)
Sales Tax Revenues to Transportation Funding, Fox, C. ..... H.B. 413 (P)
Tax Rebates to Promote Hotel Development, Buhler, D. ..... S.B. 237 (F)
Transient Room Tax Amendments, Alexander, J. ..... H.B. 327 (P)

SCHOOL FINANCE

Adult High School Completion Amendments, Suazo, P. ..... S.B. 158 (F)
Appropriation for Classroom Supplies, Bigelow, R. ..... H.B. 81 (P)
Minimum School Program Act Amendments, Wright, B. ..... H.B. 2 (P)
Public Education Services Appropriation, Gowans, J. ..... H.B. 375 (F)

SCHOOL PERSONNEL

Dual Enrollment Amendments, Alexander, J. ..... H.B. 103 (F)
Emergency Injections for Anaphylactic Reaction, Dayton, M. .... H.B. 130 (F)
Extracurricular Activities, Stephenson, H. ..... S.B. 76 (F)
Funding Air Conditioning and Computer Personnel for
Public Education, Davis, G. ..... H.B. 335 (F)
Independent Hearing Officers for Teachers, Evans, R. ..... S.B. 238 (F)
Modified School Week Pilot Program, Hatch, T. ..... H.B. 341 (P)
Public Education System Amendments, Olsen, E. ..... H.B. 325 (F)
Teacher Termination Procedures Task Force, Rowan, T. ..... H.B. 101 (F)

SCHOOL SAFETY

Conduct Related to School Activities, Stephenson, H. ..... S.B. 150 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)

Dangerous Weapons at Child-Centered Schools and
Facilities, Waddoups, M. ..... S.B. 38 (F)
Gun Education for Elementary Schools, Holladay, B. ..... H.B. 83 (F)
Higher Education Parking Enforcement, Tyler, A. ..... H.B. 39 (P)

SECURITIES

Uniform Securities Act Amendments, Curtis, G. ..... H.B. 298 (P)

SENTENCING COMMISSION

Concurrent and Consecutive
Sentencing Limitations, Hendrickson, N. ..... H.B. 44 (P)

SEXUAL OFFENSES

Age of Victim of Statutory Rape, Nelson, L. ..... H.B. 256 (F)
Sex Offender Notification Amendments, Allen, B. ..... H.B. 348 (P)
Sodomy Amendments, Ure, D. ..... H.B. 134 (F)
Unlawful Sexual Conduct Relating to Minors, Taylor, C. ..... S.B. 63 (F)

SIGNS

Outdoor Advertising Amendments, Mansell, L. ..... S.B. 14 (P)

SOLID WASTE

Commercial Nonhazardous Disposal Site, Evans, B. ..... H.B. 371 (F)
Disposal Fee for Construction and Demolition Waste, Tuttle, D. ... H.B. 68 (P)
Environmental Law Amendments, Holmgren, J. ..... S.B. 223 (P)
Environmental Quality Code Amendments, Anderson, E. ..... H.B. 404 (P)
Resolution Amending Rule of Evidence, Holmgren, J. ..... S.J.R. 14 (P)
Resolution Approving Development of
Waste Disposal Facility, Anderson, E. ..... H.C.R. 8 (P)
Resolution Approving Industrial Waste
Disposal Facility, Evans, B. ..... H.C.R. 10 (F)
Solid Waste Amendments, Allen, B. ..... H.B. 294 (F)
Waste Disposal Amendments, Barth, S. ..... H.B. 396 (F)
Waste Disposal Fee Amendment, Holmgren, J. ..... S.B. 195 (P)
Waste Management Facility, Dmitrich, M. ..... S.B. 225 (F)

SPECIAL DISTRICT

Amendments to County Improvement Districts for
Water Services, Allen, B. ..... H.B. 357 (F)

Amendments to Special Districts, Allen, B. ..... H.B. 208 (P)
County Improvement District Boundary Adjustment, Dillree, M. . H.B. 150 (P)
County Improvement Districts Amendments, Hogue, D. ..... H.B. 23 (P)
County Service Areas Amendments, Stephens, M. ..... H.B. 74 (P)
Incremental Tax Financing for Affordable Housing, Davis, G. ... H.B. 397 (F)
Procurement of Architect, Engineer, or Surveyor Services By
Political Subdivisions, Tyler, A. ..... H.B. 72 (P)
Publication of Legal Notices By Political Subdivisions, Mayne, E. .. S.B. 55 (P)
Redevelopment Agency Amendments, Taylor, C. ..... S.B. 53 (F)
Soil Conservation Districts, Brown, M. ..... H.B. 366 (P)
Special Districts - Drainage District Amendments, Styler, M. .... H.B. 189 (P)
Special Districts Annexation Amendments, Arrington, J. ..... H.B. 280 (P)
Use of County Name, Hatch, T. ..... H.B. 232 (F)
Water Conservancy Board of Directors, Seitz, J. ..... H.B. 390 (F)
Water Conservancy District - Board of Directors, Dmitrich, M. ... S.B. 123 (P)

SPECIAL DISTRICT'S TAXING AUTHORITY

County Improvement District Boundary Adjustment, Dillree, M. . H.B. 150 (P)
Incremental Tax Financing for Affordable Housing, Davis, G. ... H.B. 397 (F)

SPEED LIMITS

Penalty for Speeding in Construction Zones, Dillree, M. ..... H.B. 151 (F)

SPORTS AUTHORITY

Utah Sports Authority and Advisory Committee
Amendments, Tanner, J. ..... H.B. 214 (P)

STATE AND LOCAL AFFAIRS

1997 Bonding and Debt Financing Authorization, Buhler, D. ..... S.B. 2 (P)
1997 Revenue Bond Authorization, Adair, G. ..... H.B. 309 (F)
Administrative Rules Review Committee Amendments, Ure, D. .. H.B. 182 (P)
Agricultural Protection Area Amendments, Blackham, L. ..... S.B. 203 (P)
Agriculture Protection Area Provisions, Buttars, C. ..... H.B. 381 (F)
Air Quality, Land Use, and Transportation
Planning Provisions, McAllister, L. ..... S.B. 91 (F)
Amendment to Procurement Requirements for
Construction Projects, Buhler, D. ..... S.B. 95 (P)
Amendments to Ethics Law, Buhler, D. ..... S.B. 239 (P)
Amendments to Redevelopment Agency Provisions, Walsh, R. ... H.B. 365 (F)

Amendments to Special Districts, Allen, B. ..... H.B. 208 (P)
Amendments to Subdivision Act, Ure, D. ..... H.B. 234 (P)
Appropriation for County Land Use Planning, Iverson, D. ..... H.B. 290 (P)
Appropriation for Hill Air Force Base Heritage Museum and
Fort Douglas Military Museum, Montgomery, R. ..... S.B. 126 (P)
Appropriation for Pioneer Display, Allen, B. ..... H.B. 66 (P)
Appropriation for Restoration of
Brigham Young Academy, Nielson, H. ..... S.B. 48 (P)
Appropriation for Weber County Fairgrounds, Adair, G. ..... H.B. 283 (P)
Appropriations for Bridgerland Ice Sheet, Buttars, C. ..... H.B. 89 (F)
Attorney General Powers – Contingent Fee
Arrangements, Montgomery, R. ..... S.B. 235 (F)
Boards and Commissions Amendments, Bradshaw, A. ..... H.B. 12 (P)
Bonds for Highway Funding, Hillyard, L. ..... S.B. 243 (P)
Budget Review Task Force, Peterson, M. ..... S.B. 22 (F)
Building Code Amendments, Peterson, C. ..... S.B. 135 (F)
Campaign Finance Reform Amendment, Steiner, R. ..... S.B. 242 (F)
Capitol Art Placement Commission, Tanner, J. ..... H.B. 8 (P)
Children and Youth at Risk Amendments, Evans, B. ..... H.B. 164 (P)
Children's Justice Center Program, Peterson, C. ..... S.B. 182 (P)
City Authority over Certain Rental Units, Buhler, D. ..... S.B. 96 (P)
Civil Defense Compact, Koehn, S. ..... H.B. 291 (P)
Commercial Project Entities, Blackham, L. ..... S.B. 114 (P)
Constitutional Defense Council Amendments, Allen, S. ..... H.B. 128 (F)
Costs for Unlawful Subdivision of Land, McAllister, L. ..... S.B. 97 (F)
Council on Excellence In Government, Ure, D. ..... H.B. 267 (P)
Counsel for Indigent Defendants, Hatch, T. ..... H.B. 107 (P)
Counsel for Indigent Defendants in Juvenile Court, Hatch, T. .... H.B. 156 (P)
Counties – Subdivision Defined, McAllister, L. ..... S.B. 98 (P)
County and District Attorneys, Peterson, C. ..... S.B. 173 (F)
County and Municipality Judgeships, Harper, W. ..... H.B. 43 (P)
County Government Amendments, Short, R. ..... H.B. 353 (F)
County Human Services Program Amendments, Allen, S. ..... H.B. 179 (F)
County Improvement District Boundary Adjustment, Dillree, M. . H.B. 150 (P)
County Improvement Districts Amendments, Hogue, D. ..... H.B. 23 (P)
County Land Use Development and Management Act, Adair, G. . H.B. 259 (F)
County Officers – Official Bond, Hillyard, L. ..... S.B. 221 (P)
County Officers Amendments, Seitz, J. ..... H.B. 199 (P)
County Option Sales Tax for Botanical and
Cultural Organizations, Allen, B. ..... H.B. 148 (P)
County Planning Amendments, McAllister, L. ..... S.B. 99 (F)

County Service Areas Amendments, Stephens, M. ..... H.B. 74 (P)
County Volunteer and Paid–Call Firefighters' Hours, Barth, S. ... H.B. 400 (P)
Creation and Oversight of Governmental Entities, Allen, B. ..... H.B. 351 (F)
Criminal Justice Boards and Commissions
Amendments, Bradshaw, A. ..... H.B. 121 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Deputy Sheriffs – Merit System
Commission Amendments, Davis, G. ..... H.B. 330 (P)
Designation of State Fruit, Hunsaker, F. ..... H.B. 33 (P)
District and County Attorney Amendments, Short, R. ..... H.B. 349 (F)
Eccles Community Art Center Grant, Tanner, N. ..... S.B. 105 (P)
Election By District In Municipalities, Zolman, D. ..... H.B. 126 (F)
Election Law – Campaign Finance
Reporting Requirements, Buhler, D. ..... S.B. 81 (P)
Election Law – Candidate Issues, Poulton, L. ..... S.B. 82 (P)
Election Law – Election Process, Evans, R. ..... S.B. 79 (P)
Election Law – Political Parties, Suazo, P. ..... S.B. 78 (P)
Election Law Commission, Carlson, M. ..... H.B. 104 (F)
Election Law Technical Amendments, Carlson, M. ..... H.B. 160 (P)
Electronic Meetings, Goodfellow, B. ..... H.B. 162 (P)
Eliminate Daylight Savings Time, Nelson, L. ..... H.B. 252 (F)
Eminent Domain Valuation, Suazo, P. ..... S.B. 70 (P)
English As Official Language of State, Rowan, T. ..... H.B. 387 (F)
Environmental Quality Code Amendments, Anderson, E. ..... H.B. 404 (P)
Ethics Act, Tanner, J. ..... H.B. 9 (F)
Executive Compensation, Peterson, C. ..... S.B. 167 (P)
General Government Amendment, Jones, D. ..... H.B. 410 (F)
General Government Amendments, Barth, S. ..... H.B. 395 (F)
Government Customer Satisfaction Survey, Howell, S. ..... S.B. 193 (F)
Government Relationship to Olympic Events, Myrin, A. ..... S.B. 218 (F)
Governor's Budget Requirements, Stephens, N. ..... H.B. 388 (F)
Grant Application and Approval Process, Short, R. ..... H.B. 350 (F)
Growth Management – Regional Land Use Planning, Adair, G. .. H.B. 308 (F)
Higher Education Revenue Bonds, Hunsaker, F. ..... H.B. 18 (P)
Housing Authority Amendments, Suazo, P. ..... S.B. 86 (P)
Housing Coordination and Planning, Hunsaker, F. ..... H.B. 171 (P)
Human Resource Management Amendments, Allen, B. ..... H.B. 311 (P)
Immunities of Government Entities From Suit, Evans, B. ..... H.B. 383 (F)
Immunity for Volunteers, Holmgren, J. ..... S.B. 199 (F)
Indian Affairs Amendments, Gowans, J. ..... H.B. 185 (P)
Indigent Defense Provisions, Blackham, L. ..... S.B. 74 (P)

Judicial Nominating Commission Amendment, Taylor, C. ..... S.B. 197 (P)
Labor Organization Deductions, Stephenson, H. ..... S.B. 58 (F)
Land Use, Transportation, and Air Quality
Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Legislative Oversight and Sunset
Review Amendments, Blackham, L. ..... S.B. 113 (P)
Lobbyist Reporting Issues, Ure, D. ..... H.B. 168 (F)
Local Government Amendments, Chard, B. ..... H.B. 237 (F)
Local Government Funding Options, Blackham, L. ..... S.B. 230 (F)
Longevity Amendments for State Employees, Bowman, D. ..... H.B. 254 (F)
Mcgruff House Program, Beck, T. ..... H.B. 277 (P)
Municipal and County Land Use Development and
Management, McAllister, L. ..... S.B. 6 (F)
Municipal and County Law Amendments, Brown, M. ..... H.B. 363 (P)
Municipal Authorization for Justice Court, Carnahan, O. ..... H.B. 10 (F)
Municipal Building Authority Bond Issuance, Ure, D. ..... H.B. 236 (P)
Municipal Districts, Bush, D. ..... H.B. 24 (P)
Municipal Election Amendments, Tanner, J. ..... H.B. 161 (P)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)
Native American Performance of Marriages, Anderson, E. ..... H.B. 186 (P)
New Municipality Funding Amendments, Zolman, D. ..... H.B. 408 (P)
Organization, Administration, and
Allocation of Governmental Powers, Walsh, R. ..... H.B. 364 (F)
Outdoor Advertising Amendments, Mansell, L. ..... S.B. 14 (P)
Outside Employment for Mental Health Advisor, Dayton, M. ..... H.B. 77 (F)
Personnel Management Act Amendments, Garn, K. ..... H.B. 382 (P)
Planning and Zoning – Subdivision Plats, Saunders, C. ..... H.B. 248 (P)
Political Party Primaries, Barth, S. ..... H.B. 279 (F)
Powers of Mayors, Knudson, P. ..... H.B. 219 (P)
Preference for Utah Construction on Olympics, Davis, G. ..... H.B. 314 (F)
Private Property Protection Act Amendments, Olsen, E. ..... H.B. 64 (P)
Procurement Code – Design Build Amendments, Beattie, L. ..... S.B. 202 (P)
Procurement Code Requirement of
Health Care Benefits for Contractors, Mayne, E. ..... S.B. 228 (F)
Procurement of Architect, Engineer,
Or Surveyor Services By Political Subdivisions, Tyler, A. ..... H.B. 72 (P)
Property Tax Amendments, Ure, D. ..... H.B. 206 (P)
Property Tax Exemption Fee, Mantes, G. ..... S.B. 65 (F)
Prosecutor Assistance in Investigations, Curtis, G. ..... H.B. 49 (F)
Provisional Ballot, Harward, B. ..... H.B. 116 (F)
Public Transit District Boards, Mansell, L. ..... S.B. 84 (P)

Public Transit District Ethics, Short, R. ..... H.B. 82 (P)
Publication of Legal Notices By Political Subdivisions, Mayne, E. .. S.B. 55 (P)
Recording Subdivisions of Land, Koehn, S. ..... H.B. 205 (P)
Redevelopment Agency Amendments, Taylor, C. ..... S.B. 53 (F)
Reorganization of Department of
Administrative Services, Mantes, G. ..... S.B. 249 (P)
Reporting Elected Official Funds, Mayne, E. ..... S.B. 241 (F)
Reporting Fund–Raising Events, Jones, D. ..... H.B. 356 (F)
Requirements of Statutorily Required Reports and
Notices, Jones, D. ..... H.B. 99 (P)
Resolution Approving Development of
Waste Disposal Facility, Anderson, E. ..... H.C.R. 8 (P)
Resolution Designating Bone Marrow Registration
Day, Peterson, M. ..... S.C.R. 3 (P)
Resolution Encouraging Economic Resettlement of
Rural Utah, Blackham, L. ..... S.C.R. 4 (P)
Resolution Encouraging Shortening Daylight
Savings Period, Mayne, E. ..... S.J.R. 3 (P)
Resolution Recognizing Rockville Open Space Project, Hatch, T. . H.J.R. 22 (P)
Resolution Regarding Future Operation and
Development of This Is The Place State Park, Tanner, J. ..... H.J.R. 17 (P)
Resolution Supporting Increase of Private
Activity Bonding Cap, Haymond, J. ..... H.C.R. 9 (F)
Resort Community Amendments, Hatch, T. ..... H.B. 405 (F)
Revising Term Limits, Arrington, J. ..... H.B. 144 (F)
Revisions to Private Property Protection Act, Olsen, E. ..... H.B. 391 (F)
Rocky Mountain Presidential Primary
Task Force Appointments, Beattie, L. ..... S.B. 240 (P)
Salary Increases for Government Officials, Styler, M. ..... H.B. 241 (F)
Sales Tax – Exemption for Government Copies, Valentine, J. .... H.B. 332 (P)
Sales Tax Option for Counties, Mansell, L. ..... S.B. 26 (P)
Serious Habitual Youth Offender Program, Chard, B. ..... H.B. 69 (P)
Sevier Valley Special Events Center, Johnson, B. ..... H.B. 378 (P)
Shelter Adopted Animals – Pet Neutering, Steiner, R. ..... S.B. 206 (F)
Soil Conservation Districts, Brown, M. ..... H.B. 366 (P)
Special Districts – Drainage District Amendments, Styler, M. .... H.B. 189 (P)
Special Districts Annexation Amendments, Arrington, J. ..... H.B. 280 (P)
State Agency's Contracts for Computer Support, Garn, K. ..... H.B. 367 (P)
State and Federal Law Enforcement–Joint Jurisdiction, Steele, D. .. S.B. 141 (P)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)
State Auditor Requirements, Ure, D. ..... H.B. 380 (P)

State Buildings – Preventive Maintenance, Adair, G. ..... H.B. 3 (P)
State Cooking Pot, Buttars, C. ..... H.B. 203 (P)
State Fish Amendments, Suazo, P. ..... S.B. 236 (P)
State Motor Vehicle Fleet Operations Amendments, Mantes, G. ..... S.B. 57 (P)
State Pay Plan Revisions, Peterson, C. ..... S.B. 209 (F)
State Risk Management Coverage of Teachers, Poulton, L. ..... S.B. 104 (P)
Task Force on Services and Governance of
Counties of First Class, Tyler, A. ..... H.B. 401 (F)
Temporary Zoning Regulation Amendments, Dillree, M. ..... H.B. 114 (P)
Transit District Authority, Bigelow, R. ..... H.B. 15 (F)
Transit District Collections and Budget, Short, R. ..... H.B. 169 (P)
Use of County Name, Hatch, T. ..... H.B. 232 (F)
Utah Sports Authority and
Advisory Committee Amendments, Tanner, J. ..... H.B. 214 (P)
Utah State Capitol Building Centennial Study, Tanner, N. ..... S.B. 164 (P)
Utah State Capitol Preservation Board, Brown, M. ..... H.B. 385 (P)
Utah Statehood Centennial Capstone, Ure, D. ..... H.B. 240 (F)
Utah Summer Games Appropriation, Bowman, D. ..... H.B. 16 (P)
Voter Registration Information in High Schools, Evans, R. ..... S.B. 32 (P)
Water Conservancy Board of Directors, Seitz, J. ..... H.B. 390 (F)
Water Conservancy District – Board of Directors, Dmitrich, M. ... S.B. 123 (P)

STATE BOARD OF EDUCATION

Centennial Charter Schools Task Force, Allen, B. ..... H.B. 389 (P)
Class Size Reduction Options, Peterson, M. ..... S.B. 191 (F)
Dual Enrollment Amendments, Alexander, J. ..... H.B. 103 (F)
Extracurricular Activities, Stephenson, H. ..... S.B. 76 (F)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)
School Board Compensation, Allen, S. ..... H.B. 190 (P)
School Trust Lands Modifications, Myrin, A. ..... S.B. 68 (F)
Special Education Dispute Resolution, Steele, D. ..... S.B. 137 (P)
State School Board Election Procedures, Nielson, H. ..... S.B. 40 (P)
Student Education / Occupation Plan Amendments, Frandsen, L. . H.B. 138 (P)
Validity of Credentials in Public Education, McAllister, L. ..... S.B. 118 (P)

STATE BOARD OF REGENTS

Educational Savings Plan Trust Amendments, Johnson, K. ..... H.B. 200 (P)
Tuition Waiver Amendments, Hickman, J. ..... H.B. 7 (P)

STATE BUILDINGS

Appropriation for Pioneer Display, Allen, B. ..... H.B. 66 (P)
State Buildings – Preventive Maintenance, Adair, G. ..... H.B. 3 (P)
Utah State Capitol Building Centennial Study, Tanner, N. ..... S.B. 164 (P)
Utah State Capitol Preservation Board, Brown, M. ..... H.B. 385 (P)

STATE COMMISSIONS AND COUNCILS

Boards and Commissions Amendments, Bradshaw, A. ..... H.B. 12 (P)
Child Support Advisory Committee Membership, Taylor, C. ..... S.B. 80 (P)
Constitutional Defense Council Amendments, Allen, S. ..... H.B. 128 (F)
Council on Excellence In Government, Ure, D. ..... H.B. 267 (P)
Election Law Commission, Carlson, M. ..... H.B. 104 (F)
Health Policy Commission Amendments, Stephenson, H. ..... S.B. 122 (P)
Joint Liaison Committee Amendments, Evans, B. ..... H.B. 166 (P)
Utah State Capitol Building Centennial Study, Tanner, N. ..... S.B. 164 (P)
Utah State Capitol Preservation Board, Brown, M. ..... H.B. 385 (P)

STATE FAIR PARK

State Fair Park Amendments, Wright, B. ..... H.B. 322 (P)

STATE INFORMATION TECHNOLOGY COORDINATOR

Information Technology Amendments, Steele, D. ..... S.B. 94 (P)

STATE INSTITUTIONS

Department of Corrections – Record Requests, Killpack, R. ..... H.B. 328 (F)
Offender Expenses Amendments, Buckner, P. ..... H.B. 343 (F)
State and Local Public Safety 800 Megahertz Project, Chard, B. .. H.B. 187 (P)
Work Programs for Prisoners Amendments, Fox, C. ..... H.B. 282 (P)

STATE LANDS

Appropriation for Forestry Extension Services, Myrin, A. ..... S.B. 24 (P)
Resolution Recognizing Rockville Open Space Project, Hatch, T. . H.J.R. 22 (P)
Sundance Wilderness Area Resolution, Johnson, B. ..... H.J.R. 9 (F)
Utah Wilderness Designation Resolution, Johnson, B. ..... H.C.R. 6 (P)
Wildland Fire Amendments, Gowans, J. ..... H.B. 275 (P)

STATE OFFICERS AND EMPLOYEES

Attorney General Powers – Contingent Fee
Arrangements, Montgomery, R. ..... S.B. 235 (F)

Council on Excellence In Government, Ure, D. ..... H.B. 267 (P)
Election Law Commission, Carlson, M. ..... H.B. 104 (F)
Electronic Law Library, Hillyard, L. ..... S.B. 144 (P)
English As Official Language of State, Rowan, T. ..... H.B. 387 (F)
Executive Compensation, Peterson, C. ..... S.B. 167 (P)
Government Customer Satisfaction Survey, Howell, S. ..... S.B. 193 (F)
Human Resource Management Amendments, Allen, B. ..... H.B. 311 (P)
Immunities of Government Entities From Suit, Evans, B. ..... H.B. 383 (F)
Longevity Amendments for State Employees, Bowman, D. ..... H.B. 254 (F)
Personnel Management Act Amendments, Garn, K. ..... H.B. 382 (P)
Property Tax Amendments, Ure, D. ..... H.B. 206 (P)
Protective Service Officers Amendments, Beattie, L. ..... S.B. 159 (P)
Reporting Elected Official Funds, Mayne, E. ..... S.B. 241 (F)
Retirement Conversion and Credit Resolution, Mayne, E. ..... S.J.R. 13 (F)
Sales Tax - Exemption for Government Copies, Valentine, J. .... H.B. 332 (P)
State Motor Vehicle Fleet Operations Amendments, Mantes, G. .... S.B. 57 (P)
State Pay Plan Revisions, Peterson, C. ..... S.B. 209 (F)
Surviving Spouse Pension, Carnahan, O. ..... H.B. 6 (P)

STATE SYMBOLS

Designation of State Fruit, Hunsaker, F. ..... H.B. 33 (P)
State Cooking Pot, Buttars, C. ..... H.B. 203 (P)
State Fish Amendments, Suazo, P. ..... S.B. 236 (P)

STATE TAX COMMISSION

Centrally Assessed Taxpayers Amendments, Short, R. ..... H.B. 129 (P)
Income Tax - Filing Extensions, Alexander, J. ..... H.B. 319 (P)
Sales Tax Refund Amendments, Valentine, J. ..... H.B. 301 (P)
Tax Assessments, Refunds, and Credits, Harper, W. ..... H.B. 316 (P)

STATUTES (TITLE 68)

Revisor's Statute, Hickman, J. ..... H.B. 228 (P)

STRATEGIC PLANNING

Accelerated Learning Amendments, Frandsen, L. ..... H.B. 35 (P)
Modified Centennial Schools Amendments, Allen, B. ..... H.B. 412 (F)
Resolution Integrating Utah Tomorrow Principles, McAllister, L. .. S.C.R. 1 (F)
Utah Tomorrow Resolution, McAllister, L. ..... S.C.R. 2 (F)
Utah Tomorrow Strategic Planning
Committee Amendments, Bradshaw, A. ..... H.B. 183 (P)

SUBPOENA POWERS

Privileged Information In Civil Actions, Suazo, P. ..... S.B. 129 (P)

SUBSTANCE ABUSE

County Human Services Program Amendments, Allen, S. ..... H.B. 179 (F)
Substance Abuse Counselor Licensure
Amendments, Montgomery, R. ..... S.B. 194 (P)

SUNSET LEGISLATION

Legislative Oversight and Sunset Review
Amendments, Blackham, L. ..... S.B. 113 (P)
Sunset Reauthorizations, Brown, M. ..... H.B. 180 (P)

TASK FORCE / COMMITTEES

Budget Review Task Force, Peterson, M. ..... S.B. 22 (F)
Centennial Charter Schools Task Force, Allen, B. ..... H.B. 389 (P)
Child Support Alternative Dispute Resolution and
Order Modification Task Force, Harward, B. ..... H.B. 159 (F)
Children and Youth Task Force Reauthorization, Evans, B. ..... H.B. 172 (F)
Electrical Deregulation and Customer Choice Task Force, Fox, C. H.B. 313 (P)
Land Use, Transportation, and Air
Quality Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Public Education Computer Technology
Task Force, Montgomery, R. ..... S.B. 15 (P)
Retail Power Task Force, Haymond, J. ..... H.B. 110 (F)
Task Force on Regulatory Barriers to
Affordable Housing, Mansell, L. ..... S.B. 124 (P)
Task Force on Services and
Governance of Counties of First Class, Tyler, A. ..... H.B. 401 (F)
Teacher Termination Procedures Task Force, Rowan, T. ..... H.B. 101 (F)
Workers' Compensation Fund of Utah, Alexander, J. ..... H.B. 175 (P)

TELECOMMUNICATIONS

Cellular Phone Fraud, Howell, S. ..... S.B. 31 (P)
Computer Crimes Amendments, Holladay, B. ..... H.B. 87 (P)
Consumer Protection Amendments, Buhler, D. ..... S.B. 103 (P)
Resolution Urging Reevaluation of Centrally Assessed
Telecommunications Providers, Stephenson, H. ..... S.J.R. 10 (P)
Telecommunication Amendments, Steele, D. ..... S.B. 13 (P)

Telecommunications – Universal Service
Amendments, Stephens, M. ..... H.B. 71 (P)
Telecommunications Deregulation Amendments, Steele, D. ..... S.B. 92 (P)

TOBACCO

Access of Youth to Tobacco Products, Tanner, J. ..... H.B. 217 (F)
Attempted Purchase of Tobacco By Children, Jones, L. ..... S.B. 66 (F)
Cigarette Tax, Howell, S. ..... S.B. 227 (F)
Cigarette Tax – Rate Increase, Valentine, J. ..... H.B. 250 (F)
Cigarettes – Tax Increase and Regulation, Tanner, J. ..... H.B. 27 (P)
Increase In Cigarette Tax, Davis, G. ..... H.B. 344 (F)
Notice of Cigarettes Ingredients, Tanner, J. ..... H.B. 402 (F)
Penalties for Sale of Tobacco to Youth, Montgomery, R. ..... S.B. 178 (F)
Regulation of Sale of Tobacco Products, Harper, W. ..... H.B. 73 (F)
Resolution Calling for End to
Federal Subsidies of Tobacco, Killpack, R. ..... H.C.R. 3 (P)
Second Hand Smoke Amendments, Beattie, L. ..... S.B. 49 (P)

TOBACCO TAX

Cigarette Tax, Howell, S. ..... S.B. 227 (F)
Cigarette Tax – Rate Increase, Valentine, J. ..... H.B. 250 (F)
Cigarettes – Tax Increase and Regulation, Tanner, J. ..... H.B. 27 (P)
Increase In Cigarette Tax, Davis, G. ..... H.B. 344 (F)

TORTS

Action for Loss of Consortium, Fox, C. ..... H.B. 320 (P)

TRAINING AND REEMPLOYMENT

Workforce Services and Labor Commission Implementation and
Amendments, Buhler, D. ..... S.B. 166 (P)

TRANSPORTATION

Access Highway Designation, Hickman, J. ..... H.B. 411 (P)
Accountability and Oversight of
Utah Transit Authority, Peterson, M. ..... S.B. 30 (F)
Air Quality, Land Use, and Transportation
Planning Provisions, McAllister, L. ..... S.B. 91 (F)
Appropriation for Noise Wall, Carnahan, O. ..... H.B. 28 (F)
Appropriation for Sound Barriers, Buhler, D. ..... S.B. 8 (F)

B and C Roads Formula, Stephens, M. ..... H.B. 247 (P)
Blood Alcohol Content for Drivers, Saunders, C. ..... H.B. 233 (F)
Centennial License Plate Amendments, Hull, J. ..... S.B. 204 (P)
Centennial Nonmotorized Paths and
Trail Crossings Program, Tyler, A. ..... H.B. 278 (P)
Child Restraint Requirements and Penalties, King, B. ..... H.B. 50 (P)
Citation Procedure, Hendrickson, N. ..... H.B. 20 (P)
Class B and C Road Bid Limit, Holmgren, J. ..... S.B. 106 (F)
Commercial Vehicle Registration, Steele, D. ..... S.B. 117 (P)
County Collection of Uniform and
Motor Vehicle Fees, Brown, M. ..... H.B. 386 (F)
Covering Certain Load Materials, Hull, J. ..... S.B. 17 (P)
Display of License Plates for Trucks and Trailers, Adair, G. ..... H.B. 393 (F)
Driver License – Smart Card, Adair, G. ..... H.B. 244 (F)
Driver License Amendments, Steele, D. ..... S.B. 23 (P)
Driver License Reinstatement, Adair, G. ..... H.B. 226 (P)
Driving Under The Influence Amendments, Stephens, N. ..... H.B. 65 (F)
Federal Fuel Tax Replacement Provisions, Allen, B. ..... H.B. 191 (F)
Funding for Transportation, Allen, B. ..... H.B. 315 (F)
Government Relationship to Olympic Events, Myrin, A. ..... S.B. 218 (F)
Graduated Driver License Provisions, Bush, D. ..... H.B. 157 (F)
Growth Impact Highways, Blackham, L. ..... S.B. 210 (P)
Growth Management – Regional Land Use Planning, Adair, G. .. H.B. 308 (F)
Hardship Driver Permit for Youth, Blackham, L. ..... S.B. 125 (F)
Highway Amendments, Hogue, D. ..... H.B. 345 (F)
Impounding Uninsured Vehicles, Buttars, C. ..... H.B. 59 (F)
Land Use, Transportation, and
Air Quality Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Legacy Loop Highway Addition, Bowman, D. ..... H.B. 209 (P)
Lights on Vehicles, Buckner, P. ..... H.B. 147 (P)
Master Road Amendments, Knudson, P. ..... H.B. 155 (P)
Motor Carrier Pilot Program, Waddoups, M. ..... S.B. 208 (P)
Motor Vehicle Compliance With Insurance, Registration, and
Sales Tax Requirements, Peterson, C. ..... S.B. 161 (P)
Motor Vehicle Dealer Franchise Act Amendments, Fox, C. ..... H.B. 312 (P)
Motor Vehicle Registration Requirements, Short, R. ..... H.B. 245 (F)
Motor Vehicle Safety Investigators, Harper, W. ..... H.B. 31 (P)
Off-Highway Vehicle Operator Requirements, Holmgren, J. ..... S.B. 128 (P)
Outdoor Advertising Amendments, Mansell, L. ..... S.B. 14 (P)
Pedestrian Overpass Appropriation, Peterson, M. ..... S.B. 145 (F)
Pedestrian Right of Way, Swallow, J. ..... H.B. 196 (P)

Penalty for Joyriding, Chard, B. ..... H.B. 310 (F)
Penalty for Speeding in Construction Zones, Dillree, M. ..... H.B. 151 (F)
Personal Information In Motor Vehicle Records, Carlson, M. .... H.B. 235 (F)
Public Transit District Boards, Mansell, L. ..... S.B. 84 (P)
Public Transit District Ethics, Short, R. ..... H.B. 82 (P)
Recreation Impact Fees, Valentine, J. ..... H.B. 32 (P)
Registration Fee on Vehicles, Valentine, J. ..... H.B. 414 (P)
Regulation of Octane Rating on Gas, Taylor, C. ..... S.B. 245 (F)
Renewal of Drivers Licenses Kiosks, Arent, P. ..... H.B. 40 (P)
Resolution on Abandoned Railroads' Rights-Of-Way, Saunders, C. H.J.R. 5 (F)
Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)
Sales Tax – Exemption for Employee Transportation, Swallow, J. .. H.B. 84 (P)
Sales Tax Reduction, Fuel Taxes, and Repeal of
Environmental Surcharge on Petroleum, McAllister, L. ..... S.B. 253 (P)
Sales Tax Revenues to Transportation Funding, Fox, C. ..... H.B. 413 (P)
School Bus Parking Zones, Mayne, E. ..... S.B. 56 (P)
State Transportation Infrastructure Bank, Waddoups, M. ..... S.B. 175 (P)
Temporary Zoning Regulation Amendments, Dillree, M. ..... H.B. 114 (P)
Traffic Checkpoint Amendments, Stephens, N. ..... H.B. 45 (P)
Trail Enhancements, Buhler, D. ..... S.B. 220 (F)
Transit District Authority, Bigelow, R. ..... H.B. 15 (F)
Transit District Collections and Budget, Short, R. ..... H.B. 169 (P)
Transportation Corridor Funding, Dillree, M. ..... H.B. 111 (P)
Transportation of Students by School Districts, Johnson, K. ..... H.B. 158 (F)
Transportation Overhead Rate Limitations, Holmgren, J. ..... S.B. 119 (P)
Use of Motor Fuel Tax, Blackham, L. ..... S.B. 254 (F)
Utah Department of Transportation Authority to
Construct Toll Roads and Lanes, Allen, B. ..... H.B. 266 (P)
Utah National Parks Highway Designation, Johnson, K. ..... H.B. 70 (P)
Utah Transit Authority Budget Approval, Wharton, B. ..... S.B. 172 (F)
Vehicle Air Bag Amendments, Mantes, G. ..... S.B. 147 (P)
Vehicle Safety at Railroad Crossings, Hendrickson, N. ..... H.B. 192 (P)
Yielding to Certain Vehicles, Davis, G. ..... H.B. 249 (F)

TRANSPORTATION COMMISSION

State Transportation Infrastructure Bank, Waddoups, M. ..... S.B. 175 (P)

TRANSPORTATION FUND

Transportation Overhead Rate Limitations, Holmgren, J. ..... S.B. 119 (P)

TRAVEL AND TOURISM

Appropriation for Tuacahn Foundation, Jones, L. ..... S.B. 16 (P)
County Imposition of Tourism, Recreation, Cultural, and
Convention Facilities Tax, Larson, P. ..... H.B. 355 (F)
Resort Community Amendments, Hatch, T. ..... H.B. 405 (F)
Rest Stop Commemorating American West, Olsen, E. ..... H.B. 292 (P)
State Museum of Natural History Outreach Programs, Olsen, E. .. H.B. 270 (P)
Tax Rebates to Promote Hotel Development, Buhler, D. ..... S.B. 237 (F)
Tourism Marketing Performance Fund, Allen, S. ..... H.B. 88 (P)
Transient Room Tax Amendments, Alexander, J. ..... H.B. 327 (P)
Transit District Authority, Bigelow, R. ..... H.B. 15 (F)

TRUST LANDS

Acceptance of Trust Lands Resolution, Garn, K. ..... H.J.R. 14 (P)
Administrative Procedures Regarding School
Trust Lands, Hickman, J. ..... H.B. 394 (F)
Resolution Recognizing Rockville Open Space Project, Hatch, T. . H.J.R. 22 (P)
School and Institutional Trust Lands Amendments, Steele, D. ..... S.B. 77 (P)
School Trust Lands Modifications, Myrin, A. ..... S.B. 68 (F)
Trust Lands Act Amendments, Harward, B. ..... H.B. 106 (P)

TRUSTS

Educational Savings Plan Trust Amendments, Johnson, K. ..... H.B. 200 (P)
Trust for Developmentally Disabled Amendments, McAllister, L. .. S.B. 196 (F)

UNDERGROUND STORAGE TANKS

Underground Storage Tank Funding, Wright, B. ..... H.B. 117 (P)
Use of Motor Fuel Tax, Blackham, L. ..... S.B. 254 (F)

UNIFORM LAWS

Management of Institutional Funds Act, Hillyard, L. ..... S.B. 165 (P)
Revised Uniform Partnership and
Limited Liability Partnership Act, Hillyard, L. ..... S.B. 183 (F)
Uniform Commercial Code Article 5 –
Letters of Credit, Hillyard, L. ..... S.B. 163 (P)
Uniform Gift to Minors Act Amendments, Montgomery, R. ..... S.B. 205 (F)
Uniform Securities Act Amendments, Curtis, G. ..... H.B. 298 (P)

UNIFORM PROBATE CODE

Expanded Conservatorship and
Guardianship Services for Elderly, Bradshaw, A. ..... H.B. 300 (P)

Uniform Gift to Minors Act Amendments, Montgomery, R. ..... S.B. 205 (F)

UTAH TOMORROW - STATE PLANNING

Resolution Integrating Utah Tomorrow Principles, McAllister, L. .. S.C.R. 1 (F)
Utah Tomorrow Resolution, McAllister, L. ..... S.C.R. 2 (F)
Utah Tomorrow Strategic Planning Committee
Amendments, Bradshaw, A. ..... H.B. 183 (P)

VICTIMS' RIGHTS

Crime Victims' Rights Amendments, Peterson, C. ..... S.B. 152 (P)
Criminal Justice Boards and Commissions
Amendments, Bradshaw, A. ..... H.B. 121 (P)

WAGES

Work Programs for Prisoners Amendments, Fox, C. ..... H.B. 282 (P)
Workforce Services and Labor Commission Implementation and
Amendments, Buhler, D. ..... S.B. 166 (P)

WATER AND IRRIGATION

Amendments to County Improvement Districts for
Water Services, Allen, B. ..... H.B. 357 (F)
Application for Water Rights, Hatch, T. ..... H.B. 231 (P)
Bear River Development Act Amendments, Holmgren, J. ..... S.B. 151 (P)
Diligence and Underground Water Claims – Publication and
Review, Styler, M. ..... H.B. 131 (P)
Easement for Ditches, Styler, M. ..... H.B. 305 (P)
Immunity to Dam Owners, Johnson, B. ..... H.B. 174 (P)
Mining Reclamation Amendments, Gowans, J. ..... H.B. 145 (F)
Public Water Supply Agencies – Application and Use, Iverson, D. . H.B. 25 (P)
Resolution on Water Infrastructure for Central
Utah Project, Becker, R. ..... H.J.R. 16 (F)
Special Districts – Drainage District Amendments, Styler, M. .... H.B. 189 (P)
Underground Coal Mining – Water Replacement
Requirements, Dmitrich, M. ..... S.B. 12 (P)
Water Conservancy Board of Directors, Seitz, J. ..... H.B. 390 (F)
Water Conservancy District – Board of Directors, Dmitrich, M. ... S.B. 123 (P)

WATER QUALITY

Commercial Nonhazardous Disposal Site, Evans, B. ..... H.B. 371 (F)

Land Use, Transportation, and
Air Quality Task Force Reauthorization, McAllister, L. ..... S.B. 224 (F)
Resolution on Water Infrastructure for
Central Utah Project, Becker, R. ..... H.J.R. 16 (F)
Safe Drinking Water Act Amendments, Holmgren, J. ..... S.B. 75 (P)

WEAPONS

Aggravated Assault By A Prisoner Amendments, Barth, S. ..... H.B. 264 (P)
Assaulting A Peace Officer, Buckner, P. ..... H.B. 253 (F)
Concealed Firearms Amendments, Barth, S. ..... H.B. 30 (P)
Dangerous Weapon Penalty Enhancement, Cox, G. ..... H.B. 54 (P)
Dangerous Weapons – Restrictions, Steiner, R. ..... S.B. 27 (F)
Dangerous Weapons at Child-Centered Schools and
Facilities, Waddoups, M. ..... S.B. 38 (F)
Definition of Law Enforcement Official and Judge, Hillyard, L. ... S.B. 132 (P)
Fee for Background Check Before Handgun Purchase, Koehn, S. .. H.B. 46 (P)
Firearm Permits for Retired Law Enforcement Personnel, Cox, G. H.B. 337 (F)
Gun Education for Elementary Schools, Holladay, B. ..... H.B. 83 (F)
Handgun Purchase Requirements, Waddoups, M. ..... S.B. 111 (F)
Limitations on Purchase or Possession of A Firearm, Koehn, S. ... H.B. 85 (F)
Manufacturing or Possession of Instrument for
Theft or Burglary Amendments, Davis, G. ..... H.B. 149 (F)
Nuisance Code Amendments – Shooting Ranges, Wright, B. ..... H.B. 360 (F)
Out of State Firearm Permit, Killpack, R. ..... H.B. 207 (P)
Private Property Owners' Right to Prohibit
Dangerous Weapons, Waddoups, M. ..... S.B. 39 (F)
Requirements for Concealed Firearm Permit, Nelson, L. ..... H.B. 118 (F)
Restrictions on Weapons in Airports, Arrington, J. ..... H.B. 41 (P)
Restrictions on Weapons in Taverns and Clubs, Arrington, J. ..... H.B. 47 (F)

WILDLIFE

Cooperative Wildlife Management Units, Chard, B. ..... H.B. 115 (P)
Cougar and Bear Depredation Loss, Evans, B. ..... H.B. 289 (P)
Division of Wildlife – Management of Lands, Myrin, A. ..... S.B. 62 (F)
Elk Farming, Johnson, B. ..... H.B. 90 (P)
Endangered Species Mitigation Fund, Hatch, T. ..... H.B. 359 (P)
Hunting Permits for Persons With Disabilities, Allen, B. ..... H.B. 140 (P)
Penalty for Poaching Cougars, Davis, G. ..... H.B. 297 (F)
Regulation of Wildlife Outfitters and Guides, Johnson, B. ..... H.B. 37 (F)
Resolution Urging Proper Protection and
Management of Wildlife, Fox, C. ..... H.J.R. 15 (P)

WORKERS' COMPENSATION

Amendments to Workers' Compensation, Steele, D. ..... S.B. 37 (F)
Assessment on Workers' Compensation, Adair, G. ..... H.B. 225 (P)
Employee Leasing Company Licensing Act
Amendments, Allen, B. ..... H.B. 139 (P)
Powers of the Department of Workforce Services, Adair, G. ..... H.B. 222 (P)
Self Insured Premium Assessment, Adair, G. ..... H.B. 14 (P)
Workers' Compensation – Costs of Medical Review, Adair, G. ... H.B. 224 (P)
Workers' Compensation – Exemption for
Agricultural Workers, Steiner, R. ..... S.B. 11 (F)
Workers' Compensation – Noncompliance of Employer, Adair, G. H.B. 221 (P)
Workers' Compensation Exclusive Remedy, Buhler, D. ..... S.B. 110 (P)
Workers' Compensation Fund of Utah, Alexander, J. ..... H.B. 175 (P)
Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

WORKFORCE SERVICES CODE

Employment Security Amendments, Knudson, P. ..... H.B. 220 (P)
Family Employment Program, Frandsen, L. ..... H.B. 269 (P)
Labor Commission and Workforce Services
Amendments, Alexander, J. ..... H.B. 321 (F)
Native American Coordinating Board, Peterson, M. ..... S.B. 93 (P)
Powers of the Department of Workforce Services, Adair, G. ..... H.B. 222 (P)
Workers' Compensation – Costs of Medical Review, Adair, G. ... H.B. 224 (P)
Workers' Compensation – Noncompliance of Employer, Adair, G. H.B. 221 (P)
Workforce Services and Labor Commission
Implementation and Amendments, Buhler, D. ..... S.B. 166 (P)

WORKING CONDITIONS

Labor – Working Conditions, Buhler, D. ..... S.B. 109 (F)
Resolution Supporting Realignment of
Air Force Base Workload, Chard, B. ..... H.C.R. 4 (P)

YOUTH CORRECTIONS

Appropriation for Secure Youth Facilities, Howell, S. ..... S.B. 185 (F)
Juvenile Court Powers, Tanner, N. ..... S.B. 90 (P)
Juvenile Judges – Short Term Commitment of Youth, Tanner, N. ... S.B. 89 (P)
Post Certification of Youth Corrections Workers, Chard, B. ..... H.B. 177 (P)
Sentencing Guidelines, Hillyard, L. ..... S.B. 25 (P)

Values–Oriented Treatment Program, Evans, R. ..... S.B. 192 (F)

ZONING

Amendments to Subdivision Act, Ure, D. ..... H.B. 234 (P)
Costs for Unlawful Subdivision of Land, McAllister, L. ..... S.B. 97 (F)
Counties – Subdivision Defined, McAllister, L. ..... S.B. 98 (P)
County Land Use Development and Management Act, Adair, G. . H.B. 259 (F)
County Planning Amendments, McAllister, L. ..... S.B. 99 (F)
Local Government Amendments, Chard, B. ..... H.B. 237 (F)
Municipal and County Land Use Development and
Management, McAllister, L. ..... S.B. 6 (F)
Planning and Zoning – Subdivision Plats, Saunders, C. ..... H.B. 248 (P)
Reauthorize Enterprise Zone Act, Evans, B. ..... H.B. 213 (P)
Temporary Zoning Regulation Amendments, Dillree, M. ..... H.B. 114 (P)

PAGE
INDEX

SENATE BILLS AND RESOLUTIONS

FIFTY-SECOND LEGISLATURE

GENERAL SESSION

January 20 through March 5, 1997

1070

S.B. 1 — SUPPLEMENTAL APPROPRIATIONS ACT *(L. McAllister)*
Read for the first time and referred to the President of the Senate 266
Placed on calendar 799
Read the second time 799
Read the third time 799
Transmitted to the House 800
Concurrence 809
Returned to the House 810
Signed by the President and transmitted to the Governor 836
Concurrence 809

S.B. 2 — 1997 BONDING AND DEBT FINANCING AUTHORIZATION *(D. Buhler)*
Read for the first time and referred to the President of the Senate 266, 718
Placed on calendar 732
Read the second time 732
Read the third time 740
Circled 732
Transmitted to the House 741
Signed by the President and transmitted to the Governor 782
Action taken by the Governor 959

S.B. 3 — CONSTRUCTION CONTRACTORS *(L. Poulson)*
Read for the first time and referred to the President of the Senate 95
Assigned to standing committee 117
Placed on calendar 152
Read the second time 171
Read the third time 183
Transmitted to the House 184
Signed by the President and transmitted to the Governor 324
Action taken by the Governor 794

S.B. 4 — CAPITAL HOMICIDE AMENDMENTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 95
Assigned to standing committee 118
Placed on calendar 152
Read the second time 188
Read the third time 203
Transmitted to the House 203
Signed by the President and transmitted to the Governor 405

S.B. 5 — CREATING A PUBLIC SCHOOL DISTRICT *(M. Peterson)*
Read for the first time and referred to the President of the Senate 95
Assigned to standing committee 117
Placed on calendar 166
Amendments 194, 360
Read the second time 194
Read the third time 205
Circled 327
Uncircled 359
Transmitted to the House 360
Enacting Clause Stricken 954

S.B. 6 — MUNICIPAL AND COUNTY LAND USE DEVELOPMENT AND MANAGEMENT *(L. McAllister)*
Read for the first time and referred to the President of the Senate 95
Assigned to standing committee 353
Amendments 474
Substituted 473
Read the second time and placed on Consent Calendar 474

Read the third time 558
Transmitted to the House 559
Enacting Clause Stricken 954

S.B. 7 — PHARMACY ACT - OPEN DRUG FORMULARY *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 96
Assigned to standing committee 117
Placed on calendar 152
Amendments 149
Read the second time 173
Before the Senate 186
Read the third time 185
Transmitted to the House 187
Signed by the President and transmitted to the Governor 318
Action taken by the Governor 794

S.B. 8 — APPROPRIATION FOR SOUND BARRIERS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 96
Assigned to standing committee 118
Placed on calendar 180, 299
Amendments 179
Read the second time 207
Circled 327
Uncircled 707
Other 261
Returned to the Secretary of the Senate 707
Enacting Clause Stricken 955

S.B. 9 — PAROLEES AND PROBATIONERS EDUCATION REQUIREMENTS *(L. Paulson)*
Read for the first time and referred to the President of the Senate 96
Assigned to standing committee 134
Placed on calendar 180
Substituted 180
Read the second time 212
Read the third time 229
Transmitted to the House 229
Concurrence 500
Returned to the House 501
Signed by the President and transmitted to the Governor 536
Action taken by the Governor 960

S.B. 10 — INCOME TAX CHECKOFF *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 97
Assigned to standing committee 118
Placed on calendar 152
Amendments 150
Read the second time 174
Read the third time 185
Transmitted to the House 186
Signed by the President and transmitted to the Governor 324

S.B. 11 — WORKERS' COMPENSATION - EXEMPTION FOR AGRICULTURAL WORKERS *(R. Steiner)*
Read for the first time and referred to the President of the Senate 97
Assigned to standing committee 117
Placed on calendar 235
Amendments 232, 286, 297
Read the second time 285
Read the third time 297
Transmitted to the House 299
Enacting Clause Stricken 954

S.B. 12 — UNDERGROUND COAL MINING - WATER REPLACEMENT REQUIREMENTS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 97
Assigned to standing committee 117
Placed on calendar 143
Read the second time 170
Read the third time 182
Transmitted to the House 182
Signed by the President and transmitted to the Governor 405

S.B. 13 — TELECOMMUNICATION AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 97
Assigned to standing committee 175
Placed on calendar 602
Amendments 598, 704, 929
Substituted 598
Read the second time 655
Read the third time 722
Circled 655
Uncircled 704
Transmitted to the House 722
Concurrence 932
Returned to the House 933
Signed by the President and transmitted to the Governor 953

S.B. 14 — OUTDOOR ADVERTISING AMENDMENTS *(L. Mansell)*
Read for the first time and referred to the President of the Senate 98
Assigned to standing committee 134
Placed on calendar 302
Amendments 476
Substituted 301, 475
Read the second time 475
Read the third time 495
Transmitted to the House 496
Concurrence 896
Returned to the House 897
Signed by the President and transmitted to the Governor 953

S.B. 15 — PUBLIC EDUCATION COMPUTER TECHNOLOGY TASK FORCE *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 98
Assigned to standing committee 144
Placed on calendar 235
Amendments 233
Read the second time 304
Read the third time 308
Transmitted to the House 309
Concurrence 848
Returned to the House 848
Signed by the President and transmitted to the Governor 873

S.B. 16 — APPROPRIATION FOR TUACAHN FOUNDATION *(L. Jones)*
Read for the first time and referred to the President of the Senate 98
Assigned to standing committee 144
Placed on calendar 180
Read the second time 208
Read the third time 225
Transmitted to the House 225
Concurrence 772

Returned to the House 773
Substituted 179
Signed by the President and transmitted to the Governor 796

S.B. 17 — COVERING CERTAIN LOAD MATERIALS *(J. Hull)*
Read for the first time and referred to the President of the Senate 98
Assigned to standing committee 118
Place on calendar 143
Read the second time 162
Read the third time 170
Transmitted to the House 170
Signed by the President and transmitted to the Governor 324

S.B. 18 — HEALTH CARE PROVIDER PRACTICE AND CONDUCT AMENDMENTS *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 98
Assigned to standing committee 117
Placed on calendar 180
Amendments 179
Read the second time 208
Read the third time 225
Transmitted to the House 226
Signed by the President and transmitted to the Governor 417

S.B. 19 — PRIORITIZATION OF CHILD SUPPORT COLLECTIONS *(R. Muhlestein)*
Read for the first time and referred to the President of the Senate 99
Assigned to standing committee 318
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 955

S.B. 20 — OPTOMETRY PRACTICE ACT *(L. Mansell)*
Read for the first time and referred to the President of the Senate 99
Assigned to standing committee 117
Placed on calendar 152
Amendments 150, 173
Read the second time 173
Read the third time 185
Transmitted to the House 185
Signed by the President and transmitted to the Governor 318

S.B. 21 — EMISSIONS INSPECTION ON NEWER VEHICLES *(R. Muhlestein)*
Read for the first time and referred to the President of the Senate 99
Assigned to standing committee 156
Placed on calendar 218
Amendments 261, 282
Substituted 217
Read the second time 261
Read the third time 295
Transmitted to the House 295
Signed by the President and transmitted to the Governor 405

S.B. 22 — BUDGET REVIEW TASK FORCE *(M. Peterson)*
Read for the first time and referred to the President of the Senate 99
Assigned to standing committee 156
Placed on calendar 264
Read the second time 426
Read the third time 440
Transmitted to the House 441
Enacting Clause Stricken 954

S.B. 23 — DRIVER LICENSE AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 100
Assigned to standing committee 144
Placed on calendar 180
Read the second time 208
Read the third time 225
Before the Senate 228
Transmitted to the House 229
Signed by the President and transmitted to the Governor 405

S.B. 24 — UTAH FOREST PRACTICES ACT *(A. Myrin)*
Read for the first time and referred to the President of the Senate 100
Assigned to standing committee 133
Placed on calendar 152
Read the second time 172
Before the Senate 187, 221
Read the third time 202, 237
Amendments 293
Transmitted to the House 294
Concurrence 784
Returned to the House 785
Signed by the President and transmitted to the Governor 796

S.B. 25 — SENTENCING GUIDELINES *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 100
Assigned to standing committee 175
Placed on calendar 218
Read the second time 241
Read the third time 258
Transmitted to the House 258
Signed by the President and transmitted to the Governor 782

S.B. 26 — SALES TAX OPTION FOR COUNTIES *(L. Mansell)*
Read for the first time and referred to the President of the Senate 100
Assigned to standing committee 134
Placed on calendar 193
Amendments 283, 302
Read the second time 243
Read the third time 296
Transmitted to the House 303
Concurrence 554
Returned to the House 554
Signed by the President and transmitted to the Governor 586

S.B. 27 — DANGEROUS WEAPONS - RESTRICTIONS *(R. Steiner)*
Read for the first time and referred to the President of the Senate 101
Assigned to standing committee 176
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 955

S.B. 28 — DISTRICT COURT JUDGE INCREASE *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 101
Assigned to standing committee 144
Placed on calendar 180
Read the second time 213
Read the third time 229
Transmitted to the House 230
Concurrence 773
Returned to the House 773
Signed by the President and transmitted to the Governor 796

S.B. 29 — SALES TAX EXEMPTION FOR SCRAP RECYCLERS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 102
Assigned to standing committee 200
Placed on calendar 264
Read the second time 427
Before the Senate 526
Read the third time 559
Circled 427
Uncircled 515
Transmitted to the House 559
Signed by the President and transmitted to the Governor 782

S.B. 30 — ACCOUNTABILITY AND OVERSIGHT OF UTAH TRANSIT AUTHORITY *(M. Peterson)*
Read for the first time and referred to the President of the Senate 102
Assigned to standing committee 468
Placed on calendar 636
Read the second time 657
Read the third time 677
Circled 677
Uncircled 850
Returned to the Secretary of the Senate 850
Enacting Clause Stricken 955

S.B. 31 — CELLULAR PHONE FRAUD *(S. Howell)*
Read for the first time and referred to the President of the Senate 102
Assigned to standing committee 156
Placed on calendar 218
Read the second time 284
Read the third time 296
Transmitted to the House 297
Signed by the President and transmitted to the Governor 500

S.B. 32 — VOTER REGISTRATION INFORMATION IN HIGH SCHOOLS *(R. Evans)*
Read for the first time and referred to the President of the Senate 102
Assigned to standing committee 175
Placed on calendar 264
Amendments 359, 371
Read the second time 359
Read the third time 370
Transmitted to the House 371
Concurrence 537
Returned to the House 537
Other 308
Signed by the President and transmitted to the Governor 573

S.B. 33 — CHILD VISITATION GUIDELINES *(R. Evans)*
Read for the first time and referred to the President of the Senate 102
Assigned to standing committee 183
Placed on calendar 473
Amendments 470, 595
Substituted 470
Read the second time 595
Read the third time 616
Circled 616
Uncircled 618
Transmitted to the House 618
Signed by the President and transmitted to the Governor 856

S.B. 34 — AGRICULTURAL AMENDMENTS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 103
Assigned to standing committee 175
Placed on calendar 218
Amendments 217
Read the second time 245
Read the third time 260
Transmitted to the House 260
Signed by the President and transmitted to the Governor 469

S.B. 35 — DEPARTMENT OF AGRICULTURE AND FOOD - NAME CHANGE *(L. Blackham)*
Read for the first time and referred to the President of the Senate 134
Assigned to standing committee 175
Placed on calendar 218
Read the second time 246
Read the third time 260
Transmitted to the House 261
Signed by the President and transmitted to the Governor 500

S.B. 36 — INCOME TAX - ENERGY SAVINGS TAX CREDIT EXTENSION *(R. Evans)*
Read for the first time and referred to the President of the Senate 134
Assigned to standing committee 200
Placed on calendar 322
Amendments 321
Read the second time 479, 550
Read the third time 567
Circled 479
Transmitted to the House 568
Signed by the President and transmitted to the Governor 782

S.B. 37 — AMENDMENTS TO WORKERS' COMPENSATION *(D. Steele)*
Read for the first time and referred to the President of the Senate 135
Assigned to standing committee 257
Returned to Secretary of the Senate 354
Enacting Clause Stricken 955

S.B. 38 — DANGEROUS WEAPONS AT CHILD-CENTERED SCHOOLS AND FACILITIES *(M. Waddoups)*
Read for the first time and referred to the President of the Senate 135
Assigned to standing committee 176
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 955

S.B. 39 — PRIVATE PROPERTY OWNERS' RIGHT TO PROHIBIT DANGEROUS WEAPONS *(M. Waddoups)*
Read for the first time and referred to the President of the Senate 135
Assigned to standing committee 176
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 955

S.B. 40 — STATE SCHOOL BOARD ELECTION PROCEDURES *(H. Nielson)*
Read for the first time and referred to the President of the Senate 136
Assigned to standing committee 183, 227
Placed on calendar 399
Read the second time 578
Read the third time 590
Transmitted to the House 590
Signed by the President and transmitted to the Governor 796
Action taken by the Governor 962

S.B. 41 — COAL TAX CREDIT *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 136
Assigned to standing committee 200
Placed on calendar 264
Amendments 514
Read the second time 427
Read the third time 527
Circled 427
Uncircled 514
Transmitted to the House 527
Signed by the President and transmitted to the Governor 782

S.B. 42 — JUVENILE CURFEW *(L. Jones)*
Read for the first time and referred to the President of the Senate 144
Assigned to standing committee 287
Placed on calendar 708
Read the second time 713
Referred to Secretary of the Senate for interim study 713
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 955

S.B. 43 — PROHIBITION OF ULTIMATE FIGHTING *(L. Poulson)*
Read for the first time and referred to the President of the Senate 144
Assigned to standing committee 183
Placed on calendar 235
Amendments 360
Read the second time 347
Read the third time 360
Transmitted to the House 362
Signed by the President and transmitted to the Governor 500

S.B. 44 — MOTOR VEHICLE INSURANCE - TRANSFER OF AGENT *(J. Hull)*
Read for the first time and referred to the President of the Senate 152
Assigned to standing committee 175
Returned to the Secretary of the Senate 535
Enacting Clause Stricken 955

S.B. 45 — AIR QUALITY BOARD POWERS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 152
Assigned to standing committee 325
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 955

S.B. 46 — PHYSICIAN ASSISTANT PRACTICE ACT AMENDMENTS *(R. Steiner)*
Read for the first time and referred to the President of the Senate 152
Assigned to standing committee 200
Placed on calendar 291
Amendments 290
Read the second time 455
Read the third time 465
Transmitted to the House 465
Signed by the President and transmitted to the Governor 819

S.B. 47 — TAX INCENTIVES FOR CLEAN FUELS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 153
Assigned to standing committee 305
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 955

S.B. 48 — APPROPRIATION FOR RESTORATION OF BRIGHAM YOUNG ACADEMY *(H. Nielson)*
Read for the first time and referred to the President of the Senate 153
Assigned to standing committee 200
Returned to the Secretary of the Senate 700
Placed on calendar 702
Amendments 706
Read the second time 705
Read the third time 722
Transmitted to the House 723
Signed by the President and transmitted to the Governor 782

S.B. 49 — SECOND HAND SMOKE AMENDMENTS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 166
Assigned to standing committee 214
Placed on calendar 291
Amendments 640, 925
Substituted 291, 585
Read the second time 455
Read the third time 616
Circled 455, 585, 616
Uncircled 585, 595, 640
Transmitted to the House 641
Failed 858
Concurrence 925
Returned to the House 894, 925
Signed by the President and transmitted to the Governor 953

S.B. 50 — SALES TAX REFUND ON DONATED FOOD *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 166
Assigned to standing committee 257
Placed on calendar 322
Amendments 527
Read the second time 527
Read the third time 559
Transmitted to the House 560
Signed by the President and transmitted to the Governor 782

S.B. 51 — MEDICAL ADVISORY BOARD WAIVERS *(E. Mayne)*
Read for the first time and referred to the President of the Senate 196
Assigned to standing committee 287
Placed on calendar 367
Amendments 366
Read the second time 547
Read the third time 565
Transmitted to the House 566
Signed by the President and transmitted to the Governor 952

S.B. 52 — WATERCRAFT - LIABILITY INSURANCE *(N. Tanner)*
Read for the first time and referred to the President of the Senate 218
Assigned to standing committee 292
Placed on calendar 343
Amendments 339
Read the second time 529
Read the third time 560
Transmitted to the House 560
Concurrence 858
Returned to the House 859
Signed by the President and transmitted to the Governor 879

S.B. 53 — REDEVELOPMENT AGENCY AMENDMENTS *(C. Taylor)*
Read for the first time and referred to the President of the Senate 201
Assigned to standing committee 318
Placed on calendar 505
Amendments 504, 570
Substituted 504
Read the second time 570
Circled 572
Uncircled 580
Referred for interim study 580
Other 512
Enacting Clause Stricken 955

S.B. 54 — DRUG DEALER'S LIABILITY ACT *(C. Taylor)*
Read for the first time and referred to the President of the Senate 201
Assigned to standing committee 318
Read the second time and placed on Consent Calendar 379
Read the third time 432
Transmitted to the House 433
Signed by the President and transmitted to the Governor 796

S.B. 55 — PUBLICATION OF LEGAL NOTICES BY POLITICAL SUBDIVISIONS *(E. Mayne)*
Read for the first time and referred to the President of the Senate 235
Assigned to standing committee 318
Placed on calendar 399
Amendments 579
Substituted 399, 616
Read the second time 579
Read the third time 591
Circled 591
Uncircled 616
Transmitted to the House 617
Signed by the President and transmitted to the Governor 952

S.B. 56 — SCHOOL BUS PARKING ZONES *(E. Mayne)*
Read for the first time and referred to the President of the Senate 235
Assigned to standing committee 319
Placed on calendar 378
Read the second time 548
Read the third time 566
Transmitted to the House 566
Signed by the President and transmitted to the Governor 836

S.B. 57 — STATE MOTOR VEHICLE FLEET OPERATIONS AMENDMENTS *(G. Mantes)*
Read for the first time and referred to the President of the Senate 235
Assigned to standing committee 384
Placed on calendar 462
Substituted 462
Read the second time 603
Read the third time 618
Circled 595
Uncircled 603
Transmitted to the House 618
Signed by the President and transmitted to the Governor 796

S.B. 58 — LABOR ORGANIZATION DEDUCTIONS *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 249
Assigned to standing committee 353
Placed on calendar 699, 772
Amendments 686
Substituted 816

Read the second time 711
Circled 711, 816
Uncircled 816, 948
Returned to the Secretary of the Senate 948
Enacting Clause Stricken 955

S.B. 59 — WINERY LICENSES AMENDMENTS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 249
Enacting Clause Stricken 955

S.B. 60 — OPEN ENROLLMENT AMENDMENTS *(G. Manes)*
Read for the first time and referred to the President of the Senate 249
Assigned to standing committee 362
Placed on calendar 534
Amendments 625, 649
Substituted 533
Read the second time 609
Read the third time 649
Circled 609
Uncircled 625
Transmitted to the House 650
Concurrence 880
Returned to the House 881
Signed by the President and transmitted to the Governor 952

S.B. 61 — INCOME TAX – EDUCATION TAX CREDIT *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 532, 610, 638
Placed on calendar 699, 736
Amendments 697, 739
Substituted 736
Read the second time 713, 739
Read the third time 739
Circled 713, 736
Uncircled 739
Transmitted to the House 740
Failed 837
Enacting Clause Stricken 956

S.B. 62 — DIVISION OF WILDLIFE – MANAGEMENT OF LANDS *(A. Myrin)*
Read for the first time and referred to the President of the Senate 267
Enacting Clause Stricken 956

S.B. 63 — UNLAWFUL SEXUAL CONDUCT RELATING TO MINORS *(C. Taylor)*
Read for the first time and referred to the President of the Senate 267
Enacting Clause Stricken 956

S.B. 64 — WELFARE REFORM AMENDMENTS TO CHILD SUPPORT *(N. Tanner)*
Read for the first time and referred to the President of the Senate 267
Assigned to standing committee 384
Placed on calendar 448
Amendments 447, 582
Read the second time 582
Read the third time 592
Transmitted to the House 593
Signed by the President and transmitted to the Governor 873

S.B. 65 — PROPERTY TAX EXEMPTION FEE *(G. Manes)*
Read for the first time and referred to the President of the Senate 267
Assigned to standing committee 584
Placed on calendar 636
Substituted 636

Read the second time 659
Referred to Secretary of the Senate for interim study 659
Enacting Clause Stricken 956

S.B. 66 — ATTEMPTED PURCHASE OF TOBACCO BY CHILDREN *(L. Jones)*
Read for the first time and referred to the President of the Senate 267
Assigned to standing committee 428
Placed on calendar 505
Read the second time 607
Read the third time 621
Transmitted to the House 622
Enacting Clause Stricken 954

S.B. 67 — INCOME TAX - PERSONAL EXEMPTION INCREASE *(H. Nielson)*
Read for the first time and referred to the President of the Senate 267
Assigned to standing committee 532
Tabled 603
Enacting Clause Stricken 956

S.B. 68 — SCHOOL TRUST LANDS MODIFICATIONS *(A. Myrin)*
Read for the first time and referred to the President of the Senate 267
Enacting Clause Stricken 956

S.B. 69 — REAL ESTATE AGENT BACKGROUND CHECK *(M. Waddoups)*
Read for the first time and referred to the President of the Senate 250
Assigned to standing committee 325
Placed on calendar 399
Amendments 398, 568
Read the second time 568
Read the third time 589
Transmitted to the House 590
Signed by the President and transmitted to the Governor 796

S.B. 70 — EMINENT DOMAIN VALUATION *(P. Suazo)*
Read for the first time and referred to the President of the Senate 250
Assigned to standing committee 318
Placed on calendar 462
Amendments 459, 616, 944
Substituted 459
Read the second time 594
Read the third time 615
Transmitted to the House 616
Concurrence 944
Returned to the House 945
Signed by the President and transmitted to the Governor 953
Action taken by the Governor 962

S.B. 71 — LANDLORD - TENANT AMENDMENTS *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 251
Assigned to standing committee 353
Placed on calendar 505
Amendments 502, 648
Read the second time 604
Read the third time 619
Reconsideration 629
Circled 630
Uncircled 647
Transmitted to the House 619, 649
Signed by the President and transmitted to the Governor 836

S.B. 72 — DIVISION OF STATE HISTORY DUTIES *(L. McAllister)*
Read for the first time and referred to the President of the Senate 251
Assigned to standing committee 397
Placed on calendar 473
Read the second time 603
Circled 603
Uncircled 606
Read the third time 621
Transmitted to the House 621
Concurrence 785
Returned to the House 785
Signed by the President and transmitted to the Governor 796

S.B. 73 — CONTRACTOR'S DUTIES TO SUBCONTRACTORS *(L. Mansell)*
Read for the first time and referred to the President of the Senate 103
Assigned to standing committee 117
Placed on calendar 180
Amendments 178
Read the second time 206
Read the third time 223
Transmitted to the House 224
Signed by the President and transmitted to the Governor 405

S.B. 74 — INDIGENT DEFENSE PROVISIONS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 103
Assigned to standing committee 134
Placed on calendar 302
Amendments 301
Substituted 301
Read the second time 477
Read the third time 520
Transmitted to the House 520
Concurrence 786
Returned to the House 786
Signed by the President and transmitted to the Governor 796

S.B. 75 — SAFE DRINKING WATER ACT AMENDMENTS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 104
Assigned to standing committee 133
Placed on calendar 180
Read the second time 209
Read the third time 226
Transmitted to the House 228, 375
Concurrence 375
Returned to the House 375
Signed by the President and transmitted to the Governor 405

S.B. 76 — EXTRACURRICULAR ACTIVITIES *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 104
Assigned to standing committee 117
Placed on calendar 137
Amendments 195
Read the second time 137
Read the third time 146
Transmitted to the House 195
Reconsideration 194
Transmitted to the House 147
Enacting Clause Stricken 954

S.B. 77 — SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 104
Assigned to standing committee 117
Placed on calendar 137
Amendments 158
Read the second time 138
Read the third time 157
Transmitted to the House 168
Signed by the President and transmitted to the Governor 405

S.B. 78 — ELECTION LAW - POLITICAL PARTIES *(P. Suazo)*
Read for the first time and referred to the President of the Senate 105
Assigned to standing committee 175
Placed on calendar 235
Amendments 234, 351
Substituted 234
Read the second time 351
Read the third time 369
Transmitted to the House 370
Concurrence 840
Returned to the House 841
Signed by the President and transmitted to the Governor 873

S.B. 79 — ELECTION LAW - ELECTION PROCESS *(R. Evans)*
Read for the first time and referred to the President of the Senate 105
Assigned to standing committee 175
Placed on calendar 264
Amendments 264, 442, 463
Substituted 264
Read the second time 427
Read the third time 441
Before the Senate 442
Circled 443
Uncircled 463
Transmitted to the House 464
Signed by the President and transmitted to the Governor 873

S.B. 80 — CHILD SUPPORT ADVISORY COMMITTEE MEMBERSHIP *(C. Taylor)*
Read for the first time and referred to the President of the Senate 105
Assigned to standing committee 117
Placed on calendar 218
Read the second time 262
Read the third time 281
Transmitted to the House 281
Signed by the President and transmitted to the Governor 597

S.B. 81 — ELECTION LAW - CAMPAIGN FINANCE REPORTING REQUIREMENTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 106
Assigned to standing committee 175
Placed on calendar 235
Amendments 234, 707, 729
Substituted 234, 393, 654
Read the second time 371
Read the third time 392
Circled 371, 654, 707
Uncircled 379, 653, 707, 729
Transmitted to the House 730
Joint Conference Committee Report 938

Returned to the House 938
Other 898, 911
Signed by the President and transmitted to the Governor 953

S.B. 82 — ELECTION LAW - CANDIDATE ISSUES *(L. Poulton)*
Read for the first time and referred to the President of the Senate 106
Assigned to standing committee 175
Placed on calendar 322
Substituted 321
Read the second time 478
Read the third time 520
Transmitted to the House 521
Signed by the President and transmitted to the Governor 819

S.B. 83 — JUDGES NONCONTRIBUTORY RETIREMENT SYSTEM *(C. Peterson)*
Read for the first time and referred to the President of the Senate 106
Assigned to standing committee 118
Placed on calendar 152
Read the second time 188
Read the third time 203
Transmitted to the House 204
Concurrence 786
Returned to the House 787
Signed by the President and transmitted to the Governor 796

S.B. 84 — PUBLIC TRANSIT DISTRICT BOARDS *(L. Mansell)*
Read for the first time and referred to the President of the Senate 106
Assigned to standing committee 468
Placed on calendar 577
Amendments 623
Read the second time 610
Read the third time 623
Transmitted to the House 623
Concurrence 849
Returned to the House 849
Signed by the President and transmitted to the Governor 873

S.B. 85 — PUBLIC SAFETY ELIGIBILITY AMENDMENTS *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 107
Assigned to standing committee 118
Placed on calendar 152
Amendments 189
Read the second time 189
Before the Senate 221
Read the third time 204
Transmitted to House 221
Signed by the President and transmitted to the Governor 405

S.B. 86 — HOUSING AUTHORITY AMENDMENTS *(P. Suazo)*
Read for the first time and referred to the President of the Senate 107
Assigned to standing committee 117
Placed on calendar 193
Read the second time 242
Read the third time 259
Transmitted to the House 259
Signed by the President and transmitted to the Governor 445

S.B. 87 — ADJUSTMENT IN CERTIFIED RATE ON PROPERTY TAX *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 107
Assigned to standing committee 118
Placed on calendar 137

Read the second time 140
Read the third time 159
Transmitted to the House 160
Signed by the President and transmitted to the Governor 405

S.B. 88 — BUDGETARY PROCESS - REVENUE REPORTING *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 107
Placed on calendar 118
Read the second time 137
Read the third time 146
Transmitted to the House 146
Signed by the President and transmitted to the Governor 405

S.B. 89 — JUVENILE JUDGES - SHORT TERM COMMITMENT OF YOUTH *(N. Tanner)*
Read for the first time and referred to the President of the Senate 108
Assigned to standing committee 134
Placed on calendar 152
Read the second time 190
Read the third time 204
Transmitted to the House 204
Signed by the President and transmitted to the Governor 782

S.B. 90 — JUVENILE COURT POWERS *(N. Tanner)*
Read for the first time and referred to the President of the Senate 108
Assigned to standing committee 134
Placed on calendar 152
Amendments 151
Read the second time 190
Read the third time 204
Transmitted to the House 205
Signed by the President and transmitted to the Governor 796
Concurrence 787
Returned to the House 787

S.B. 91 — AIR QUALITY, LAND USE, AND TRANSPORTATION PLANNING PROVISIONS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 153
Assigned to standing committee 319
Placed on calendar 473
Amendments 472
Substituted 472
Read the second time 604
Circled 604
Uncircled 605
Failed 638
Other 605, 628

S.B. 92 — TELECOMMUNICATIONS DEREGULATION AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 108
Assigned to standing committee 118
Placed on calendar 180
Amendments 180
Read the second time 211
Read the third time 226
Transmitted to the House 227
Signed by the President and transmitted to the Governor 405

S.B. 93 — NATIVE AMERICAN COORDINATING BOARD *(M. Peterson)*
Read for the first time and referred to the President of the Senate 108
Assigned to standing committee 118
Placed on calendar 137

Read the second time 138
Read the third time 158
Transmitted to the House 158
Signed by the President and transmitted to the Governor 248

S.B. 94 — INFORMATION TECHNOLOGY AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 108
Assigned to standing committee 118
Placed on calendar 152
Amendments 151, 157
Read the second time 187
Read the third time 202
Transmitted to the House 203
Concurrence 406
Returned to the House 406
Signed by the President and transmitted to the Governor 429

S.B. 95 — AMENDMENT TO PROCUREMENT REQUIREMENTS FOR CONSTRUCTION PROJECTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 109
Assigned to standing committee 117
Placed on calendar 152
Before the Senate 205, 303
Amendments 205
Substituted 294
Read the second time 171
Read the third time 223
Transmitted to the House 304
Signed by the President and transmitted to the Governor 500

S.B. 96 — CITY AUTHORITY OVER CERTAIN RENTAL UNITS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 109
Assigned to standing committee 156
Placed on calendar 291
Amendments 289, 466, 497
Read the second time 454
Read the third time 493
Circled 454, 493
Uncircled 466, 494
Failed 494
Reconsideration 496
Transmitted to the House 497
Concurrence 857
Returned to the House 858
Signed by the President and transmitted to the Governor 879

S.B. 97 — COSTS FOR UNLAWFUL SUBDIVISION OF LAND *(L. McAllister)*
Read for the first time and referred to the President of the Senate 109
Assigned to standing committee 214
Returned to Secretary of the Senate 264
Enacting Clause Stricken 956

S.B. 98 — COUNTIES - SUBDIVISION DEFINED *(L. McAllister)*
Read for the first time and referred to the President of the Senate 109
Assigned to standing committee 214
Placed on calendar 264
Read the second time 441
Read the third time 452
Transmitted to the House 453
Signed by the President and transmitted to the Governor 836

S.B. 99 — COUNTY PLANNING AMENDMENTS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 110
Assigned to standing committee 214
Other (Returned to Rules) 308
Enacting Clause Stricken 956

S.B. 100 — FINANCIAL INSTITUTION AMENDMENTS *(L. Mansell)*
Read for the first time and referred to the President of the Senate 110
Assigned to standing committee 133
Placed on calendar 180
Amendments 178, 207
Read the second time 206
Read the third time 224
Transmitted to the House 224
Signed by the President and transmitted to the Governor 500

S.B. 101 — CORPORAL PUNISHMENT IN PUBLIC SCHOOLS AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 110
Assigned to standing committee 117
Placed on calendar 152
Read the second time 171
Read the third time 184
Transmitted to the House 184
Failed 339

S.B. 102 — WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION AMENDMENTS *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 110
Assigned to standing committee 117
Placed on calendar 152
Read the second time 172
Read the third time 184
Transmitted to the House 185
Signed by the President and transmitted to the Lt. Governor 339

S.B. 103 — CONSUMER PROTECTION AMENDMENTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 111
Assigned to standing committee 133
Placed on calendar 180
Read the second time 207
Read the third time 224
Transmitted to the House 225
Signed by the President and transmitted to the Governor 500

S.B. 104 — STATE RISK MANAGEMENT COVERAGE OF TEACHERS *(L. Poulson)*
Read for the first time and referred to the President of the Senate 111
Assigned to standing committee 117
Read the second time and placed on Consent Calendar 152
Read the third time 202
Transmitted to the House 202
Signed by the President and transmitted to the Governor 405

S.B. 105 — ECCLES COMMUNITY ART CENTER GRANT *(N. Tanner)*
Read for the first time and referred to the President of the Senate 111
Assigned to standing committee 144
Placed on calendar 235
Substituted 347
Read the second time 347
Read the third time 358
Transmitted to the House 359

Concurrence 774
Returned to the House 774
Signed by the President and transmitted to the Governor 796

S.B. 106 — CLASS B AND C ROAD BID LIMIT *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 111
Assigned to standing committee 118
Placed on calendar 143
Amendments 162
Read the second time 162
Circled 347
Uncircled 711
Reconsideration 175
Failed 162
Referred to Secretary of the Senate for interim study 711
Enacting Clause Stricken 956

S.B. 107 — MEDICAL SAVINGS ACCOUNT AMENDMENTS *(G. Mantas)*
Read for the first time and referred to the President of the Senate 111
Assigned to standing committee 118
Placed on calendar 152
Read the second time 174
Read the third time 186
Transmitted to the House 186
Signed by the President and transmitted to the Governor 318

S.B. 108 — PUBLIC SAFETY RETIREMENT COST OF LIVING ADJUSTMENT *(D. Buhler)*
Read for the first time and referred to the President of the Senate 112
Assigned to standing committee 134
Tabled 578
Enacting Clause Stricken 956

S.B. 109 — LABOR - WORKING CONDITIONS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 112
Assigned to standing committee 143
Returned to the Secretary of the Senate 700
Enacting Clause Stricken 956

S.B. 110 — WORKERS' COMPENSATION EXCLUSIVE REMEDY *(D. Buhler)*
Read for the first time and referred to the President of the Senate 112
Assigned to standing committee 144
Placed on calendar 193
Amendments 192, 237, 239
Read the second time 213
Transmitted to the House 238, 239
Reconsideration 239
Signed by the President and transmitted to the Governor 469

S.B. 111 — HANDGUN PURCHASE REQUIREMENTS *(M. Waddoups)*
Read for the first time and referred to the President of the Senate 112
Assigned to standing committee 175
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 956

S.B. 112 — DRAMSHOP LIABILITY AMENDMENTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 112
Assigned to standing committee 144
Placed on calendar 193
Amendments 239, 254
Read the second time 239
Read the third time 254
Intent Language 255, 293

Transmitted to the House 255
Concurrence 501
Returned to the House 501
Other 293
Signed by the President and transmitted to the Governor 536

S.B. 113 — LEGISLATIVE OVERSIGHT AND SUNSET REVIEW AMENDMENTS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 113
Assigned to standing committee 133
Placed on calendar 140
Read the second time 140
Read the third time 160
Transmitted to the House 160
Signed by the President and transmitted to the Governor 248

S.B. 114 — INTERLOCAL COOPERATION ACT AMENDMENTS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 113
Assigned to standing committee 134
Placed on calendar 166
Read the second time 211
Read the third time 227
Transmitted to the House 227
Concurrence 518
Returned to the House 518
Signed by the President and transmitted to the Governor 553

S.B. 115 — INSURANCE LAW AMENDMENTS *(L. Poulsen)*
Read for the first time and referred to the President of the Senate 113
Assigned to standing committee 318
Placed on calendar 367
Amendments 365, 539
Substituted 539
Read the second time 539
Read the third time 561
Transmitted to the House 561
Concurrence 797
Returned to the House 798
Signed by the President and transmitted to the Governor 819

S.B. 116 — EXTENSION OF CHILD VISITATION PILOT PROGRAM *(M. Peterson)*
Read for the first time and referred to the President of the Senate 114
Assigned to standing committee 384
Placed on calendar 473
Amendments 470
Read the second time 596
Read the third time 617
Transmitted to the House 618
Signed by the President and transmitted to the Governor 782

S.B. 117 — COMMERCIAL VEHICLE REGISTRATION *(D. Steele)*
Read for the first time and referred to the President of the Senate 114
Assigned to standing committee 175
Placed on calendar 218
Read the second time 244
Before the Senate 262
Read the third time 280
Transmitted to the House 281
Signed by the President and transmitted to the Governor 661

S.B. 118 — VALIDITY OF CREDENTIALS IN PUBLIC EDUCATION *(L. McAllister)*
Read for the first time and referred to the President of the Senate 114
Assigned to standing committee 156
Placed on calendar 193
Read the second time 241
Read the third time 258
Transmitted to the House 259
Signed by the President and transmitted to the Governor 573

S.B. 119 — TRANSPORTATION OVERHEAD RATE LIMITATIONS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 114
Assigned to standing committee 183
Placed on calendar 245
Read the second time 371
Read the third time 390
Transmitted to the House 391
Concurrence 502
Returned to the House 502
Signed by the President and transmitted to the Governor 536

S.B. 120 — AMENDMENTS TO DIVORCE REQUIREMENTS *(C. Taylor)*
Read for the first time and referred to the President of the Senate 115
Assigned to standing committee 325
Placed on calendar 399
Amendments 549
Read the second time 549
Read the third time 567
Transmitted to the House 567
Enacting Clause Stricken 954

S.B. 121 — RECORDING JUDGMENTS ON REAL PROPERTY *(L. Mansell)*
Read for the first time and referred to the President of the Senate 115
Assigned to standing committee 175
Placed on calendar 291
Amendments 289
Substituted 289
Read the second time 454
Read the third time 464
Transmitted to the House 464
Signed by the President and transmitted to the Governor 684
Concurrence 663
Returned to the House 663

S.B. 122 — HEALTH POLICY COMMISSION AMENDMENTS *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 115
Assigned to standing committee 156
Placed on calendar 235
Read the second time 348
Read the third time 369
Transmitted to the House 369
Signed by the President and transmitted to the Governor 819
Concurrence 797
Returned to the House 797

S.B. 123 — WATER CONSERVANCY DISTRICT - BOARD OF DIRECTORS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 115
Assigned to standing committee 175
Placed on calendar 245
Read the second time 380
Read the third time 393
Transmitted to the House 393

Concurrence 537
Returned to the House 538
Signed by the President and transmitted to the Governor 573

S.B. 124 — TASK FORCE ON REGULATORY BARRIERS TO AFFORDABLE HOUSING *(L. Mansell)*
Read for the first time and referred to the President of the Senate 115
Assigned to standing committee 144
Placed on calendar 193
Read the second time 243
Read the third time 259
Transmitted to the House 259
Signed by the President and transmitted to the Governor 856

S.B. 125 — HARDSHIP DRIVER PERMIT FOR YOUTH *(L. Blackburn)*
Read for the first time and referred to the President of the Senate 124
Assigned to standing committee 384
Placed on calendar 534
Amendments 532, 651
Substituted 532, 651
Read the second time 608
Read the third time 622
Circled 622
Uncircled 651
Transmitted to the House 652
Failed 797

S.B. 126 — APPROPRIATION FOR HILL AIR FORCE BASE HERITAGE MUSEUM *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 136
Assigned to standing committee 156
Placed on calendar 218
Read the second time 282
Read the third time 295
Transmitted to the House 296
Concurrence 787
Returned to the House 788
Signed by the President and transmitted to the Governor 796

S.B. 127 — CONSTITUTIONAL REVISION COMMISSION AMENDMENTS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 136
Assigned to standing committee 183
Placed on calendar 218
Amendments 284
Read the second time 284
Read the third time 296
Transmitted to the House 296
Signed by the President and transmitted to the Governor 469

S.B. 128 — OFF-HIGHWAY VEHICLE OPERATOR REQUIREMENTS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 137
Assigned to standing committee 200
Placed on calendar 245
Substituted 245
Read the second time 372
Read the third time 391
Amendments 391
Transmitted to the House 392
Concurrence 554
Returned to the House 555
Signed by the President and transmitted to the Governor 586

S.B. 129 — PRIVILEGED INFORMATION IN CIVIL ACTIONS *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 145
Assigned to standing committee 156
Placed on calendar 218
Amendments 218, 285
Substituted 218
Read the second time 285
Read the third time 297
Transmitted to the House 297
Signed by the President and transmitted to the Governor 500

S.B. 130 — NONCONTRIBUTORY RETIREMENT SYSTEM FOR FIREFIGHTERS *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 145
Assigned to standing committee 175
Placed on calendar 343
Read the second time 529
Tabled 530
Returned to the Secretary of the Senate 948
Enacting Clause Stricken 956

S.B. 131 — AFFORDABLE HOUSING AMENDMENTS *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 145
Assigned to standing committee 183
Returned to the Secretary of the Senate 700
Enacting Clause Stricken 956

S.B. 132 — DEFINITION OF LAW ENFORCEMENT OFFICIAL AND JUDGE *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 145
Assigned to standing committee 176
Read the second time and placed on Consent Calendar 244
Read the third time 292
Transmitted to the House 292
Signed by the President and transmitted to the Governor 405

S.B. 133 — APPEALS SETTLEMENT PROGRAM *(C. Peterson)*
Read for the first time and referred to the President of the Senate 154
Read for the first time 714
Assigned to standing committee 643, 658
Placed on calendar 699
Substituted 699
Read the second time 713, 714
Read the third time 728
Circled 713
Uncircled 714
Transmitted to the House 728
Signed by the President and transmitted to the Governor 856

S.B. 134 — JUVENILE COURT RECODIFICATION – PHASE 2 *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 154
Assigned to standing committee 214
Placed on calendar 245
Substituted 245
Read the second time 381
Read the third time 394
Transmitted to the House 394
Signed by the President and transmitted to the Governor 684

S.B. 135 — BUILDING CODE AMENDMENTS *(C. Peterson)*
Read for the first time and referred to the President of the Senate 154
Assigned to standing committee 214
Placed on calendar 264

Amendments 453
Substituted 441
Read the second time 441
Read the third time 453
Transmitted to the House 454
Failed 858

S.B. 136 — RETENTION PROCEEDS REFORM FOR CONSTRUCTION PROJECTS *(C. Peterson)*
Read for the first time and referred to the President of the Senate 154
Assigned to standing committee 214
Placed on calendar 356
Amendments 530, 546
Substituted 356
Read the second time 530
Read the third time 562
Circled 531, 562
Uncircled 546, 581
Transmitted to the House 581
Failed 797

S.B. 137 — SPECIAL EDUCATION DISPUTE RESOLUTION *(D. Steele)*
Read for the first time and referred to the President of the Senate 155
Assigned to standing committee 257
Placed on calendar 291
Read the second time 454
Read the third time 464
Transmitted to the House 465
Signed by the President and transmitted to the Governor 953

S.B. 138 — USED OIL ACT AMENDMENTS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 155
Assigned to standing committee 183
Substituted 234
Placed on calendar 235
Read the second time 350
Before the Senate 351
Amendments 370
Read the third time 370
Transmitted to the House 370
Signed by the President and transmitted to the Governor 536

S.B. 139 — CLEAN BURNING STOVE TAX CREDIT AMENDMENTS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 155
Assigned to standing committee 214
Placed on calendar 291
Amendments 291
Substituted 474
Read the second time 455
Read the third time 493
Circled 455, 474
Uncircled 474, 475
Transmitted to the House 494
Concurrence 788
Returned to the House 789
Signed by the President and transmitted to the Governor 796

S.B. 140 — APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS *(R. Evans)*
Read for the first time and referred to the President of the Senate 155
Assigned to standing committee 200
Placed on calendar 399

Read the second time 546
Read the third time 562
Transmitted to the House 562
Concurrence 789
Returned to the House 789
Other 496
Signed by the President and transmitted to the Governor 796

S.B. 141 — STATE AND FEDERAL LAW ENFORCEMENT–JOINT JURISDICTION *(D. Steele)*
Read for the first time and referred to the President of the Senate 156
Assigned to standing committee 175
Placed on calendar 245
Read the second time 381
Read the third time 394
Transmitted to the House 395
Signed by the President and transmitted to the Governor 500

S.B. 142 — COAL RECLAMATION AMENDMENTS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 166
Assigned to standing committee 257
Read for the second time and placed on Consent Calendar 302
Read the third time 344
Transmitted to the House 344
Signed by the President and transmitted to the Governor 469

S.B. 143 — PENALTY FOR JOY RIDING *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 167
Assigned to standing committee 183
Amendments 343
Read the second time and placed on Consent Calendar 343
Read the third time 388
Transmitted to the House 388
Signed by the President and transmitted to the Governor 500

S.B. 144 — ELECTRONIC LAW LIBRARY *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 167
Assigned to standing committee 200
Placed on calendar 235
Read the second time 305
Read the third time 309
Transmitted to the House 309
Signed by the President and transmitted to the Governor 782

S.B. 145 — PEDESTRIAN OVERPASS APPROPRIATION *(M. Peterson)*
Read for the first time and referred to the President of the Senate 167
Assigned to standing committee 200
Placed on calendar 245
Amendments 392
Read the second time 373
Read the third time 392
Transmitted to the House 392
Enacting Clause Stricken 954

S.B. 146 — REAUTHORIZATION OF ADMINISTRATIVE RULES *(L. McAllister)*
Read for the first time and referred to the President of the Senate 167
Assigned to standing committee 214
Placed on calendar 699
Substituted 699
Read the second time 713
Read the third time 727
Circled 713

Uncircled 714
Transmitted to the House 728
Concurrence 807
Returned to the House 808
Signed by the President and transmitted to the Governor 836

S.B. 147 — VEHICLE AIR BAG AMENDMENTS *(G. Mantas)*
Read for the first time and referred to the President of the Senate 181
Assigned to standing committee 258
Read the second time and placed on Consent Calendar 343
Read the third time 386
Transmitted to the House 389
Signed by the President and transmitted to the Governor 500

S.B. 148 — REVOCATION OF PAROLE - REPRESENTATION BY COUNSEL *(C. Peterson)*
Read for the first time and referred to the President of the Senate 196
Assigned to standing committee 257
Read for the second time and placed on Consent Calendar 302
Read the third time 344
Transmitted to the House 345
Signed by the President and transmitted to the Governor 417

S.B. 149 — CHIROPRACTIC PRACTICE AMENDMENTS *(D. Steele)*
Read for the first time and referred to the President of the Senate 196
Assigned to standing committee 257
Placed on calendar 326
Amendments 326, 563
Read the second time 528
Read the third time 560
Circled 560
Uncircled 562
Transmitted to the House 565
Refuse to Concur 848
Returned to the House 849
Other 881, 897
Enacting Clause Stricken 954

S.B. 150 — CONDUCT RELATED TO SCHOOL ACTIVITIES *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 197
Assigned to standing committee 305
Placed on calendar 367
Amendments 365
Read the second time 545
Read the third time 561
Transmitted to the House 562
Signed by the President and transmitted to the Governor 856

S.B. 151 — BEAR RIVER DEVELOPMENT ACT AMENDMENTS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 219
Assigned to standing committee 257
Placed on calendar 302
Read the second time 477
Read the third time 496
Transmitted to the House 496
Signed by the President and transmitted to the Governor 952

S.B. 152 — CRIME VICTIMS' RIGHTS AMENDMENTS *(C. Peterson)*
Read for the first time and referred to the President of the Senate 219
Assigned to standing committee 257
Placed on calendar 302
Substituted 301

Read the second time 478
Read the third time 521
Circled 478
Uncircled 478
Transmitted to the House 521
Signed by the President and transmitted to the Governor 782

S.B. 153 — APPROPRIATION TO STUDY CENTRALIZED URBAN PROGRAMS FOR NATIVE AMERICANS *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 236
Assigned to standing committee 287
Placed on calendar 343
Read the second time 529
Read the third time 560
Transmitted to the House 561
Signed by the President and transmitted to the Governor 782

S.B. 154 — CHANGES TO DIVISION OF STATE HISTORY *(L. McAllister)*
Read for the first time and referred to the President of the Senate 236
Assigned to standing committee 326
Placed on calendar 399
Read the second time 580
Read the third time 591
Transmitted to the House 591
Signed by the President and transmitted to the Governor 819

S.B. 155 — COURT REPORTER AMENDMENTS *(C. Peterson)*
Read for the first time and referred to the President of the Senate 236
Assigned to standing committee 353
Amendments 378
Read the second time and placed on Consent Calendar 379
Read the third time 433
Transmitted to the House 433
Concurrence 686
Returned to the House 686
Signed by the President and transmitted to the Governor 741

S.B. 156 — EMINENT DOMAIN AMENDMENTS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 237
Enacting Clause Stricken 956

S.B. 157 — BEER INDUSTRY FAIR DEALING ACT *(L. Blackham)*
Read for the first time and referred to the President of the Senate 251
Assigned to standing committee 353
Placed on calendar 448
Substituted 448
Read the second time 594
Referred to Secretary of the Senate for interim study 594
Enacting Clause Stricken 956

S.B. 158 — ADULT HIGH SCHOOL COMPLETION AMENDMENTS *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 251
Assigned to standing committee 318
Tabled 367
Enacting Clause Stricken 956

S.B. 159 — PROTECTIVE SERVICE OFFICERS AMENDMENTS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 252
Assigned to standing committee 305
Placed on calendar 378
Amendments 376, 548
Read the second time 548

Read the third time 566
Transmitted to the House 567
Signed by the President and transmitted to the Governor 819

S.B. 160 — BEER LICENSE AMENDMENTS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 252
Assigned to standing committee 353
Tabled 449
Enacting Clause Stricken 956

S.B. 161 — MOTOR VEHICLE COMPLIANCE WITH INSURANCE, REGISTRATION, AND SALES TAX REQUIREMENTS *(C. Peterson)*
Read for the first time and referred to the President of the Senate 252
Assigned to standing committee 353
Placed on calendar 431
Substituted 430
Read the second time 580
Read the third time 591
Transmitted to the House 592
Signed by the President and transmitted to the Governor 819

S.B. 162 — APPROPRIATION FOR STATEWIDE INTEGRATION OF ENGINEERING EDUCATION *(C. Peterson)*
Read for the first time and referred to the President of the Senate 252
Assigned to standing committee 318
Placed on calendar 367
Read the second time 547
Read the third time 565
Transmitted to the House 565
Concurrence 789
Returned to the House 790
Signed by the President and transmitted to the Governor 796

S.B. 163 — UNIFORM COMMERCIAL CODE ARTICLE 5 – LETTERS OF CREDIT *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 253
Assigned to standing committee 353
Placed on calendar 505
Read the second time 605
Read the third time 619
Transmitted to the House 620
Signed by the President and transmitted to the Governor 819

S.B. 164 — UTAH STATE CAPITOL BUILDING CENTENNIAL STUDY *(N. Tanner)*
Read for the first time and referred to the President of the Senate 268
Assigned to standing committee 363
Placed on calendar 399
Read the second time 570
Read the third time 590
Transmitted to the House 590
Signed by the President and transmitted to the Governor 782

S.B. 165 — MANAGEMENT OF INSTITUTIONAL FUNDS ACT *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 268
Assigned to standing committee 416
Placed on calendar 473
Amendments 471
Read the second time 603
Read the third time 618
Circled 603
Uncircled 604
Transmitted to the House 619

Concurrence 808
Returned to the House 808
Signed by the President and transmitted to the Governor 836

S.B. 166 — WORKFORCE SERVICES IMPLEMENTATION AND AMENDMENTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 268
Assigned to standing committee 498, 546
Placed on calendar 699
Amendments 769
Substituted 687
Read the second time 712, 771
Read the third time 771
Circled 712
Uncircled 769
Transmitted to the House 772
Signed by the President and transmitted to the Governor 856

S.B. 167 — EXECUTIVE COMPENSATION *(C. Peterson)*
Read for the first time and referred to the President of the Senate 268
Placed on calendar 772
Read the second time 772, 899
Read the third time 899
Circled 772
Uncircled 899
Transmitted to the House 899
Signed by the President and transmitted to the Governor 952

S.B. 168 — PROPERTY TAX RESIDENTIAL EXEMPTION *(D. Buhler)*
Read for the first time and referred to the President of the Senate 268
Enacting Clause Stricken 956

S.B. 169 — PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING AMENDMENTS *(C. Taylor)*
Read for the first time and referred to the President of the Senate 268
Assigned to standing committee 498
Substituted 667
Referred to Secretary of the Senate for interim study 667
Enacting Clause Stricken 956

S.B. 170 — COAL MINING RECLAMATION - INSURANCE POOL *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 268

S.B. 170 — COAL MINING RECLAMATION *(M. Dmitrich)*
Enacting Clause Stricken 956

S.B. 171 — HOMEOWNER'S INSURANCE *(M. Peterson)*
Read for the first time and referred to the President of the Senate 269
Assigned to standing committee 642
Placed on calendar 699
Read the second time 712
Read the third time 726
Transmitted to the House 726
Signed by the President and transmitted to the Governor 952

S.B. 172 — UTAH TRANSIT AUTHORITY BUDGET APPROVAL *(B. Wharton)*
Read for the first time and referred to the President of the Senate 269
Assigned to standing committee 468
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 956

S.B. 173 — COUNTY ATTORNEY RESPONSIBILITIES *(C. Peterson)*
Read for the first time and referred to the President of the Senate 269
Assigned to standing committee 498

Placed on calendar 602
Amendments 599, 710, 802
Substituted 660, 768
Read the second time 656
Read the third time 725
Circled 656, 660, 725, 768
Uncircled 660, 710, 768, 802
Transmitted to the House 803
Enacting Clause Stricken 954

S.B. 174 — MEDICAL ASSISTANCE ACT - SPOUSAL IMPOVERISHMENT *(S. Howell)*
Read for the first time and referred to the President of the Senate 269
Assigned to standing committee 555
Placed on calendar 602
Amendments 681
Read the second time 655
Read the third time 676
Circled 676
Uncircled 680
Transmitted to the House 681
Signed by the President and transmitted to the Governor 952

S.B. 175 — STATE TRANSPORTATION INFRASTRUCTURE BANK *(M. Waddoups)*
Read for the first time and referred to the President of the Senate 269
Assigned to standing committee 584
Placed on calendar 666
Substituted 665
Read the second time 703
Read the third time 721
Transmitted to the House 722
Concurrence 895
Returned to the House 896
Signed by the President and transmitted to the Governor 953

S.B. 176 — UTAH AUTOMOTIVE REPAIR ACT *(B. Wharton)*
Read for the first time and referred to the President of the Senate 269
Enacting Clause Stricken 956

S.B. 177 — INCOME TAX - RESEARCH AND DEVELOPMENT CREDIT *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 269
Enacting Clause Stricken 956

S.B. 178 — PENALTIES FOR SALE OF TOBACCO TO YOUTH *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 270
Enacting Clause Stricken 956

S.B. 179 — OFFENDERS - INCOME WITHHOLDING *(P. Suazo)*
Read for the first time and referred to the President of the Senate 270
Assigned to standing committee 555
Placed on calendar 636
Amendments 635
Read the second time 658
Read the third time 677
Transmitted to the House 678
Enacting Clause Stricken 954

S.B. 180 — MERCHANT OR SERVICE PROVIDER CHARGE FOR DISHONORED CHECKS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 270
Assigned to standing committee 531
Placed on calendar 666
Read the second time 669

Read the third time 679
Transmitted to the House 680
Signed by the President and transmitted to the Governor 952
Concurrence 881
Returned to the House 881

S.B. 181 — INSURANCE - MENTAL HEALTH *(R. Steiner)*
Read for the first time and referred to the President of the Senate 270
Enacting Clause Stricken 956

S.B. 182 — CHILDREN'S JUSTICE CENTER PROGRAM *(C. Peterson)*
Read for the first time and referred to the President of the Senate 270
Assigned to standing committee 384
Placed on calendar 577
Amendments 575
Read the second time 640
Read the third time 652
Transmitted to the House 653
Signed by the President and transmitted to the Governor 782

S.B. 183 — REVISED UNIFORM PARTNERSHIP AND LIMITED LIABILITY PARTNERSHIP ACT *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 270
Assigned to standing committee 415
Placed on calendar 462
Returned to the Secretary of the Senate for interim study 593
Enacting Clause Stricken 956

S.B. 184 — SALES TAX - TELEPHONE EXEMPTION *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 270
Assigned to standing committee 397
Placed on calendar 448
Read the second time 593
Read the third time 614
Transmitted to the House 615
Signed by the President and transmitted to the Governor 836

S.B. 185 — APPROPRIATION FOR SECURE YOUTH FACILITIES *(S. Howell)*
Read for the first time and referred to the President of the Senate 271
Assigned to standing committee 584
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 956

S.B. 186 — PROPERTY TAX - REAL AND PERSONAL PROPERTY ASSESSMENT AMENDMENTS *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 271
Assigned to standing committee 397
Placed on calendar 448
Amendments 448, 624
Read the second time 593
Read the third time 615
Circled 615
Uncircled 624
Transmitted to the House 624
Signed by the President and transmitted to the Governor 840

S.B. 187 — SERVICES FOR LEGAL ALIENS *(P. Suazo)*
Read for the first time and referred to the President of the Senate 271
Enacting Clause Stricken 956

S.B. 188 — INSURANCE DEDUCTIBLE FOR MOTOR VEHICLE REPAIR *(S. Howell)*
Read for the first time and referred to the President of the Senate 271
Assigned to standing committee 443, 496
Placed on calendar 636
Amendments 633, 680
Read the second time 657
Read the third time 677
Circled 677
Uncircled 680
Transmitted to the House 680
Concurrence 887
Returned to the House 887
Signed by the President and transmitted to the Governor 952

S.B. 189 — APPROPRIATION FOR WILDLAND FIRE SUPPRESSION *(L. Blackham)*
Read for the first time and referred to the President of the Senate 271
Enacting Clause Stricken 956

S.B. 190 — VOLUNTARY RELEASE CLEANUP PROGRAM *(L. Mansell)*
Read for the first time and referred to the President of the Senate 271
Assigned to standing committee 468
Placed on calendar 602
Read the second time 655
Read the third time 676
Transmitted to the House 676
Signed by the President and transmitted to the Governor 819

S.B. 191 — CLASS SIZE REDUCTION OPTIONS *(M. Peterson)*
Read for the first time and referred to the President of the Senate 271
Assigned to standing committee 450
Placed on calendar 534
Amendments 533
Read the second time 609
Read the third time 622
Transmitted to the House 623
Enacting Clause Stricken 955

S.B. 192 — VALUES-ORIENTED TREATMENT PROGRAM *(R. Evans)*
Read for the first time and referred to the President of the Senate 272
Assigned to standing committee 642
Placed on calendar 711
Read the second time 713
Read the third time 727
Transmitted to the House 727
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 955

S.B. 193 — GOVERNMENT CUSTOMER SATISFACTION SURVEY *(S. Howell)*
Read for the first time and referred to the President of the Senate 272
Enacting Clause Stricken 957

S.B. 194 — SUBSTANCE ABUSE COUNSELOR LICENSURE AMENDMENTS *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 272
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 534
Read the third time 614
Transmitted to the House 614
Signed by the President and transmitted to the Governor 952

S.B. 195 — MIXED WASTE DISPOSAL FEE AMENDMENT *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 272
Read for the first time 534

Assigned to standing committee 468
Placed on calendar 534
Substituted 534
Read the second time 610
Read the third time 650
Circled 610
Uncircled 629
Transmitted to the House 650
Signed by the President and transmitted to the Governor 819

S.B. 196 — TRUST FOR DEVELOPMENTALLY DISABLED AMENDMENTS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 272
Assigned to standing committee 428
Placed on calendar 577
Amendments 576
Read the second time 643
Circled 643
Uncircled 683
Failed 683

S.B. 197 — JUDICIAL NOMINATING COMMISSION AMENDMENT *(C. Taylor)*
Read for the first time and referred to the President of the Senate 272
Assigned to standing committee 450
Placed on calendar 505
Amendments 945
Substituted 608
Read the second time 608
Read the third time 622
Circled 622
Uncircled 668
Transmitted to the House 669
Signed by the President and transmitted to the Governor 953
Concurrence 945
Returned to the House 946

S.B. 198 — APPROPRIATION FOR STUDY OF FACILITY FOR CHILDREN'S MUSEUM OF UTAH *(P. Suazo)*
Read for the first time and referred to the President of the Senate 272
Assigned to standing committee 428
Placed on calendar 577
Amendments 653
Substituted 576
Read the second time 653
Read the third time 675
Transmitted to the House 675
Signed by the President and transmitted to the Governor 782

S.B. 199 — IMMUNITY FOR VOLUNTEERS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 273
Assigned to standing committee 498
Referred to Secretary of the Senate for interim study 711
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 957

S.B. 200 — NIGHTLY RENTAL PROPERTY MANAGERS *(A. Myrin)*
Read for the first time and referred to the President of the Senate 273
Assigned to standing committee 415
Placed on calendar 505
Read the second time 605

Read the third time 620
Transmitted to the House 620
Signed by the President and transmitted to the Governor 856

S.B. 201 — APPROPRIATION FOR BIOTECH PROGRAM AT UTAH STATE UNIVERSITY *(L. Blackham)*
Read for the first time and referred to the President of the Senate 273
Assigned to standing committee 415
Placed on calendar 505
Read the second time 607
Read the third time 622
Transmitted to the House 622
Signed by the President and transmitted to the Governor 782

S.B. 202 — PROCUREMENT CODE - DESIGN BUILD AMENDMENTS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 273
Assigned to standing committee 443
Placed on calendar 577
Read the second time 654
Read the third time 675
Transmitted to the House 675
Signed by the President and transmitted to the Governor 819

S.B. 203 — AGRICULTURAL PROTECTION AREA AMENDMENTS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 273
Assigned to standing committee 443
Placed on calendar 505
Amendments 503, 606
Read the second time 606
Read the third time 620
Transmitted to the House 621
Concurrence 836
Returned to the House 837
Signed by the President and transmitted to the Governor 873

S.B. 204 — CENTENNIAL LICENSE PLATE AMENDMENTS *(J. Hull)*
Read for the first time and referred to the President of the Senate 273
Assigned to standing committee 584
Placed on calendar 666
Amendments 707
Read the second time 707
Read the third time 723
Transmitted to the House 723
Concurrence 841
Returned to the House 842
Signed by the President and transmitted to the Governor 873

S.B. 205 — UNIFORM GIFT TO MINORS ACT AMENDMENTS *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 273
Enacting Clause Stricken 957

S.B. 206 — SHELTER ADOPTED ANIMALS - PET NEUTERING *(R. Stevenson)*
Read for the first time and referred to the President of the Senate 274
Enacting Clause Stricken 957

S.B. 207 — NEW MOTOR VEHICLE BROKER *(C. Peterson)*
Read for the first time and referred to the President of the Senate 274
Assigned to standing committee 443, 481
Placed on calendar 577
Amendments 575, 674
Read the second time 630
Read the third time 650

Circled 650
Uncircled 674
Transmitted to the House 674
Signed by the President and transmitted to the Governor 819

S.B. 208 — MOTOR CARRIER PILOT PROGRAM *(M. Waddoups)*
Read for the first time and referred to the President of the Senate 274
Assigned to standing committee 376
Read the second time and placed on Consent Calendar 432
Read the third time 482
Transmitted to the House 483
Signed by the President and transmitted to the Governor 684

S.B. 209 — STATE PAY PLAN REVISIONS *(C. Peterson)*
Read for the first time and referred to the President of the Senate 274
Assigned to standing committee 532
Placed on calendar 602, 772
Read the second time 657
Circled 657
Uncircled 792
Returned to the Secretary of the Senate 792
Enacting Clause Stricken 957

S.B. 210 — GROWTH IMPACT HIGHWAYS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 274
Assigned to standing committee 555
Placed on calendar 636
Amendments 634, 725
Substituted 709
Read the second time 658
Read the third time 724
Circled 658
Uncircled 709
Transmitted to the House 725
Concurrence 857
Returned to the House 857
Action taken by the Governor 960
Signed by the President and transmitted to the Governor 879

S.B. 211 — SNOWMOBILE USER FEE *(L. Jones)*
Read for the first time and referred to the President of the Senate 274
Assigned to standing committee 584
Placed on calendar 666
Read the second time 708
Read the third time 723
Transmitted to the House 724
Failed 881

S.B. 212 — SALES AND USE TAX REVISION *(L. Blackham)*
Read for the first time and referred to the President of the Senate 274
Enacting Clause Stricken 957

S.B. 213 — COURT COLLECTIONS *(L. McAllister)*
Read for the first time and referred to the President of the Senate 275
Assigned to standing committee 658
Placed on calendar 699
Amendments 698
Read the second time 713
Circled 713
Uncircled 766
Returned to the Secretary of the Senate 766
Enacting Clause Stricken 957

S.B. 214 — FEES ON SALE OF FACTORY BUILT HOUSING *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 275
Assigned to standing committee 555
Placed on calendar 636
Read the second time 659
Read the third time 678
Transmitted to the House 678
Signed by the President and transmitted to the Governor 873

S.B. 215 — LOW INCOME HOUSING TAX CREDIT *(R. Evans)*
Read for the first time and referred to the President of the Senate 275
Assigned to standing committee 532
Placed on calendar 602
Read the second time 656
Read the third time 676
Transmitted to the House 677
Enacting Clause Stricken 955

S.B. 216 — BUSINESS LICENSE FEE *(L. Blackham)*
Read for the first time and referred to the President of the Senate 275

S.B. 216 — BUSINESS LICENSE FEE AND MUNICIPAL TAXING AUTHORITY *(L. Blackham)*
Read for the first time and referred to the President of the Senate 556
Assigned to standing committee 584
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 957

S.B. 217 — RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY *(R. Mublestein)*
Assigned to standing committee 415
Read for the first time and referred to the President of the Senate 275
Read the second time and placed on Consent Calendar 578
Read the third time 647
Transmitted to the House 647
Signed by the President and transmitted to the Governor 856

S.B. 218 — GOVERNMENT RELATIONSHIP TO OLYMPIC EVENTS *(A. Myrin)*
Read for the first time and referred to the President of the Senate 275
Assigned to standing committee 584
Placed on calendar 666
Amendments 391, 768
Substituted 666, 731
Read the second time 710, 767
Read the third time 767
Circled 710, 731
Uncircled 731, 767
Transmitted to the House 768
Enacting Clause Stricken 955

S.B. 219 — PRIVILEGE TAX AMENDMENTS *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 275
Assigned to standing committee 532
Read the second time and placed on Consent Calendar 603
Read the third time 672
Transmitted to the House 672
Signed by the President and transmitted to the Governor 819

S.B. 220 — TRAIL ENHANCEMENTS *(D. Buhler)*
Read for the first time and referred to the President of the Senate 276
Assigned to standing committee 498
Placed on calendar 577
Amendments 639
Read the second time 638

Read the third time 652
Circled 652
Uncircled 761
Returned to the Secretary of the Senate 761
Enacting Clause Stricken 957

S.B. 221 — COUNTY OFFICERS - OFFICIAL BOND *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 276
Assigned to standing committee 468
Read the second time and placed on Consent Calendar 578
Read the third time 645
Transmitted to the House 645
Signed by the President and transmitted to the Governor 819

S.B. 222 — APPROPRIATION FOR PURCHASE OF PROPERTY ADJACENT TO DIXIE COLLEGE *(L. Jones)*
Read for the first time and referred to the President of the Senate 276
Assigned to standing committee 396
Placed on calendar 448
Read the second time 581
Read the third time 592
Transmitted to the House 592
Enacting Clause Stricken 955

S.B. 223 — ENVIRONMENTAL LAW AMENDMENTS *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 276
Assigned to standing committee 531
Read the second time and placed on Consent Calendar 638
Read the third time 718
Transmitted to the House 718
Signed by the President and transmitted to the Governor 879

S.B. 224 — LAND USE, TRANSPORTATION, AND AIR QUALITY TASK FORCE REAUTHORIZATION *(L. McAllister)*
Read for the first time and referred to the President of the Senate 276
Assigned to standing committee 531
Placed on calendar 666
Read the second time 711
Read the third time 725
Transmitted to the House 726
Enacting Clause Stricken 955

S.B. 225 — WASTE MANAGEMENT FACILITY *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 276
Enacting Clause Stricken 957

S.B. 226 — DISCLOSURE REQUIRED IN SALE OF HEALTH MAINTENANCE ORGANIZATION PRODUCTS TO SENIOR CITIZENS *(J. Hull)*
Read for the first time and referred to the President of the Senate 276
Enacting Clause Stricken 957

S.B. 227 — CIGARETTE TAX *(S. Howell)*
Read for the first time 450
Assigned to standing committee 451
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 957

S.B. 227 — FUNDING POISON CONTROL CENTER *(S. Howell)*
Read for the first time and referred to the President of the Senate 277

S.B. 228 — PROCUREMENT CODE REQUIREMENT OF HEALTH CARE BENEFITS FOR CONTRACTORS *(E. Mayne)*
Read for the first time and referred to the President of the Senate 277
Assigned to standing committee 584
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 957

S.B. 229 — FEES FOR COMMERCIAL RADIOACTIVE WASTE *(H. Nielson)*
Read for the first time and referred to the President of the Senate 277
Assigned to standing committee 384
Placed on calendar 448
Amendments 447
Read the second time 582
Failed 582

S.B. 230 — LOCAL GOVERNMENT FUNDING OPTIONS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 277
Enacting Clause Stricken 957

S.B. 231 — WILDLAND FIRE SUPPRESSION AMENDMENTS *(L. Blackham)*
Read for the first time and referred to the President of the Senate 277
Enacting Clause Stricken 957

S.B. 232 — DELAY OF AND USE OF TAX BREAKS *(E. Mayne)*
Read for the first time and referred to the President of the Senate 277
Enacting Clause Stricken 957

S.B. 233 — EMPLOYMENT RELATIONSHIPS IN FILM INDUSTRY *(E. Mayne)*
Read for the first time and referred to the President of the Senate 277
Enacting Clause Stricken 957

S.B. 234 — EMPLOYMENT OF UTAH WORKERS *(E. Mayne)*
Read for the first time and referred to the President of the Senate 278
Enacting Clause Stricken 957

S.B. 235 — ATTORNEY GENERAL POWERS - CONTINGENT FEE ARRANGEMENTS *(R. Montgomery)*
Read for the first time and referred to the President of the Senate 278
Enacting Clause Stricken 957

S.B. 236 — STATE FISH AMENDMENTS *(P. Suazo)*
Read for the first time and referred to the President of the Senate 278
Assigned to standing committee 498
Placed on calendar 577
Read the second time 639
Read the third time 652
Transmitted to the House 652
Signed by the President and transmitted to the Governor 819

S.B. 237 — PROPERTY TAX ABATEMENT AGREEMENT *(L. Beattie)*
Read for the first time and referred to the President of the Senate 278

S.B. 237 — TAX REFUNDS TO PROMOTE HOTEL DEVELOPMENT *(D. Buhler)*
Read for the first time 831
Placed on calendar 810
Substituted 831
Read the second time 831
Read the third time 831
Transmitted to the House 832
Enacting Clause Stricken 955

S.B. 238 — INDEPENDENT HEARING OFFICERS FOR TEACHERS *(R. Evans)*
Read for the first time and referred to the President of the Senate 278
Enacting Clause Stricken 957

S.B. 239 — AMENDMENTS TO ETHICS LAW *(D. Buhler)*
Read for the first time and referred to the President of the Senate 278
Assigned to standing committee 584
Placed on calendar 636
Read the second time 659
Read the third time 678
Transmitted to the House 679
Signed by the President and transmitted to the Governor 952

S.B. 240 — ROCKY MOUNTAIN PRESIDENTIAL PRIMARY TASK FORCE APPOINTMENTS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 278
Read for the first time 594
Assigned to standing committee 363
Placed on calendar 448
Read the second time 594
Read the third time 615
Transmitted to the House 615
Signed by the President and transmitted to the Governor 879

S.B. 241 — REPORTING ELECTED OFFICIAL FUNDS *(E. Mayne)*
Read for the first time and referred to the President of the Senate 279
Assigned to standing committee 584
Placed on calendar 636
Amendments 730
Read the second time 660
Read the third time 724
Circled 660
Uncircled 708
Transmitted to the House 724, 731
Reconsideration 730
Enacting Clause Stricken 955

S.B. 242 — CAMPAIGN FINANCE REFORM AMENDMENT *(R. Steiner)*
Read for the first time and referred to the President of the Senate 279
Enacting Clause Stricken 957

S.B. 243 — BONDS FOR HIGHWAY FUNDING *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 279
Placed on calendar 863
Amendments 890
Read the second time 890
Read the third time 890
Circled 863
Returned to the House 891
Signed by the President and transmitted to the Governor 952

S.B. 244 — PUBLIC NUDITY PROHIBITION *(C. Taylor)*
Read for the first time and referred to the President of the Senate 279
Assigned to standing committee 416
Placed on calendar 577
Amendments 803
Substituted 703
Read the second time 654
Read the third time 721
Circled 654, 721
Uncircled 702, 739
Failed 739
Reconsideration 803

Intent Language 803
Transmitted to the House 803
Enacting Clause Stricken 955

S.B. 245 — REGULATION OF OCTANE RATING ON GAS *(C. Taylor)*
Read for the first time and referred to the President of the Senate 279
Enacting Clause Stricken 957

S.B. 246 — PARENTAL RESPONSIBILITY FOR WRONGFUL CONDUCT OF CHILD *(P. Suzzo)*
Read for the first time and referred to the President of the Senate 279
Assigned to standing committee 584
Placed on calendar 725
Read the second time 725
Read the third time 728
Transmitted to the House 729
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 955

S.B. 247 — SUPPLEMENTAL APPROPRIATIONS ACT II *(L. McAllister)*
Read for the first time and referred to the President of the Senate 279
Placed on calendar 863
Amendments 923
Substituted 899
Read the second time 899
Read the third time 899
Circled 863
Uncircled 899
Transmitted to the House 900
Concurrence 923
Returned to the House 924
Signed by the President and transmitted to the Governor 953
Action taken by the Governor 963

S.B. 248 — CHANGES TO ENVIRONMENTAL LAW *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 280
Enacting Clause Stricken 957

S.B. 249 — REORGANIZATION OF DEPARTMENT OF ADMINISTRATIVE SERVICES *(G. Manuel)*
Read for the first time and referred to the President of the Senate 557
Assigned to standing committee 584
Placed on calendar 636
Read the second time 660
Read the third time 679
Transmitted to the House 679
Signed by the President and transmitted to the Governor 840

S.B. 250 — DEPARTMENT OF CORRECTIONS - EMERGENCY RELEASE *(L. Hillyard)*
Read for the first time and referred to the President of the Senate 645
Assigned to standing committee 658
Placed on calendar 699
Read the second time 712
Read the third time 726
Circled 726
Uncircled 729
Transmitted to the House 729
Signed by the President and transmitted to the Governor 819

S.B. 251 — UNIFORM FEES ON TANGIBLE PERSONAL PROPERTY *(C. Peterson)*
Read for the first time and referred to the President of the Senate 798
Placed on calendar 833
Read the second time 898

Read the third time 898
Circled 833
Uncircled 898
Transmitted to the House 898
Recalled 946
Returned to the House 946
Signed by the President and returned to the House 948

S.B. 252 — COLLECTION OF FUEL TAX *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 810
Placed on calendar 810
Amendments 891
Substituted 891
Read the second time 891
Read the third time 891
Circled 810
Transmitted to the House 892
Signed by the President and transmitted to the Governor 953

S.B. 253 — MOTOR FUEL TAX INCREASE *(L. McAllister)*
Read for the first time and referred to the President of the Senate 808
Placed on calendar 808
Substituted 893
Read the second time 893
Read the third time 893
Circled 808
Transmitted to the House 894
Signed by the President and transmitted to the Governor 952

S.B. 254 — USE OF MOTOR FUEL TAX *(L. Blackburn)*
Read for the first time and referred to the President of the Senate 810
Placed on calendar 810
Circled 810
Uncircled 898
Returned to the Secretary of the Senate 898
Enacting Clause Stricken 957

S.C.R. 1 — RESOLUTION INTEGRATING UTAH TOMORROW PRINCIPLES *(L. McAllister)*
Read for the first time and referred to the President of the Senate 116
Assigned to standing committee 118
Placed on calendar 137
Read the second time 161
Read the third time 169
Transmitted to the House 169
Returned to the House 458
Enacting Clause Stricken 955
Signed by the President and transmitted to the Governor 405

S.C.R. 2 — UTAH TOMORROW RESOLUTION *(L. McAllister)*
Read for the first time and referred to the President of the Senate 116
Assigned to standing committee 118
Placed on calendar 137
Amendments 161, 169
Read the second time 161
Read the third time 169
Transmitted to the House 170
Concurrence 406
Returned to the House 406
Enacting Clause Stricken 955

S.C.R. 3 — RESOLUTION DESIGNATING BONE MARROW REGISTRATION DAY *(M. Peterson)*
Read for the first time and referred to the President of the Senate 202
Assigned to standing committee 214
Read the second time and placed on Consent Calendar 291
Read the third time 343
Transmitted to the House 344
Signed by the President and transmitted to the Governor 500

S.C.R. 4 — RESOLUTION ENCOURAGING ECONOMIC RESETTLEMENT OF RURAL UTAH *(L. Blackham)*
Read for the first time and referred to the President of the Senate 253
Assigned to standing committee 318
Placed on calendar 378
Amendments 491
Read the second time 491
Read the third time 491
Transmitted to the House 492
Other 466
Signed by the President and transmitted to the Governor 500

S.J.R. 1 — RESOLUTION AMENDING LEGISLATOR ELIGIBILITY STANDARDS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 253
Assigned to standing committee 263
Placed on calendar 302
Read the second time 455
Read the third time 465
Transmitted to the House 466
Signed by the President and transmitted to the Governor 819

S.J.R. 2 — RESOLUTION URGING CONGRESSIONAL FACILITATION OF HEALTH CARE PRODUCTS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 116
Assigned to standing committee 144
Placed on calendar 180
Read the second time 209
Read the third time 226
Transmitted to the House 226
Signed by the President and transmitted to the Governor 405

S.J.R. 3 — RESOLUTION ENCOURAGING SHORTENING DAYLIGHT SAVINGS PERIOD *(E. Mayne)*
Read for the first time and referred to the President of the Senate 168
Assigned to standing committee 183
Placed on calendar 245
Read the second time 380
Read the third time 393
Transmitted to the House 394
Signed by the President and transmitted to the Governor 536

S.J.R. 4 — PUBLIC SCHOOL SNOW DAYS RESOLUTION *(S. Howell)*
Read for the first time and referred to the President of the Senate 181
Assigned to standing committee 257
Placed on calendar 326
Read the second time 383
Read the third time 383
Transmitted to the House 384
Concurrence 632
Other 360
Signed by the President and transmitted to the Governor 661

S.J.R. 5 — RESOLUTION ON REPUBLIC OF CHINA ON TAIWAN *(C. Peterson)*
Read for the first time and referred to the President of the Senate 181
Assigned to standing committee 214
Placed on calendar 322
Read the second time 372
Read the third time 372
Transmitted to the House 372
Other 335
Signed by the President and transmitted to the Governor 374

S.J.R. 6 — RESOLUTION ON USE OF FORT DOUGLAS AREA *(B. Wharton)*
Read for the first time and referred to the President of the Senate 197
Assigned to standing committee 214
Returned to the Secretary of the Senate 700
Enacting Clause Stricken 957

S.J.R. 7 — JOINT RULES RESOLUTION - AMENDING LEGISLATIVE PROCEDURES *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 219
Placed on calendar 220
Read the second time 221
Read the third time 221
Transmitted to the House 222
Signed by the President and transmitted to the Lt. Governor 231
S.J.R. 8 — JOINT RULES RESOLUTION - FISCAL PRIORITIZATION *(R. Steiner)*
Read for the first time and referred to the President of the Senate 219
Assigned to standing committee 257
Placed on calendar 302
Read the second time 475
Returned to the Secretary of the Senate 475
Enacting Clause Stricken 957
S.J.R. 9 — JOINT RULES RESOLUTION - CHANGES TO BILL AND APPROPRIATION PROCESS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 219
Placed on calendar 220
Read the second time 222
Read the third time 222
Transmitted to the House 222
Concurrence 246
Returned to the House 247
Signed by the President and transmitted to the Governor 265
S.J.R. 10 — RESOLUTION URGING REEVALUATION OF CENTRALLY ASSESSED TELECOMMUNICATIONS PROVIDERS *(H. Stephenson)*
Read for the first time and referred to the President of the Senate 253
Assigned to standing committee 498
Placed on calendar 602
Read the second time 656
Read the third time 677
Transmitted to the House 677
Concurrence 897
Returned to the House 897
Signed by the President and transmitted to the Governor 953
S.J.R. 11 — OLYMPIC FACILITIES REPAYMENT RESOLUTION *(A. Myrin)*
Read for the first time and referred to the President of the Senate 280
Placed on calendar 833
Read the second time 843
Read the third time 843
Circled 833
Transmitted to the House 844
Signed by the President and transmitted to the Governor 952
S.J.R. 12 — RESOLUTION ON OZONE AND PARTICULATE MATTER *(M. Dmitrich)*
Read for the first time and referred to the President of the Senate 280
Assigned to standing committee 376
Read the second time and placed on Consent Calendar 506
Read the third time 588
Transmitted to the House 588
Concurrence 895
Returned to the House 895
Signed by the President and transmitted to the Governor 953
S.J.R. 13 — RETIREMENT CONVERSION AND CREDIT RESOLUTION *(E. Mayne)*
Read for the first time and referred to the President of the Senate 280
Enacting Clause Stricken 957

S.J.R. 14 — RESOLUTION AMENDING RULE OF EVIDENCE *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 538
Assigned to standing committee 555
Read the second time and placed on Consent Calendar 638
Read the third time 718
Transmitted to the House 719
Signed by the President and transmitted to the Governor 879

S.R. 1 — SENATE RULES RESOLUTION – INTRODUCING BILLS *(L. Beattie)*
Read for the first time and referred to the President of the Senate 220
Placed on calendar 220
Read the second time 222
Transmitted to the House 222
Signed by the President and transmitted to the Lt. Governor 223

S.R. 2 — SENATE RULES RESOLUTION – MOTIONS TO CIRCLE *(M. Peterson)*
Read for the first time and referred to the President of the Senate 254
Assigned to standing committee 263
Placed on calendar 302, 334
Read the second time 334
Read the third time 334
Signed by the President and transmitted to the Lt. Governor 334

S.R. 3 — SENATE RULES RESOLUTION – QUORUM COMMITTEE *(J. Holmgren)*
Read for the first time and referred to the President of the Senate 345
Placed on calendar 325
Read the second time 334, 345
Read the third time 337, 345
Reconsideration 345
Signed by the President and transmitted to the Lt. Governor 337, 345

PAGE
INDEX

HOUSE BILLS AND RESOLUTIONS

FIFTY-SECOND LEGISLATURE

GENERAL SESSION

January 20 through March 5, 1997

H.B. 1 — APPROPRIATIONS ACT *(M. Stephens)*
Read for the first time and referred to the President of the Senate 796
Placed on calendar 799
Read the second time 800
Read the third time 800
Signed by the President and returned to the House 801

H.B. 2 — MINIMUM SCHOOL PROGRAM ACT AMENDMENTS *(B. Wright)*
Read for the first time and referred to the President of the Senate 799
Placed on calendar 799
Amendments 801, 842
Read the second time 801
Read the third time 801
Refuse to Recede 819
Joint Conference Committee Report 842
Returned to the House 843
Other 832
Signed by the President and returned to the House 856

H.B. 3 — STATE BUILDINGS - PREVENTIVE MAINTENANCE *(G. Adair)*
Read for the first time and referred to the President of the Senate 143
Assigned to standing committee 157
Placed on calendar 180
Read the second time 212
Read the third time 228
Signed by the President and returned to the House 228

H.B. 4 — PUBLIC SAFETY - MISSING PERSONS CENTER *(K. Johnson)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 201
Placed on calendar 245, 706
Read the second time 312
Before the Senate 312
Read the third time 732
Circled 706
Uncircled 731
Tabled 313
Signed by the President and returned to the House 732

2nd Sub. H.B. 5 — AUTOMATED TELLER MACHINE AMENDMENTS *(F. Hunsaker)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 200
Placed on calendar 367
Amendments 365
Read the second time 416
Read the third time 486
Circled 416
Uncircled 418
Returned to the House 486
Signed by the President and returned to the House 517

Sub. H.B. 6 — SURVIVING SPOUSE PENSION *(O. Carnahan)*
Read for the first time and referred to the President of the Senate 613
Placed on calendar 899
Amendments 927
Read the second time 926
Read the third time 926
Returned to the House 927
Signed by the President and returned to the House 950

Sub. H.B. 7 — TUITION WAIVER AMENDMENTS *(J. Hickman)*
Read for the first time and referred to the President of the Senate 671
Placed on calendar 864
Read the second time 906
Read the third time 906
Signed by the President and returned to the House 907
Action taken by the Governor 960

H.B. 8 — CAPITOL ART PLACEMENT COMMISSION *(J. Tanner)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 220
Placed on calendar 302
Amendments 301
Read the second time 316
Before the Senate 317
Read the third time 333
Returned to the House 334
Signed by the President and returned to the House 355

H.B. 11 — LIMITATION OF LANDOWNER LIABILITY AMENDMENTS *(D. Tuttle)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 325
Placed on calendar 399
Amendments 495, 668
Read the second time 426
Read the third time 493
Circled 493
Uncircled 494
Returned to the House 495
House Refuses to Concur 518
Refuse to Recede 606
Joint Conference Committee Report 667
Other (Joint Conference Committee) 633
Signed by the President and returned to the House 668, 685

Sub. H.B. 12 — BOARDS AND COMMISSIONS AMENDMENTS *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 291
Placed on calendar 356
Amendments 438
Read the second time 412
Read the third time 438
Signed by the President and returned to the House 457
Returned to the House 439

H.B. 13 — CHILD SUPPORT REDUCTION FOR EXTENDED VISITATION *(M. Dayton)*
Read for the first time and referred to the President of the Senate 374
Assigned to standing committee 416
Placed on calendar 577, 921
Returned to the Secretary of the Senate 772
Enacting Clause Stricken 953

H.B. 14 — SELF INSURED PREMIUM ASSESSMENT *(G. Adair)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 256
Placed on calendar 399
Read the second time 424
Read the third time 489
Signed by the President and returned to the House 490

H.B. 15 — TRANSIT DISTRICT AUTHORITY *(R. Bigelow)*
Read for the first time and referred to the President of the Senate 430
Assigned to standing committee 468
Placed on calendar 577, 921
Enacting Clause Stricken 953

H.B. 16 — UTAH SUMMER GAMES APPROPRIATION *(D. Bowman)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 325
Placed on calendar 378, 706
Amendments 734
Read the second time 422
Read the third time 734
Circled 706
Uncircled 731
Tabled 422
Returned to the House 735
Signed by the President and returned to the House 783

H.B. 17 — COUNTERFEIT FINANCIAL TRANSACTION CARD AMENDMENTS *(B. Goodfellow)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 200
Placed on calendar 505, 864
Amendments 503
Read the second time 901
Read the third time 901
Returned to the House 902
Signed by the President and returned to the House 950

H.B. 18 — HIGHER EDUCATION REVENUE BONDS *(F. Hunsaker)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 200
Placed on calendar 291
Read the second time 314
Before the Senate 315
Read the third time 332
Signed by the President and returned to the House 332
Action taken by the Governor 794

H.B. 19 — REAL PROPERTY IMPROVEMENTS AGREEMENTS *(D. Ure)*
Read for the first time and referred to the President of the Senate 518
Assigned to standing committee 555
Placed on calendar 636, 844
Amendments 813
Read the second time 812
Read the third time 828
Circled 812, 828
Uncircled 813, 844
Returned to the House 845
Signed by the President and returned to the House 856

Sub. H.B. 20 — CITATION PROCEDURE *(N. Hendrickson)*
Read for the first time and referred to the President of the Senate 232
Assigned to standing committee 352
Substituted 431
Read the second time and placed on Consent Calendar 432
Read the third time 483
Returned to the House 484
Signed by the President and returned to the House 517

Sub. H.B. 21 — CONTROLLED SUBSTANCES AMENDMENTS *(N. Hendrickson)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 325
Placed on calendar 367
Read the second time 419
Before the Senate 422
Read the third time 488
Tabled 419
Signed by the President and returned to the House 489

H.B. 22 — UNLAWFUL ACTIVITY AMENDMENTS *(S. Barth)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 201
Placed on calendar 343
Read the second time 412
Read the third time 488
Circled 412
Uncircled 421
Signed by the President and returned to the House 488

H.B. 23 — COUNTY IMPROVEMENT DISTRICTS AMENDMENTS *(D. Hogue)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 291
Placed on calendar 356
Read the second time 413
Read the third time 440
Signed by the President and returned to the House 440

Sub. H.B. 24 — MUNICIPAL DISTRICTS *(D. Bush)*
Read for the first time and referred to the President of the Senate 199
Assigned to committee 291
Placed on calendar 356
Read the second time 413
Read the third time 485
Signed by the President and returned to the House 485

H.B. 25 — PUBLIC WATER SUPPLY AGENCIES - APPLICATION AND USE *(D. Iverson)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 220
Placed on calendar 302
Read the second time 316
Read the third time 332
Signed by the President and returned to the House 333

H.B. 26 — DEPOSITORY INSTITUTION NAME AMENDMENTS *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 319
Read the second time and placed on Consent Calendar 367
Read the third time 432
Signed by the President and returned to the House 432

2nd Sub. H.B. 27 — CIGARETTES - TAX INCREASE AND REGULATION *(J. Tanner)*
Read for the first time and referred to the President of the Senate 405
Assigned to standing committee 450
Placed on calendar 534, 550
Amendments 550
Read the second time 550
Read the third time 568
Transmitted to the House 568
Signed by the President and returned to the House 597

H.B. 29 — MOBILE HOME TENANT AMENDMENTS *(L. Frandsen)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 200
Placed on calendar 399
Read the second time 424
Read the third time 490
Signed by the President and returned to the House 490

Sub. H.B. 30 — CONCEALED FIREARMS AMENDMENTS *(S. Barth)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 585
Placed on calendar 666, 899
Read the second time 918
Read the third time 918
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 919

H.B. 31 — MOTOR VEHICLE SAFETY INVESTIGATORS *(W. Harper)*
Read for the first time and referred to the President of the Senate 289
Assigned to standing committee 319
Placed on calendar 378
Read the second time 420
Read the third time 487
Signed by the President and returned to the House 487

H.B. 32 — RECREATION IMPACT FEES *(J. Valentine)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 610
Placed on calendar 666, 706
Read the second time 746
Read the third time 766
Circled 706
Uncircled 743
Signed by the President and returned to the House 766

H.B. 33 — DESIGNATION OF STATE FRUIT *(F. Hunsaker)*
Read for the first time and referred to the President of the Senate 249
Assigned to standing committee 287, 328
Read the second time and placed on Consent Calendar 432
Read the third time 481
Other 328
Signed by the President and returned to the House 482

H.B. 34 — ASSAULT AMENDMENTS *(P. Knudson)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 201
Placed on calendar 245
Read the second time 312
Read the third time 330
Signed by the President and returned to the House 330

H.B. 35 — ACCELERATED LEARNING AMENDMENTS *(L. Frandsen)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 319
Placed on calendar 367, 709
Read the second time 419
Read the third time 737
Circled 721
Uncircled 731
Tabled 419
Signed by the President and returned to the House 737

H.B. 39 — HIGHER EDUCATION PARKING ENFORCEMENT *(A. Tyler)*
Read for the first time and referred to the President of the Senate 482
Assigned to standing committee 531
Read the second time and placed on Consent Calendar 603
Read the third time 671
Signed by the President and returned to the House 671

H.B. 40 — RENEWAL OF DRIVERS LICENSES KIOSKS *(P. Arent)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 257
Placed on calendar 343, 706
Read the second time 410
Read the third time 734
Circled 706
Uncircled 731
Tabled 410
Signed by the President and returned to the House 734

H.B. 41 — RESTRICTIONS ON WEAPONS IN AIRPORTS *(J. Arrington)*
Read for the first time and referred to the President of the Senate 458
Assigned to standing committee 556
Placed on calendar 636
Read the second time 811
Read the third time 826
Signed by the President and returned to the House 827

Sub. H.B. 42 — JUVENILE COURT HEARINGS AND RECORDS *(P. Arent)*
Read for the first time and referred to the President of the Senate 365
Assigned to standing committee 384
Placed on calendar 431
Read the second time 507
Read the third time 522
Signed by the President and returned to the House 523
Action taken by the Governor 964

H.B. 43 — COUNTY AND MUNICIPALITY JUDGESHIPS *(W. Harper)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 352
Read the second time and placed on Consent Calendar 432
Read the third time 484
Signed by the President and returned to the House 484

H.B. 44 — CONCURRENT AND CONSECUTIVE SENTENCING LIMITATIONS *(N. Hendrickson)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 352
Placed on calendar 432
Amendments 432
Read the third time 484
Returned to the House 485
Signed by the President and returned to the House 517

Sub. H.B. 45 — TRAFFIC CHECKPOINT AMENDMENTS *(N. Stephens)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 444
Read the second time and placed on Consent Calendar 534
Read the third time 613
Signed by the President and returned to the House 614

H.B. 46 — FEE FOR BACKGROUND CHECK BEFORE HANDGUN PURCHASE *(S. Kuhn)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 556

Placed on calendar 636, 899
Read the second time 919
Read the third time 919
Signed by the President and returned to the House 919
Returned to the Secretary of the Senate 772

H.B. 48 — AMENDMENTS TO CAPITAL SENTENCING *(D. Urn)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 468
Placed on calendar 577
Read the second time 804
Read the third time 823
Signed by the President and returned to the House 823

H.B. 50 — CHILD RESTRAINT REQUIREMENTS AND PENALTIES *(B. King)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 375
Placed on calendar 431
Read the second time 506
Read the third time 521
Signed by the President and returned to the House 522

H.B. 51 — TOLLING A CRIMINAL SENTENCE *(G. Curtis)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 352
Read the second time and placed on Consent Calendar 379
Read the third time 433
Signed by the President and returned to the House 434

H.B. 52 — PROHIBITION OF CONTRABAND IN A CORRECTIONAL FACILITY *(S. Koehn)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 397
Placed on calendar 505, 899
Amendments 505
Read the second time 919
Read the third time 919
Returned to the House 920
Signed by the President and returned to the House 950

4th Sub. H.B. 54 — DANGEROUS WEAPON PENALTY ENHANCEMENT *(G. Cox)*
Read for the first time and referred to the President of the Senate 574
Assigned to standing committee 611
Placed on calendar 666
Read the second time 814
Read the third time 830
Circled 814
Uncircled 815
Signed by the President and returned to the House 830

Sub. H.B. 55 — ALCOHOL AND DRUG TESTING FEE *(D. Bush)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 319
Placed on calendar 367
Amendments 366
Read the second time 419
Read the third time 486
Returned to the House 487
Signed by the President and returned to the House 517

H.B. 56 — PRIVATE ACTIVITY BONDING *(R. Becker)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 397

Placed on calendar 577, 899
Read the second time 918
Read the third time 918
Signed by the President and returned to the House 950
Returned to the House 918
Returned to the Secretary of the Senate 772

3rd Sub. H.B. 57 — PENALTY FOR THEFT OF ANIMAL *(C. Barnes)*
Read for the first time and referred to the President of the Senate 339
Assigned to standing committee 362
Placed on calendar 462
Read the second time 508
Read the third time 523
Signed by the President and returned to the House 524

H.B. 58 — RESENTENCING AMENDMENTS *(D. Gladwell)*
Read for the first time and referred to the President of the Senate 249
Assigned to standing committee 352
Placed on calendar 431
Read the second time 507
Read the third time 523
Signed by the President and returned to the House 523

H.B. 60 — POST CONVICTION REMEDIES - DEATH PENALTY *(M. Stephens)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 257
Placed on calendar 302, 706
Amendments 732, 746
Read the second time 322
Read the third time 732
Circled 706
Uncircled 731
Tabled 322
Recalled 744
Returned to the House 733
Reconsideration 746
Signed by the President and returned to the House 746

Sub. H.B. 61 — PROPERTY TAX NOTIFICATION, ASSESSMENT, COLLECTION, AND APPEAL *(E. Anderson)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 325
Read the second time and placed on Consent Calendar 449, 459
Read the third time 520
Signed by the President and returned to the House 520

H.B. 62 — EXEMPTIONS FROM CONSTRUCTION TRADES LICENSING ACT *(B. Wright)*
Read for the first time and referred to the President of the Senate 215
Assigned to standing committee 256
Placed on calendar 367
Read the second time 418
Read the third time 486
Circled 486
Uncircled 625
Signed by the President and returned to the House 625

H.B. 63 — APPROPRIATION FOR OLENE WALKER HOUSING TRUST FUND *(G. Adair)*
Read for the first time and referred to the President of the Senate 365
Enacting Clause Stricken 953

Sub. H.B. 64 — PRIVATE PROPERTY PROTECTION ACT AMENDMENTS *(E. Olsen)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 754
Read the second time 764
Read the third time 764
Signed by the President and returned to the House 764

Sub. H.B. 65 — DRIVING UNDER THE INFLUENCE AMENDMENTS *(N. Stephens)*
Read for the first time and referred to the President of the Senate 632
Enacting Clause Stricken 953

H.B. 66 — APPROPRIATION FOR PIONEER DISPLAY *(B. Allen)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 257
Placed on calendar 326, 740
Amendments 326
Read the second time 410
Read the third time 743
Tabled 410
Returned to the House 744
Returned to the Secretary of the Senate 706
Signed by the President and returned to the House 783

Sub. H.B. 67 — CHILDREN'S READING SKILLS *(J. Haymond)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 921
Read the second time 937, 939
Circled 937
Uncircled 939
Read the third time 939
Signed by the President and returned to the House 939

Sub. H.B. 68 — DISPOSAL FEE FOR CONSTRUCTION AND DEMOLITION WASTE *(D. Tuttle)*
Read for the first time and referred to the President of the Senate 417
Assigned to standing committee 468
Read the second time and placed on Consent Calendar 603
Read the third time 673
Signed by the President and returned to the House 674

H.B. 69 — SERIOUS HABITUAL YOUTH OFFENDER PROGRAM *(B. Chard)*
Read for the first time and referred to the President of the Senate 365
Assigned to standing committee 397
Placed on calendar 505, 706
Read the second time 748
Read the third time 748
Circled 706
Uncircled 743
Signed by the President and returned to the House 748

H.B. 70 — UTAH NATIONAL PARKS HIGHWAY DESIGNATION *(K. Johnson)*
Read for the first time and referred to the President of the Senate 289
Assigned to standing committee 319
Placed on calendar 378
Amendments 377
Read the second time 420
Read the third time 487
Returned to the House 488
Signed by the President and returned to the House 517

Sub. H.B. 71 — TELECOMMUNICATIONS - UNIVERSAL SERVICE AMENDMENTS *(M. Stephens)*
Read for the first time and referred to the President of the Senate 518
Assigned to standing committee 556
Placed on calendar 636
Read the second time 812
Read the third time 827
Signed by the President and returned to the House 828

Sub. H.B. 72 — PROCUREMENT OF ARCHITECT, ENGINEER, OR SURVEYOR SERVICES BY POLITICAL SUBDIVISIONS *(A. Tyler)*
Read for the first time and referred to the President of the Senate 386
Assigned to standing committee 444
Placed on calendar 577, 848
Returned to the Secretary of the Senate 772
Read the second time 852
Read the third time 867
Circled 852
Uncircled 853
Signed by the President and returned to the House 868

H.B. 74 — COUNTY SERVICE AREAS AMENDMENTS *(M. Stephens)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 319
Read the second time and placed on Consent Calendar 401
Read the third time 451
Signed by the President and returned to the House 451

Sub. H.B. 75 — AMENDMENTS TO STATUTE OF LIMITATIONS *(P. Buckner)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 397
Returned to the Secretary of the Senate 702
Placed on calendar 921
Enacting Clause Stricken 953

H.B. 76 — UTAH BOTANICAL CENTER APPROPRIATION *(M. Dillree)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 325
Placed on calendar 378, 706
Amendments 738
Read the second time 423
Tabled 423
Read the third time 738
Circled 706, 735
Uncircled 731, 738
Transmitted to the House 738
Signed by the President and returned to the House 783

H.B. 77 — OUTSIDE EMPLOYMENT FOR MENTAL HEALTH ADVISOR *(M. Dayton)*
Read for the first time and referred to the President of the Senate 430
Assigned to standing committee 444
Placed on calendar 602, 921
Returned to the Secretary of the Senate 772
Enacting Clause Stricken 953

Sub. H.B. 78 — WITNESS IMMUNITY AMENDMENTS *(D. Gladwell)*
Read for the first time and referred to the President of the Senate 470
Assigned to standing committee 531
Placed on calendar 848, 864
Read the second time 871

Read the third time 871
Returned to the Secretary of the Senate 702, 854
Signed by the President and returned to the House 871

Sub. H.B. 79 — CHILD CUSTODY AND VISITATION AMENDMENTS *(B. Holladay)*
Read for the first time and referred to the President of the Senate 743
Enacting Clause Stricken 953

Sub. H.B. 80 — REAL PROPERTY - PRESUMPTION OF TITLE *(J. Swallow)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 468
Amendments 667
Read the second time and placed on Consent Calendar 667
Read the third time 790
Returned to the House 790
Signed by the President and returned to the House 819

H.B. 81 — APPROPRIATION FOR CLASSROOM SUPPLIES *(R. Bigelow)*
Read for the first time and referred to the President of the Senate 365
Assigned to standing committee 397
Placed on calendar 448, 709
Read the second time 508
Read the third time 737
Circled 721
Uncircled 731
Tabled 508
Signed by the President and returned to the House 738

H.B. 82 — PUBLIC TRANSIT DISTRICT ETHICS *(R. Short)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 498
Placed on calendar 577, 921
Read the second time 937
Read the third time 937
Signed by the President and returned to the House 937

H.B. 84 — SALES TAX - EXEMPTION FOR EMPLOYEE TRANSPORTATION *(J. Swallow)*
Read for the first time and referred to the President of the Senate 482
Assigned to standing committee 531
Read the second time and placed on Consent Calendar 603
Read the third time 672
Signed by the President and returned to the House 673

H.B. 86 — RAW MILK MARKETING AMENDMENTS *(B. Wright)*
Read for the first time and referred to the President of the Senate 717
Enacting Clause Stricken 953

H.B. 87 — COMPUTER CRIMES AMENDMENTS *(B. Holladay)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 611
Placed on calendar 921
Read the second time 939
Read the third time 939
Returned to the Secretary of the Senate 702
Signed by the President and returned to the House 940

H.B. 88 — TOURISM MARKETING PERFORMANCE FUND *(S. Allen)*
Read for the first time and referred to the President of the Senate 645
Read for the first time 873
Placed on calendar 740, 873
Circled 873
Uncircled 884

Amendments 884
Read the second time 884
Read the third time 884
Returned to the House 754, 885
Signed by the President and returned to the House 913

H.B. 89 — APPROPRIATIONS FOR BRIDGERLAND ICE SHEET *(C. Bunars)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 584
Placed on calendar 636
Returned to the Secretary of the Senate 772
Enacting Clause Stricken 953

H.B. 90 — ELK FARMING *(B. Johnson)*
Read for the first time and referred to the President of the Senate 374
Assigned to standing committee 397
Placed on calendar 462
Amendments 524
Read the second time 509
Read the third time 524
Returned to the House 524
Signed by the President and returned to the House 554

Sub. H.B. 91 — COHABITANT ABUSE ACT AMENDMENTS *(P. Larson)*
Read for the first time and referred to the President of the Senate 365
Assigned to standing committee 397
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 953

H.B. 92 — CHILD ABUSE PROTECTIONS *(G. Cox)*
Read for the first time and referred to the President of the Senate 518
Assigned to standing committee 556
Placed on calendar 636, 899
Read the second time 917
Read the third time 917
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 917

H.B. 93 — APPROPRIATION FOR CHILDREN'S ART FACILITY EXPANSION *(J. Haymond)*
Read for the first time and referred to the President of the Senate 482
Assigned to standing committee 531
Placed on calendar 602, 706
Amendments 750
Read the second time 750
Read the third time 750
Circled 706
Uncircled 743
Returned to the House 751
Signed by the President and returned to the House 783

H.B. 94 — GUARDIAN AD LITEM AMENDMENTS *(S. Barth)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Placed on calendar 699, 721
Read the second time 760
Read the third time 760
Signed by the President and returned to the House 761

Sub. H.B. 95 — NOTARIES PUBLIC REVISION *(K. Bryson)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 584
Placed on calendar 666

Amendments 664
Returned to the Secretary of the Senate 772
Enacting Clause Stricken 953

H.B. 96 — WRONGFUL LIEN AMENDMENTS *(J. Swallow)*
Read for the first time and referred to the President of the Senate 536
Assigned to standing committee 556
Placed on calendar 848, 864
Amendments 882
Read the second time 875
Read the third time 882
Circled 875
Returned to the House 883
Returned to the Secretary of the Senate 854, 702
Signed by the President and returned to the House 913

H.B. 97 — CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PROFESSIONALS *(L. Nelson)*
Read for the first time and referred to the President of the Senate 645
Enacting Clause Stricken 953

2nd Sub. H.B. 98 — LOCAL TAXING AUTHORITY *(J. Valentine)*
Read for the first time and referred to the President of the Senate 645
Placed on calendar 816
Amendments 837
Read the second time 837
Read the third time 862
Returned to the House 862
Signed by the President and returned to the House 879

H.B. 99 — REQUIREMENTS OF STATUTORILY REQUIRED REPORTS AND NOTICES *(D. Jones)*
Read for the first time and referred to the President of the Senate 598
Assigned to standing committee 611
Placed on calendar 921
Read the second time 943
Read the third time 943
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 944

H.B. 103 — DUAL ENROLLMENT AMENDMENTS *(J. Alexander)*
Read for the first time and referred to the President of the Senate 613
Placed on calendar 921
Enacting Clause Stricken 953

Sub. H.B. 105 — CIVIL RELIEF ACT *(P. Knudson)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 899
Read the second time 933
Read the third time 933
Signed by the President and returned to the House 933

H.B. 106 — TRUST LANDS ACT AMENDMENTS *(B. Harward)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 864
Read the second time 906
Read the third time 906
Signed by the President and returned to the House 906

H.B. 107 — COUNSEL FOR INDIGENT DEFENDANTS *(T. Hatch)*
Read for the first time and referred to the President of the Senate 671
Placed on calendar 864

Amendments 909
Read the second time 909
Read the third time 909
Returned to the House 909
Signed by the President and returned to the House 950

H.B. 108 — MINERAL LEASE ACCOUNT AMENDMENTS *(J. Seitz)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 921
Enacting Clause Stricken 953

H.B. 109 — ADOPTION OF CHILDREN IN DIVISION OF CHILD AND FAMILY SERVICES CUSTODY *(N. Stephens)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 921
Amendments 936
Read the second time 935
Read the third time 935
Returned to the House 936
Signed by the President and returned to the House 950

H.B. 111 — TRANSPORTATION CORRIDOR FUNDING *(M. Dillree)*
Read for the first time and referred to the President of the Senate 796
Placed on calendar 864
Read the second time 888
Read the third time 888
Returned to the House 888
Failed 888
Reconsideration 912
Signed by the President and returned to the House 912

H.B. 112 — PREPLACEMENT AND POSTPLACEMENT ADOPTIVE EVALUATIONS *(R. Killpack)*
Read for the first time and referred to the President of the Senate 743
Enacting Clause Stricken 953

Sub. H.B. 113 — CHILD CARE LICENSING AMENDMENTS *(B. Chard)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 845
Amendments 845
Read the second time 845
Read the third time 845
Returned to the House 846
Signed by the President and returned to the House 856

H.B. 114 — TRANSPORTATION CORRIDOR ACQUISITION, PRESERVATION, AND REGULATION *(M. Dillree)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 864
Read the second time 887
Read the third time 887
Signed by the President and returned to the House 888

H.B. 115 — COOPERATIVE WILDLIFE MANAGEMENT UNITS *(B. Chard)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 706
Read the second time 798
Read the third time 822
Circled 706, 760
Uncircled 743, 798
Signed by the President and returned to the House 823

H.B. 117 — UNDERGROUND STORAGE TANK FUNDING *(B. Wright)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 816
Read the second time 833
Read the third time 860
Signed by the President and returned to the House 860

H.B. 119 — OIL AND GAS ROYALTY AMENDMENTS *(B. Evans)*
Read for the first time and referred to the President of the Senate 663
Enacting Clause Stricken 953

H.B. 121 — CRIMINAL JUSTICE BOARDS AND COMMISSIONS AMENDMENTS *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 671
Placed on calendar 706
Read the second time 804
Read the third time 823
Circled 706, 760
Uncircled 743, 804
Signed by the President and returned to the House 824

H.B. 123 — PUBLIC SAFETY FIREFIGHTER DEATH BENEFITS *(M. Carlson)*
Read for the first time and referred to the President of the Senate 663
Enacting Clause Stricken 953

2nd Sub. H.B. 124 — LICENSING OF DAY CARE FACILITIES *(D. Jones)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 754
Read the second time 765
Read the third time 765
Signed by the President and returned to the House 766

H.B. 125 — NATURAL GAS TECHNICIAN CERTIFICATION ACT *(R. Siddoway)*
Read for the first time and referred to the President of the Senate 880
Enacting Clause Stricken 953

H.B. 127 — UTILITY SITING AMENDMENTS *(P. Knudson)*
Read for the first time and referred to the President of the Senate 784
Placed on calendar 864
Read the second time 907
Read the third time 907
Signed by the President and returned to the House 907

H.B. 129 — CENTRALLY ASSESSED TAXPAYERS AMENDMENTS *(R. Short)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 584
Placed on calendar 816
Read the second time 838
Read the third time 862
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 863

H.B. 131 — DILIGENCE AND UNDERGROUND WATER CLAIMS - PUBLICATION AND REVIEW *(M. Styler)*
Read for the first time and referred to the President of the Senate 598
Assigned to standing committee 610
Placed on calendar 864
Read the second time 904
Read the third time 904
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 905

H.B. 132 — FUGITIVE BAIL AMENDMENTS *(B. Holladay)*
Read for the first time and referred to the President of the Senate 458
Assigned to standing committee 531
Placed on calendar 921
Read the second time 940
Read the third time 940
Returned to the Secretary of the Senate 702
Signed by the President and returned to the House 940

H.B. 137 — YOUTH CORRECTIONS AMENDMENTS *(S. Barth)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 611
Placed on calendar 864
Read the second time 889
Read the third time 889
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 889

H.B. 138 — STUDENT EDUCATION/OCCUPATION PLAN AMENDMENTS *(L. Frandsen)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Read the second time and placed on Consent Calendar 700
Read the third time 819
Signed by the President and returned to the House 820

H.B. 139 — EMPLOYEE LEASING COMPANY LICENSING ACT AMENDMENTS *(B. Allen)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 864
Circled 907
Read the second time 907
Uncircled 908
Read the third time 908
Signed by the President and returned to the House 909

H.B. 140 — HUNTING PERMITS FOR PERSONS WITH DISABILITIES *(B. Allen)*
Read for the first time and referred to the President of the Senate 430
Assigned to standing committee 444
Read the second time and placed on Consent Calendar 506
Read the third time 588
Signed by the President and returned to the House 588

H.B. 141 — MEDICAL EDUCATION PROGRAM *(J. Haymond)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 864
Read the second time 889
Read the third time 889
Signed by the President and returned to the House 890

H.B. 142 — ESCAPE AND ABSCONDING AMENDMENTS *(R. Killpack)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Placed on calendar 699, 921
Read the second time 940
Read the third time 940
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 941

H.B. 143 — UNLAWFUL DETAINER OF TENANT *(J. Swallow)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 531
Placed on calendar 848, 864
Returned to the Secretary of the Senate 854, 702

Read the second time 874
Read the third time 874
Amendments 874
Substituted 874
Returned to the House 875
Signed by the President and returned to the House 895

H.B. 144 — REVISING TERM LIMITS *(J. Arrington)*
Read for the first time and referred to the President of the Senate 574
Enacting Clause Stricken 953

H.B. 145 — MINING RECLAMATION AMENDMENTS *(J. Gowans)*
Read for the first time and referred to the President of the Senate 518
Assigned to standing committee 556
Placed on calendar 636
Returned to the Secretary of the Senate 800
Enacting Clause Stricken 953

H.B. 146 — COMMERCIAL TENANT - NOTICE OF UNLAWFUL DETAINER *(J. Swallow)*
Read for the first time and referred to the President of the Senate 613
Assigned to standing committee 642
Returned to the Secretary of the Senate 700
Enacting Clause Stricken 953

H.B. 147 — LIGHTS ON VEHICLES *(P. Buchner)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 416
Placed on calendar 462
Read the second time 509
Read the third time 524
Signed by the President and returned to the House 525

H.B. 148 — COUNTY OPTION SALES TAX FOR BOTANICAL AND CULTURAL ORGANIZATIONS *(B. Allen)*
Read for the first time and referred to the President of the Senate 232
Assigned to standing committee 257
Read the second time and placed on Consent Calendar 323
Read the third time 358
Signed by the President and returned to the House 358

H.B. 149 — MANUFACTURING OR POSSESSION OF INSTRUMENT FOR THEFT OR BURGLARY AMENDMENTS *(G. Davis)*
Read for the first time and referred to the President of the Senate 249
Assigned to standing committee 352
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 953

H.B. 150 — COUNTY IMPROVEMENT DISTRICT BOUNDARY ADJUSTMENT *(M. Dillree)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 319
Amendments 400, 450
Read the second time and placed on Consent Calendar 401
Read the third time 451
Returned to the House 452
Other 418, 449
Signed by the President and returned to the House 470

H.B. 153 — PROPERTY TAX RELIEF AMENDMENTS *(R. Short)*
Read for the first time and referred to the President of the Senate 143
Assigned to standing committee 157
Placed on calendar 264
Amendments 263

Read the second time 313
Read the third time 331
Returned to the House 331
Signed by the President and returned to the House 355

H.R. 154 — PROPERTY TAX - CIRCUIT BREAKER *(R. Short)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 257
Placed on calendar 322, 706
Read the second time 408
Read the third time 733
Circled 706
Uncircled 731
Tabled 409
Signed by the President and returned to the House 733

H.R. 155 — MASTER ROAD AMENDMENTS *(P. Knudson)*
Read for the first time and referred to the President of the Senate 143
Placed on calendar 144
Read the second time 216
Read the third time 181, 216
Signed by the President and returned to the House 182, 216
Recalled 213
Reconsideration 216

H.R. 156 — COUNSEL FOR INDIGENT DEFENDANTS IN JUVENILE COURT *(T. Hatch)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 353
Read the second time and placed on Consent Calendar 379
Read the third time 434
Signed by the President and returned to the House 434

H.R. 158 — TRANSPORTATION OF STUDENTS BY SCHOOL DISTRICTS *(K. Johnson)*
Read for the first time and referred to the President of the Senate 143
Assigned to standing committee 156
Placed on calendar 193
Read the second time 242
Before the Senate 309
Tabled 310
Returned to the Secretary of the Senate 706
Enacting Clause Stricken 953

H.R. 159 — CHILD SUPPORT ALTERNATIVE DISPUTE RESOLUTION AND ORDER MODIFICATION TASK FORCE *(B. Harward)*
Read for the first time and referred to the President of the Senate 374
Assigned to standing committee 428
Placed on calendar 473
Read the second time 511
Circled 511
Uncircled 512
Tabled 513
Returned to the Secretary of the Senate 706
Enacting Clause Stricken 953

H.R. 160 — ELECTION LAW TECHNICAL AMENDMENTS *(M. Carlson)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 257
Read the second time and placed on Consent Calendar 323
Read the third time 357
Signed by the President and returned to the House 357

H.B. 161 — MUNICIPAL ELECTION AMENDMENTS *(J. Tanner)*
Read for the first time and referred to the President of the Senate 289
Assigned to standing committee 375
Placed on calendar 473
Read the second time 513
Read the third time 525
Signed by the President and returned to the House 526

H.B. 162 — ELECTRONIC MEETINGS *(B. Goodfellow)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 257
Read the second time and placed on Consent Calendar 323
Read the third time 357
Signed by the President and returned to the House 357

H.B. 163 — PRISON INMATE EDUCATION AMENDMENTS *(L. Frandsen)*
Read for the first time and referred to the President of the Senate 148
Assigned to standing committee 176
Placed on calendar 193
Read the second time 242
Before the Senate 310
Read the third time 327
Signed by the President and returned to the House 328

H.B. 164 — CHILDREN AND YOUTH AT RISK AMENDMENTS *(B. Evans)*
Read for the first time and referred to the President of the Senate 143
Assigned to standing committee 157
Placed on calendar 193
Read the second time 243
Before the Senate 310
Read the third time 328
Signed by the President and returned to the House 329

H.B. 166 — JOINT LIAISON COMMITTEE AMENDMENTS *(B. Evans)*
Read for the first time and referred to the President of the Senate 165
Assigned to standing committee 182
Placed on calendar 218
Read the second time 311
Read the third time 329
Signed by the President and returned to the House 329

H.B. 167 — CHILD SUPPORT - SOCIAL SECURITY CREDIT *(B. Harward)*
Read for the first time and referred to the President of the Senate 165
Assigned to standing committee 182
Placed on calendar 218
Read the second time 311
Read the third time 329
Signed by the President and returned to the House 330

H.B. 169 — TRANSIT DISTRICT COLLECTIONS AND BUDGET *(R. Short)*
Read for the first time and referred to the President of the Senate 165
Assigned to standing committee 375
Read the second time and placed on Consent Calendar 432
Read the third time 483
Signed by the President and returned to the House 483

H.B. 170 — DOMESTIC ABUSE INSURANCE PRACTICES *(S. Allen)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 428
Read the second time and placed on Consent Calendar 474
Read the third time 557
Signed by the President and returned to the House 558

H.B. 171 — HOUSING COORDINATION AND PLANNING *(F. Hunsaker)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 256
Placed on calendar 322
Amendments 320
Read the second time 336
Read the third time 390
Returned to the House 390
Signed by the President and returned to the House 417

H.B. 172 — CHILDREN AND YOUTH TASK FORCE REAUTHORIZATION *(B. Evans)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 256
Placed on calendar 322
Read the second time 395
Tabled 395
Returned to the Secretary of the Senate 706
Enacting Clause Stricken 953

H.B. 173 — RETIREMENT OFFICE AMENDMENTS *(R. Short)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 256
Placed on calendar 322
Read the second time 395
Read the third time 406
Signed by the President and returned to the House 407

H.B. 174 — IMMUNITY TO DAM OWNERS *(B. Johnson)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 221
Placed on calendar 302
Read the second time 316
Read the third time 333
Signed by the President and returned to the House 333

H.B. 175 — WORKERS' COMPENSATION FUND OF UTAH *(J. Alexander)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 468
Placed on calendar 666, 864, 887
Amendments 664, 902, 946
Read the second time 902
Read the third time 902
Refuse to Recede 925
Joint Conference Committee Report 946
Returned to the House 904, 947
Other 937
Returned to the Secretary of the Senate 772, 878
Signed by the President and returned to the House 949

H.B. 177 — POST CERTIFICATION OF YOUTH CORRECTIONS WORKERS *(B. Chard)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 201
Placed on calendar 245
Read the second time 312
Before the Senate 313
Read the third time 330
Signed by the President and returned to the House 331

3rd Sub. H.B. 178 — FOSTER CARE CITIZEN REVIEW BOARD AMENDMENTS *(N. Stephens)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 384

Placed on calendar 473, 706
Read the second time 512
Read the third time 748
Circled 512, 706
Uncircled 743
Substituted 748
Returned to the House 749
Signed by the President and returned to the House 783

H.B. 179 — COUNTY HUMAN SERVICES PROGRAM AMENDMENTS *(S. Allen)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 584
Placed on calendar 636
Returned to the Secretary of the Senate 772
Enacting Clause Stricken 953

H.B. 180 — SUNSET REAUTHORIZATIONS *(M. Brown)*
Read for the first time and referred to the President of the Senate 536
Placed on calendar 585
Read the second time 805
Read the third time 825
Circled 805
Uncircled 809
Signed by the President and returned to the House 826

Sub. H.B. 181 — REDUCTION AND SUMMARIZATION OF ANNUAL REPORTS *(E. Olsen)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 585
Placed on calendar 636
Read the second time 812
Read the third time 828
Signed by the President and returned to the House 828

H.B. 182 — ADMINISTRATIVE RULES REVIEW COMMITTEE AMENDMENTS *(D. Ure)*
Read for the first time and referred to the President of the Senate 165
Assigned to standing committee 183
Placed on calendar 322
Read the second time 407
Read the third time 436
Signed by the President and returned to the House 436

H.B. 183 — UTAH TOMORROW STRATEGIC PLANNING COMMITTEE AMENDMENTS *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 230
Assigned to standing committee 256
Read the third time 367
Read the second time and placed on Consent Calendar 327
Signed by the President and returned to the House 368

Sub. H.B. 184 — COMMUNITY AND YOUTH PREVENTION PROGRAMS *(L. Frandsen)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 729
Read the second time 763
Read the third time 763
Signed by the President and returned to the House 764

H.B. 185 — INDIAN AFFAIRS AMENDMENTS *(J. Gowans)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 291
Placed on calendar 343

Read the second time 412
Read the third time 438
Signed by the President and returned to the House 438

H.B. 186 — NATIVE AMERICAN PERFORMANCE OF MARRIAGES *(E. Anderson)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 256
Read the third time 368
Signed by the President and returned to the House 369
Read the second time and placed on Consent Calendar 327
Action taken by the Governor 479

H.B. 187 — STATE AND LOCAL PUBLIC SAFETY 800 MEGAHERTZ PROJECT *(B. Chard)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 444
Placed on calendar 534, 706
Amendments 532, 749
Read the second time 749
Read the third time 749
Circled 706
Uncircled 743
Returned to the House 750
Signed by the President and returned to the House 783

H.B. 188 — MALPRACTICE AGAINST HEALTH CARE PROVIDERS AMENDMENTS *(J. Valentine)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 352
Placed on calendar 399
Read the second time 425
Read the third time 492
Signed by the President and returned to the House 493

H.B. 189 — SPECIAL DISTRICTS - DRAINAGE DISTRICT AMENDMENTS *(M. Styler)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 201
Placed on calendar 322
Read the second time 408
Read the third time 436
Signed by the President and returned to the House 437

H.B. 190 — SCHOOL BOARD COMPENSATION *(S. Allen)*
Read for the first time and referred to the President of the Senate 289
Assigned to standing committee 375
Read the second time and placed on Consent Calendar 449
Read the third time 519
Signed by the President and returned to the House 519

H.B. 192 — VEHICLE SAFETY AT RAILROAD CROSSINGS *(N. Hendrickson)*
Read for the first time and referred to the President of the Senate 230
Assigned to standing committee 257
Read the second time and placed on Consent Calendar 343
Read the third time 386
Signed by the President and returned to the House 387

H.B. 194 — EDUCATION ASSESSMENT PROGRAM *(R. Siddoway)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 201
Placed on calendar 291
Read the second time 314

Tabled 315
Returned to the Secretary of the Senate 706
Enacting Clause Stricken 953

H.B. 195 — FIREFIGHTERS' NONCONTRIBUTORY RETIREMENT SYSTEM *(J. Murray)*
Read for the first time and referred to the President of the Senate 912
Enacting Clause Stricken 953

H.B. 196 — PEDESTRIAN RIGHT OF WAY *(J. Swallow)*
Read for the first time and referred to the President of the Senate 215
Assigned to standing committee 291
Placed on calendar 378
Read the second time 421
Read the third time 435
Action taken by the Governor 794
Other 423
Signed by the President and returned to the House 436

H.B. 197 — USE OF INCOME TAX REVENUES *(K. Garn)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 288, 257
Read the second time and placed on Consent Calendar 379
Read the third time 434
Other 288
Signed by the President and returned to the House 435

2nd Sub. H.B. 198 — AMENDMENTS TO HOMESTEAD EXEMPTIONS *(J. Valentine)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 384
Placed on calendar 505, 848
Read the second time 852
Read the third time 867
Signed by the President and returned to the House 867

H.B. 199 — COUNTY OFFICERS AMENDMENTS *(J. Seitz)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 291
Placed on calendar 356
Amendments 414
Read the second time 414
Read the third time 485
Returned to the House 486
Signed by the President and returned to the House 517

H.B. 200 — EDUCATIONAL SAVINGS PLAN TRUST AMENDMENTS *(K. Johnson)*
Read for the first time and referred to the President of the Senate 230
Assigned to standing committee 256
Read the second time and placed on Consent Calendar 327
Read the third time 368
Signed by the President and returned to the House 368

H.B. 201 — PROFESSIONAL CORPORATION ACT AMENDMENTS *(P. Arent)*
Read for the first time and referred to the President of the Senate 430
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 534
Read the third time 613
Signed by the President and returned to the House 613

H.B. 202 — PEACE OFFICER STANDARDS AND TRAINING *(B. Chard)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 375
Placed on calendar 431

Read the second time 506
Intent Language 507
Read the third time 522
Signed by the President and returned to the House 522

H.B. 203 — STATE COOKING POT *(C. Bunars)*
Read for the first time and referred to the President of the Senate 458
Assigned to standing committee 497
Read the second time and placed on Consent Calendar 578
Read the third time 646
Signed by the President and returned to the House 647

H.B. 204 — ALCOHOLIC BEVERAGES - RESTAURANT REGULATION *(T. Hatch)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 256
Placed on calendar 326
Read the second time 409
Read the third time 437
Signed by the President and returned to the House 437

H.B. 205 — RECORDING SUBDIVISIONS OF LAND *(S. Koehn)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 362
Placed on calendar 473
Amendments 538
Read the second time 513
Read the third time 526
Circled 526
Uncircled 538
Returned to the House 539
Signed by the President and returned to the House 587

H.B. 206 — PROPERTY TAX AMENDMENTS *(D. Ure)*
Read for the first time and referred to the President of the Senate 500
Assigned to standing committee 531
Read the second time and placed on Consent Calendar 603
Read the third time 673
Signed by the President and returned to the House 673

Sub. H.B. 207 — OUT OF STATE FIREARM PERMIT *(R. Killpack)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 585
Placed on calendar 666
Read the second time 814
Read the third time 829
Signed by the President and returned to the House 829

H.B. 208 — AMENDMENTS TO SPECIAL DISTRICTS *(B. Allen)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 362
Read the second time and placed on Consent Calendar 474
Read the third time 558
Signed by the President and returned to the House 558

H.B. 209 — LEGACY LOOP HIGHWAY ADDITION *(D. Bowman)*
Read for the first time and referred to the President of the Senate 230
Assigned to standing committee 292
Read the second time and placed on Consent Calendar 343
Read the third time 387
Signed by the President and returned to the House 387

H.B. 211 — USE OF UTAH INDUSTRIAL ASSISTANCE *(J. Haymond)*
Read for the first time and referred to the President of the Senate 192

Assigned to standing committee 200
Placed on calendar 399
Read the second time 425
Read the third time 490
Returned to the House 491
Failed 490

H.B. 212 — EDUCATION COSTS FOR NONRESIDENT STUDENTS *(S. Allen)*
Read for the first time and referred to the President of the Senate 232
Assigned to standing committee 256
Placed on calendar 291
Read the second time 315
Read the third time 332
Circled 332
Uncircled 345
Signed by the President and returned to the House 346

H.B. 213 — REAUTHORIZE ENTERPRISE ZONE ACT *(B. Evans)*
Read for the first time and referred to the President of the Senate 165
Assigned to standing committee 183
Placed on calendar 264
Read the second time 314
Read the third time 331
Signed by the President and returned to the House 331

H.B. 214 — UTAH SPORTS AUTHORITY AND ADVISORY COMMITTEE AMENDMENTS *(J. Tanner)*
Read for the first time and referred to the President of the Senate 289
Assigned to standing committee 325
Placed on calendar 378
Amendments 377
Read the second time 423
Read the third time 489
Returned to the House 489
Signed by the President and returned to the House 517

H.B. 215 — CUSTODY DISPUTES INVOLVING A PARENT WITH A DISABILITY *(J. Tanner)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 256
Placed on calendar 322
Amendments 320
Read the second time 396
Read the third time 407
Signed by the President and returned to the House 445
Returned to the House 407

H.B. 216 — RURAL HEALTH CARE PROVIDER AMENDMENTS *(J. Haymond)*
Read for the first time and referred to the President of the Senate 192
Assigned to standing committee 201
Placed on calendar 326
Read the second time 409
Read the third time 437
Circled 437
Uncircled 439
Signed by the President and returned to the House 440

2nd Sub. H.B. 219 — POWERS OF MAYORS *(P. Knudson)*
Read for the first time and referred to the President of the Senate 355
Assigned to standing committee 416
Placed on calendar 602

Read the second time 806
Read the third time 825
Signed by the President and returned to the House 825

H.B. 220 — EMPLOYMENT SECURITY AMENDMENTS *(P. Knudson)*
Read for the first time and referred to the President of the Senate 211
Assigned to standing committee 256
Placed on calendar 399
Read the second time 425
Read the third time 492
Signed by the President and returned to the House 492

H.B. 221 — WORKERS' COMPENSATION - NONCOMPLIANCE OF EMPLOYER *(G. Adair)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 220
Placed on calendar 322
Read the second time 334
Read the third time 346
Signed by the President and returned to the House 346

H.B. 222 — POWERS OF THE DEPARTMENT OF WORKFORCE SERVICES *(G. Adair)*
Read for the first time and referred to the President of the Senate 289
Assigned to standing committee 319, 327
Placed on calendar 505, 899
Amendments 503
Read the second time 920
Read the third time 920
Returned to the House 920
Other 327
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 950

H.B. 224 — WORKERS' COMPENSATION - COSTS OF MEDICAL REVIEW *(G. Adair)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 220
Placed on calendar 322
Read the second time 335
Read the third time 389
Signed by the President and returned to the House 389

H.B. 225 — ASSESSMENT ON WORKERS' COMPENSATION *(G. Adair)*
Read for the first time and referred to the President of the Senate 199
Assigned to standing committee 220
Placed on calendar 322
Read the second time 335
Read the third time 389
Signed by the President and returned to the House 390

H.B. 226 — DRIVER LICENSE REINSTATEMENT *(G. Adair)*
Read for the first time and referred to the President of the Senate 266
Assigned to standing committee 292
Placed on calendar 343
Amendments 339, 411
Read the second time 411
Read the third time 437
Signed by the President and returned to the House 457

H.B. 227 — PROPERTY SURVEY - STATUTE OF LIMITATIONS *(G. Adair)*
Read for the first time and referred to the President of the Senate 308
Assigned to standing committee 325
Placed on calendar 462
Amendments 461

Read the second time 509
Read the third time 525
Uncircled 511
Returned to the House 525
Signed by the President and returned to the House 554

H.B. 228 — REVISOR'S STATUTE *(J. Hickman)*
Read for the first time and referred to the President of the Senate. 141
Placed on calendar 143
Read the second time 160
Read the third time 168
Signed by the President and returned to the House 169

H.B. 229 — DOMESTIC RELATIONS CASES - NAME DESIGNATION *(J. Valentine)*
Read for the first time and referred to the President of the Senate 178
Assigned to standing committee 201
Read the second time and placed on Consent Calendar 323
Read the third time 356
Signed by the President and returned to the House 356

H.B. 230 — OLENE WALKER HOUSING TRUST FUND AMENDMENTS *(G. Adair)*
Read for the first time and referred to the President of the Senate 430
Assigned to standing committee 531
Placed on calendar 602, 848, 864
Returned to the Secretary of the Senate 854
Read the second time 885
Read the third time 885
Signed by the President and returned to the House 886

H.B. 231 — APPLICATION FOR WATER RIGHTS *(T. Hatch)*
Read for the first time and referred to the President of the Senate 249
Assigned to standing committee 287
Read the second time and placed on Consent Calendar 343
Read the third time 387
Signed by the President and returned to the House 388

H.B. 234 — AMENDMENTS TO SUBDIVISION ACT *(D. Ure)*
Read for the first time and referred to the President of the Senate 300
Assigned to standing committee 319
Read the second time and placed on Consent Calendar 401
Read the third time 452
Returned to the House 452
Signed by the President and returned to the House 470

H.B. 236 — MUNICIPAL BUILDING AUTHORITY BOND ISSUANCE *(D. Ure)*
Read for the first time and referred to the President of the Senate 613
Assigned to standing committee 642, 848
Returned to the Secretary of the Senate 701, 854
Placed on calendar 864
Read the second time 873
Read the third time 873
Signed by the President and returned to the House 874

H.B. 239 — SECURITIES ISSUANCE BY ELECTRICAL CORPORATIONS *(J. Haymond)*
Read for the first time and referred to the President of the Senate 417
Assigned to standing committee 450
Returned to the Secretary of the Senate 772, 854
Placed on calendar 666, 848, 864
Read the second time 886
Read the third time 886
Signed by the President and returned to the House 886

Sub. H.B. 240 — UTAH STATEHOOD CENTENNIAL CAPSTONE *(D. Ure)*
Read for the first time and referred to the President of the Senate 325
Assigned to standing committee 375
Placed on calendar 473
Read the second time 512
Tabled 512
Returned to the Secretary of the Senate 706
Enacting Clause Stricken 954

H.B. 241 — SALARY INCREASES FOR GOVERNMENT OFFICIALS *(M. Styler)*
Read for the first time and referred to the President of the Senate 500
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 954

H.B. 242 — HIGHWAY PATROL - COMPUTER PURCHASE *(G. Adair)*
Read for the first time and referred to the President of the Senate 339
Assigned to standing committee 416
Placed on calendar 462, 706
Amendments 736, 745
Read the second time 510
Read the third time 736
Circled 510, 706
Uncircled 511, 731
Tabled 511
Recalled 743
Returned to the House 737, 746
Reconsideration 745
Signed by the President and returned to the House 783

H.B. 243 — APPROPRIATION FOR ADDITIONAL HIGHWAY PATROL TROOPERS *(G. Adair)*
Read for the first time and referred to the President of the Senate 339
Assigned to standing committee 416
Placed on calendar 462, 706
Amendments 735, 744
Read the second time 510
Read the third time 735
Circled 706
Uncircled 731
Tabled 510
Recalled 743
Returned to the House 735, 745
Reconsideration 744
Signed by the President and returned to the House 783

Sub. H.B. 244 — DRIVER LICENSE - SMART CARD *(G. Adair)*
Read for the first time and referred to the President of the Senate 598
Assigned to standing committee 611
Placed on calendar 666, 921
Read the second time 939
Read the third time 939
Referred to Secretary of the Senate for interim study 939
Returned to the Secretary of the Senate 772

H.B. 247 — B AND C ROADS FORMULA *(M. Stephens)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 611
Placed on calendar 816
Read the second time 837
Read the third time 869
Circled 837

Uncircled 869
Returned to the Secretary of the Senate 700
Signed by the President and returned to the House 870

Sub. H.B. 248 — PLANNING AND ZONING - SUBDIVISION PLATS *(C. Saunders)*
Read for the first time and referred to the President of the Senate 574
Assigned to standing committee 611
Placed on calendar 848, 864
Read the second time 874
Read the third time 874
Returned to the Secretary of the Senate 854, 701
Signed by the President and returned to the House 875

Sub. H.B. 253 — ASSAULTING A PEACE OFFICER *(P. Buckner)*
Read for the first time and referred to the President of the Senate 518
Enacting Clause Stricken 954

H.B. 254 — LONGEVITY AMENDMENTS FOR STATE EMPLOYEES *(D. Bowman)*
Read for the first time and referred to the President of the Senate 743
Enacting Clause Stricken 954

H.B. 257 — PUBLIC ASSISTANCE WELFARE FRAUD *(J. Murray)*
Read for the first time and referred to the President of the Senate 574
Assigned to standing committee 848, 611
Placed on calendar 864
Read the second time 871
Read the third time 871
Returned to the Secretary of the Senate 854, 701
Signed by the President and returned to the House 872

H.B. 258 — KURT OSCARSON CHILDREN'S ORGAN TRANSPLANT COMMITTEE *(G. Davis)*
Read for the first time and referred to the President of the Senate 163
Placed on calendar 163
Read the second time 164
Read the third time 164
Signed by the President and returned to the House 164

H.B. 261 — HIGHER EDUCATION PRESIDENTIAL AUTHORITY *(G. Davis)*
Read for the first time and referred to the President of the Senate 613
Assigned to standing committee 642
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 954

H.B. 262 — STATUTE OF LIMITATIONS AMENDMENTS *(S. Barth)*
Read for the first time and referred to the President of the Senate 374
Assigned to standing committee 397
Read the second time and placed on Consent Calendar 463
Read the third time 557
Signed by the President and returned to the House 557

H.B. 264 — AGGRAVATED ASSAULT BY A PRISONER AMENDMENTS *(S. Barth)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 468
Placed on calendar 577, 921
Read the second time 934
Read the third time 934
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 934

Sub. H.B. 265 — MINING BOND AND SURETY FORFEITURE FUND *(M. Styler)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 584

Read the second time and placed on Consent Calendar 638
Read the third time 719
Signed by the President and returned to the House 719

H.B. 266 — UTAH DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONSTRUCT TOLL ROADS AND LANES *(B. Allen)*
Read for the first time and referred to the President of the Senate 500
Assigned to standing committee 531
Placed on calendar 636
Amendments 811
Read the second time 811
Read the third time 827
Returned to the House 827
Signed by the President and returned to the House 840

H.B. 267 — COUNCIL ON EXCELLENCE IN GOVERNMENT *(D. Ure)*
Read for the first time and referred to the President of the Senate 598
Assigned to standing committee 610
Placed on calendar 666
Read the second time 815
Read the third time 830
Signed by the President and returned to the House 830

H.B. 268 — AMENDMENTS ON AFFORDABLE HOUSING *(J. Haymond)*
Read for the first time and referred to the President of the Senate 583
Assigned to standing committee 642
Placed on calendar 699, 899
Read the second time 922
Read the third time 922
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 923

Sub. H.B. 269 — FAMILY EMPLOYMENT PROGRAM *(L. Frandsen)*
Read for the first time and referred to the President of the Senate 645
Placed on calendar 706
Amendments 756, 824
Read the second time 756
Read the third time 822
Circled 706, 760, 822
Uncircled 743, 792, 824
Returned to the House 825
Signed by the President and returned to the House 840

H.B. 270 — STATE MUSEUM OF NATURAL HISTORY OUTREACH PROGRAMS *(E. Olsen)*
Read for the first time and referred to the President of the Senate 518
Assigned to standing committee 555
Placed on calendar 602, 706
Amendments 747
Read the second time 747
Read the third time 747
Circled 706
Uncircled 743
Returned to the House 748
Signed by the President and returned to the House 783

H.B. 271 — DIVORCE EDUCATION PROGRAM TECHNICAL CORRECTION *(J. Haymond)*
Read for the first time and referred to the President of the Senate 374
Assigned to standing committee 397
Read the second time and placed on Consent Calendar 449
Read the third time 519
Signed by the President and returned to the House 519

Sub. H.B. 272 — HEALTH FACILITY LICENSURE AMENDMENTS *(M. Carlson)*
Read for the first time and referred to the President of the Senate 405
Assigned to standing committee 428
Placed on calendar 666, 921
Substituted 666
Read the second time 935
Read the third time 935
Returned to the House 935
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 950
H.B. 274 — FOSTER PARENT DIRECTOR *(N. Stephens)*
Read for the first time and referred to the President of the Senate 613
Assigned to standing committee 642
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 954
H.B. 275 — WILDLAND FIRE *(J. Gowans)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 611
Returned to the Secretary of the Senate 701
Placed on calendar 706
Read the second time 753
Read the third time 753
Circled 706
Uncircled 743
Signed by the President and returned to the House 754
H.B. 276 — CONTROLLED SUBSTANCES CONTAINERS AMENDMENTS *(P. Arent)*
Read for the first time and referred to the President of the Senate 417
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 578
Read the third time 646
Signed by the President and returned to the House 646
Sub. H.B. 277 — MCGRUFF HOUSE PROGRAM *(T. Beck)*
Read for the first time and referred to the President of the Senate 912
Placed on calendar 916
Read the second time 933
Read the third time 933
Signed by the President and returned to the House 934
H.B. 278 — CENTENNIAL NONMOTORIZED PATHS AND TRAIL CROSSINGS PROGRAM *(A. Tyler)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Placed on calendar 699, 721
Amendments 761
Read the second time 761
Read the third time 761
Returned to the House 761
Signed by the President and returned to the House 783
H.B. 280 — SPECIAL DISTRICTS ANNEXATION AMENDMENTS *(J. Arrington)*
Read for the first time and referred to the President of the Senate 446
Assigned to standing committee 468
Amendments 682
Read the second time and placed on Consent Calendar 578
Read the third time 645
Returned to the House 683
Reconsideration 682
Signed by the President and returned to the House 646, 742

H.B. 282 — WORK PROGRAMS FOR PRISONERS AMENDMENTS *(C. Fox)*
Read for the first time and referred to the President of the Senate 598
Assigned to standing committee 611
Placed on calendar 816
Read the second time 835
Read the third time 865
Circled 835
Uncircled 850
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 865

H.B. 283 — APPROPRIATION FOR WEBER COUNTY FAIRGROUNDS *(G. Adair)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 611
Placed on calendar 706
Amendments 753
Read the second time 752
Read the third time 752
Circled 706
Uncircled 743
Returned to the House 753
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 783

H.B. 286 — PERJURY REFORM *(G. Curtis)*
Read for the first time and referred to the President of the Senate 536
Assigned to standing committee 556
Placed on calendar 848, 864
Read the second time 883
Read the third time 883
Returned to the Secretary of the Senate 702, 854
Signed by the President and returned to the House 883

H.B. 289 — COUGAR AND BEAR DEPREDATION LOSS *(B. Evans)*
Read for the first time and referred to the President of the Senate 587
Assigned to standing committee 611
Placed on calendar 706
Amendments 754
Read the second time 754
Read the third time 766
Circled 706
Uncircled 743
Returned to the House 767
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 783

H.B. 290 — APPROPRIATION FOR COUNTY LAND USE PLANNING *(D. Iverson)*
Read for the first time and referred to the President of the Senate 613
Assigned to standing committee 642
Placed on calendar 706
Amendments 752
Read the second time 752
Read the third time 752
Circled 706
Uncircled 743
Returned to the House 752
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 783

H.B. 291 — CIVIL DEFENSE COMPACT *(S. Koehn)*
Read for the first time and referred to the President of the Senate 574
Assigned to standing committee 611
Placed on calendar 666, 921
Read the second time 941
Read the third time 941
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 941

H.B. 292 — REST STOP COMMEMORATING AMERICAN WEST *(E. Olsen)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 729
Read the second time 762
Read the third time 762
Signed by the President and returned to the House 763

Sub. H.B. 293 — MAGISTRATE AUTHORITY *(B. Harward)*
Read for the first time and referred to the President of the Senate 784
Placed on calendar 921
Read the second time 947
Read the third time 947
Signed by the President and returned to the House 947

H.B. 295 — LIMITED LIABILITY COMPANY ACT AMENDMENTS *(J. Valentine)*
Read for the first time and referred to the President of the Senate 470
Assigned to standing committee 497
Placed on calendar 666
Read the second time 814
Read the third time 829
Signed by the President and returned to the House 829

H.B. 296 — ANNEXATION TRANSITION FOR SCHOOL DISTRICTS *(R. Killpack)*
Read for the first time and referred to the President of the Senate 458
Assigned to standing committee 497
Read the second time and placed on Consent Calendar 603
Read the third time 671
Signed by the President and returned to the House 672

H.B. 298 — UNIFORM SECURITIES ACT AMENDMENTS *(G. Curtis)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 816
Read the second time 834
Read the third time 860
Signed by the President and returned to the House 861

2nd Sub. H.B. 300 — EXPANDED CONSERVATORSHIP AND GUARDIANSHIP SERVICES FOR ELDERLY *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 848, 864
Read the second time 883
Read the third time 883
Signed by the President and returned to the House 854, 884

H.B. 301 — SALES TAX REFUND AMENDMENTS *(J. Valentine)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Read the second time and placed on Consent Calendar 700
Read the third time 820
Signed by the President and returned to the House 820

H.R. 305 — EASEMENT FOR DITCHES *(M. Styler)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 864
Amendments 905
Read the second time 905
Read the third time 905
Returned to the House 906
Signed by the President and returned to the House 950

3rd Sub. H.R. 307 — CHILD WELFARE REFORM ACT AMENDMENTS *(J. Haymond)*
Read for the first time and referred to the President of the Senate 880
Read the second time 926
Read the third time 926
Placed on calendar 899
Signed by the President and returned to the House 926

H.R. 311 — HUMAN RESOURCE MANAGEMENT AMENDMENTS *(B. Allen)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Placed on calendar 699, 864
Amendments 696
Read the second time 890
Read the third time 890
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 890, 913

Sub. H.R. 312 — MOTOR VEHICLE DEALER FRANCHISE ACT AMENDMENTS *(C. Fox)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 816
Read the second time 835
Read the third time 861
Signed by the President and returned to the House 862

H.R. 313 — ELECTRICAL DEREGULATION AND CUSTOMER CHOICE TASK FORCE *(C. Fox)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 774
Amendments 790
Read the second time 790
Read the third time 821
Circled 821
Uncircled 826
Returned to the House 826
Signed by the President and returned to the House 840

H.R. 316 — TAX ASSESSMENTS, REFUNDS, AND CREDITS *(W. Harper)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 848, 864
Returned to the Secretary of the Senate 854
Read the second time 870
Read the third time 870
Signed by the President and returned to the House 871

H.R. 317 — CORPORATE INCOME TAX AMENDMENTS *(W. Harper)*
Read for the first time and referred to the President of the Senate 536
Assigned to standing committee 556
Read the second time and placed on Consent Calendar 638
Read the third time 720
Signed by the President and returned to the House 720

H.B. 319 — INCOME TAX - FILING EXTENSIONS *(J. Alexander)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Read the second time and placed on Consent Calendar 700
Read the third time 820
Signed by the President and returned to the House 821

H.B. 320 — ACTION FOR LOSS OF CONSORTIUM *(C. Fox)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 816
Amendments 851
Read the second time 835
Read the third time 866
Circled 835
Uncircled 851
Returned to the House 866
Signed by the President and returned to the House 879

H.B. 322 — STATE FAIR PARK AMENDMENTS *(B. Wright)*
Read for the first time and referred to the President of the Senate 784
Placed on calendar 864
Read the second time 900
Read the third time 900
Signed by the President and returned to the House 901

H.B. 323 — COURT AMENDMENTS *(C. Fox)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 706
Read the second time 754
Read the third time 754
Circled 706
Uncircled 743
Signed by the President and returned to the House 755

H.B. 324 — JUSTICE COURT AMENDMENTS *(C. Fox)*
Read for the first time and referred to the President of the Senate 671
Placed on calendar 706
Read the second time 755
Read the third time 755
Circled 706
Uncircled 743
Signed by the President and returned to the House 755

H.B. 327 — TRANSIENT ROOM TAX AMENDMENTS *(J. Alexander)*
Read for the first time and referred to the President of the Senate 536
Assigned to standing committee 556
Read the second time and placed on Consent Calendar 638
Read the third time 720
Signed by the President and returned to the House 721

H.B. 329 — HARMFUL MATERIAL TO A MINOR *(P. Buckner)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 864
Read the second time 905
Read the third time 905
Signed by the President and returned to the House 905

H.B. 330 — DEPUTY SHERIFFS - MERIT SYSTEM COMMISSION AMENDMENTS *(G. Davis)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 921

Read the second time 942
Read the third time 942
Signed by the President and returned to the House 942

H.B. 331 — HOSPITAL TAX AMENDMENTS *(J. Valentine)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 706
Read the second time 756, 767
Read the third time 767
Circled 706, 756
Uncircled 743, 767
Signed by the President and returned to the House 767

H.B. 332 — SALES TAX - EXEMPTION FOR GOVERNMENT COPIES *(J. Valentine)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 848, 864
Returned to the Secretary of the Senate 854
Read the second time 869
Read the third time 870
Signed by the President and returned to the House 870

Sub. H.B. 336 — BAIL REFORM *(G. Curtis)*
Read for the first time and referred to the President of the Senate 880
Placed on calendar 921
Enacting Clause Stricken 954

H.B. 337 — FIREARM PERMITS FOR RETIRED LAW ENFORCEMENT PERSONNEL *(G. Cox)*
Read for the first time and referred to the President of the Senate 912
Enacting Clause Stricken 954

Sub. H.B. 341 — MODIFIED SCHOOL WEEK PILOT PROGRAM *(T. Hatch)*
Read for the first time and referred to the President of the Senate 671
Placed on calendar 816
Read the second time 838
Read the third time 863
Signed by the President and returned to the House 863

H.B. 342 — GANG PREVENTION AND INTERVENTION *(R. Short)*
Read for the first time and referred to the President of the Senate 458
Assigned to standing committee 498
Placed on calendar 602, 921
Read the second time 942
Read the third time 942
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 943

H.B. 343 — OFFENDER EXPENSES AMENDMENTS *(P. Buchner)*
Read for the first time and referred to the President of the Senate 458
Assigned to standing committee 498
Placed on calendar 602
Returned to the Secretary of the Senate 772
Enacting Clause Stricken 954

H.B. 346 — TUITION WAIVER FOR CERTAIN STUDENTS IN HIGHER EDUCATION *(G. Davis)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 899
Read the second time 917
Read the third time 917
Signed by the President and returned to the House 918

H.B. 348 — SEX OFFENDER NOTIFICATION AMENDMENTS *(B. Allen)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 921
Read the second time 947
Read the third time 947
Signed by the President and returned to the House 948
H.B. 350 — GRANT APPLICATION AND APPROVAL PROCESS *(R. Short)*
Read for the first time and referred to the President of the Senate 686
Enacting Clause Stricken 954
H.B. 358 — CONSUMER WARRANTIES ON ASSISTIVE TECHNOLOGY *(F. Hunsaker)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Placed on calendar 699, 848, 864
Amendments 696
Read the second time 886
Read the third time 886
Returned to the House 887
Returned to the Secretary of the Senate 854, 772
Signed by the President and returned to the House 913
Sub. H.B. 359 — ENDANGERED SPECIES MITIGATION FUND *(T. Hatch)*
Read for the first time and referred to the President of the Senate 784
Placed on calendar 816
Amendments 866
Read the second time 835
Circled 835
Uncircled 847
Failed 847
Reconsideration 851, 852
Read the third time 866
Returned to the House 867
Signed by the President and returned to the House 879
H.B. 361 — APPROPRIATION FOR UTAH STATE UNIVERSITY PASTURE AND FORAGE INITIATIVE *(E. Anderson)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 729
Read the second time 762
Read the third time 762
Signed by the President and returned to the House 762
Sub. H.B. 362 — INFORMED CONSENT AMENDMENTS *(R. Killpack)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Placed on calendar 921
Read the second time 934
Read the third time 934
Returned to the Secretary of the Senate 701
Signed by the President and returned to the House 935
4th Sub. H.B. 363 — MUNICIPAL AND COUNTY LAW AMENDMENTS *(M. Brown)*
Read for the first time 819
Placed on calendar 819, 864
Amendments 877
Read the second time 839
Circled 843
Uncircled 876
Returned to the House 878
Signed by the President and returned to the House 895
Action taken by the Governor 958

H.B. 366 — SOIL CONSERVATION DISTRICTS *(M. Brown)*
Read for the first time and referred to the President of the Senate 880
Placed on calendar 899
Read the second time 928
Read the third time 928
Signed by the President and returned to the House 929

H.B. 367 — STATE AGENCY'S CONTRACTS FOR COMPUTER SUPPORT *(K. Garn)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 848
Read the second time 852
Read the third time 868
Circled 852
Uncircled 853
Signed by the President and returned to the House 868

H.B. 368 — PRIVATE INVESTIGATOR REGULATION ACT AMENDMENTS *(S. Korlin)*
Read for the first time and referred to the President of the Senate 663
Enacting Clause Stricken 954

H.B. 369 — HIGHER EDUCATION SUPPLEMENTAL SAVINGS INCENTIVE PROGRAM *(K. Garn)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 816
Read the second time 832
Read the third time 859
Signed by the President and returned to the House 859
Action taken by the Governor 959

H.B. 370 — RECORDING FEDERAL TAX LIENS *(R. Siddoway)*
Read for the first time and referred to the President of the Senate 632
Assigned to standing committee 642
Read the second time and placed on Consent Calendar 700
Read the third time 821
Signed by the President and returned to the House 821

H.B. 372 — INDUSTRIAL ASSISTANCE FUND – RURAL RESETTLEMENT PROGRAM *(E. Olsen)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 729
Read the second time 764
Read the third time 765
Circled 764
Uncircled 765
Signed by the President and returned to the House 765

Sub. H.B. 374 — MARITAL PROPERTY RIGHTS AMENDMENTS *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 536
Assigned to standing committee 556
Placed on calendar 899
Read the second time 928
Read the third time 928
Returned to the Secretary of the Senate 702
Signed by the President and returned to the House 928

H.B. 376 — TRESPASSING IN ABANDONED MINES *(J. Gowans)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 899
Read the second time 920
Read the third time 920
Signed by the President and returned to the House 921

H.B. 378 — APPROPRIATION FOR SEVIER VALLEY SPECIAL EVENTS CENTER *(B. Johnson)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 706
Amendments 751
Read the second time 751
Read the third time 751
Circled 706
Uncircled 743
Returned to the House 752
Signed by the President and returned to the House 783

H.B. 380 — STATE AUDITOR REQUIREMENTS *(D. Ure)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 864
Read the second time 908
Read the third time 908
Signed by the President and returned to the House 908

H.B. 382 — PERSONNEL MANAGEMENT ACT AMENDMENTS *(K. Garn)*
Read for the first time and referred to the President of the Senate 743
Placed on calendar 816
Read the second time 835
Read the third time 865
Circled 835
Uncircled 850
Signed by the President and returned to the House 866
Action taken by the Governor 960

Sub. H.B. 385 — UTAH STATE CAPITOL PRESERVATION BOARD *(M. Brown)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 899
Amendments 910
Read the second time 909
Read the third time 909
Returned to the House 911
House Refuses to Concur/Senate Recedes 924
Signed by the President and returned to the House 924
Action taken by the Governor 961

H.B. 389 — CENTENNIAL CHARTER SCHOOLS TASK FORCE *(B. Allen)*
Read for the first time and referred to the President of the Senate 784
Placed on calendar 790
Read the second time 791
Read the third time 822
Signed by the President and returned to the House 822

H.B. 392 — TRUANCY PREVENTION APPROPRIATION *(J. Alexander)*
Read for the first time and referred to the President of the Senate 717
Placed on calendar 729
Read the second time 763
Read the third time 763
Signed by the President and returned to the House 763

H.B. 393 — DISPLAY OF LICENSE PLATES FOR TRUCKS AND TRAILERS *(G. Adair)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 921
Enacting Clause Stricken 954

H.B. 399 — PUBLIC SAFETY NONCONTRIBUTORY RETIREMENT - CONVERSION WINDOW *(S. Koehn)*
Read for the first time and referred to the President of the Senate 574
Assigned to standing committee 611

Placed on calendar 921
Returned to the Secretary of the Senate 701
Enacting Clause Stricken 954

H.B. 400 — COUNTY VOLUNTEER AND PAID–CALL FIREFIGHTERS' HOURS *(S. Barth)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 816
Read the second time 834
Read the third time 861
Signed by the President and returned to the House 861

H.B. 404 — ENVIRONMENTAL QUALITY CODE AMENDMENTS *(E. Anderson)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 899
Amendments 916
Read the second time 915
Read the third time 915
Returned to the House 916
Action taken by the Governor 961
Signed by the President and returned to the House 950

H.B. 408 — NEW MUNICIPALITY FUNDING AMENDMENTS *(D. Zolman)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 921
Read the second time 943
Read the third time 943
Signed by the President and returned to the House 943

H.B. 411 — ACCESS HIGHWAY DESIGNATION *(J. Hickman)*
Read for the first time and referred to the President of the Senate 880
Placed on calendar 921
Read the second time 936
Read the third time 936
Signed by the President and returned to the House 937

H.B. 413 — SALES TAX REVENUES TO TRANSPORTATION FUNDING *(C. Fox)*
Read for the first time 913
Placed on calendar 913
Read the second time 913
Read the third time 913
Signed by the President and returned to the House 914

Sub. H.B. 414 — REGISTRATION FEE ON VEHICLES *(J. Valentine)*
Read for the first time 911
Placed on calendar 911
Amendments 914
Read the second time 914
Read the third time 914
Returned to the House 915
Signed by the President and returned to the House 950

Sub. H.C.R. 1 — ESCALANTE NATIONAL MONUMENT RESOLUTION *(T. Hatch)*
Read for the first time 382
Read the second time 382
Read the third time 382
Signed by the President and returned to the House 383

Sub. H.C.R. 2 — RESOLUTION OPPOSING GOVERNMENTAL REGULATIONS *(D. Iverson)*
Read for the first time and referred to the President of the Senate 374
Assigned to standing committee 498
Placed on calendar 899
Read the second time 922
Read the third time 922
Signed by the President and returned to the House 922
Returned to the Secretary of the Senate 700

H.C.R. 3 — RESOLUTION CALLING FOR END TO FEDERAL SUBSIDIES OF TOBACCO *(R. Killpack)*
Read for the first time and referred to the President of the Senate 405
Assigned to Committee 428
Read the second time and placed on Consent Calendar 506
Read the third time 589
Signed by the President and returned to the House 589

H.C.R. 4 — RESOLUTION SUPPORTING REALIGNMENT OF AIR FORCE BASE WORKLOAD *(B. Chard)*
Read for the first time and referred to the President of the Senate 470
Assigned to standing committee 498
Read the second time and placed on Consent Calendar 638
Read the third time 719
Signed by the President and returned to the House 720

H.C.R. 5 — RESOLUTION RECOGNIZING LIFE AND CONTRIBUTIONS OF REPRESENTATIVE KURT E. OSCARSON *(G. Davis)*
Read for the first time and referred to the President of the Senate 163
Placed on calendar 163
Read the second time 163
Read the third time 163
Signed by the President and returned to the House 164
Action taken by the Governor 354

H.C.R. 6 — UTAH WILDERNESS DESIGNATION RESOLUTION *(B. Johnson)*
Read for the first time and referred to the President of the Senate 583
Placed on calendar 899
Read the second time 921
Read the third time 921
Signed by the President and returned to the House 922

H.C.R. 7 — RESOLUTION CALLING FOR STATE'S AMENDMENTS TO FEDERAL CONSTITUTION *(M. Dillree)*
Read for the first time and referred to the President of the Senate 553
Assigned to standing committee 611
Returned to the Secretary of the Senate 702
Enacting Clause Stricken 954

H.C.R. 8 — RESOLUTION APPROVING DEVELOPMENT OF WASTE DISPOSAL FACILITY *(E. Anderson)*
Read for the first time and referred to the President of the Senate 686
Placed on calendar 899
Read the second time 915
Read the third time 915
Signed by the President and returned to the House 915

H.C.R. 9 — RESOLUTION SUPPORTING INCREASE OF PRIVATE ACTIVITY BONDING CAP
(J. Haymond)
Read for the first time and referred to the President of the Senate 686
Placed on calendar 921
Enacting Clause Stricken 954

H.J.R. 4 — TRANSFERABILITY OF STATE COLLEGE CREDITS RESOLUTION *(K. Bryson)*
Read for the first time and referred to the President of the Senate 518
Assigned to standing committee 555
Placed on calendar 602
Read the second time 805
Read the third time 864
Circled 805
Uncircled 846
Signed by the President and returned to the House 864

H.J.R. 6 — JOINT RULES RESOLUTION - AMENDMENTS TO INTERIM RULES *(B. Harward)*
Read for the first time and referred to the President of the Senate. 133
Read the second time 139
Read the third time 158
Signed by the President and returned to the House 159

H.J.R. 7 — RESOLUTION REAPPOINTING DIRECTOR AND GENERAL COUNSEL *(M. Brown)*
Read for the first time and referred to the President of the Senate. 133
Read the second time 139
Read the third time 159
Signed by the President and returned to the House 159

H.J.R. 8 — RESOLUTION REPEALING MARITAL PROPERTY PROVISIONS *(A. Bradshaw)*
Read for the first time and referred to the President of the Senate 583
Assigned to standing committee 642
Placed on calendar 899
Read the second time 927
Read the third time 927
Signed by the President and returned to the House 928
Returned to the Secretary of the Senate 701

Sub. H.J.R. 9 — SUNDANCE WILDERNESS AREA RESOLUTION *(B. Johnson)*
Read for the first time and referred to the President of the Senate 339
Enacting Clause Stricken 954

H.J.R. 12 — JOINT RULES RESOLUTION - LEGISLATIVE EXPENSES AND MILEAGE *(J. Hickman)*
Read for the first time 349
Placed on calendar 349
Read the second time 349
Read the third time 349
Signed by the President and returned to the House 350

H.J.R. 13 — COMPENSATION OF IN-SESSION EMPLOYEE RESOLUTION *(J. Haymond)*
Read for the first time and referred to the President of the Senate 148
Placed on calendar 176
Read the second time 195
Read the third time 195
Signed by the President and returned to the House 196

H.J.R. 14 — ACCEPTANCE OF TRUST LANDS RESOLUTION *(K. Garn)*
Read for the first time and referred to the President of the Senate 318
Assigned to standing committee 325
Read the second time and placed on Consent Calendar 379
Read the third time 435
Signed by the President and returned to the House 435

H.J.R. 15 — RESOLUTION URGING PROPER PROTECTION AND MANAGEMENT OF WILDLIFE *(C. Fox)*
Read for the first time and referred to the President of the Senate 645
Placed on calendar 816
Read the second time 834
Read the third time 869
Circled 834
Uncircled 869
Signed by the President and returned to the House 869

H.J.R. 17 — RESOLUTION REGARDING FUTURE OPERATION AND DEVELOPMENT OF THIS IS THE PLACE STATE PARK *(J. Tanner)*
Read for the first time and referred to the President of the Senate 470
Assigned to standing committee 498
Placed on calendar 577, 864
Amendments 575
Read the second time 901
Read the third time 901
Returned to the House 901
Returned to the Secretary of the Senate 772
Signed by the President and returned to the House 950

H.J.R. 19 — MASTER STUDY RESOLUTION *(C. Fox)*
Read for the first time 911
Placed on calendar 911
Read the second time 915
Read the third time 916
Signed by the President and returned to the House 917

H.J.R. 21 — JOINT RULES RESOLUTION - QUORUM REQUIREMENTS *(J. Hickman)*
Read for the first time 349
Placed on calendar 349
Read the second time 350
Read the third time 350
Signed by the President and returned to the House 350

H.J.R. 22 — RESOLUTION RECOGNIZING ROCKVILLE OPEN SPACE PROJECT *(T. Hatch)*
Read for the first time and referred to the President of the Senate 663
Placed on calendar 816
Read the second time 832
Read the third time 859
Signed by the President and returned to the House 860

FINAL ACTION

INDEX

S.B. 1	**Supplemental Appropriations Act** Governor signed on 3/21/97 Effective Date: 3/21/97	L. McAllister
S.B. 2	**1997 Bonding and Debt Financing Authorization** Became law w/o Governor signature on 3/21/97 Effective Date: 5/5/97	D. Buhler
S.B. 3	**Construction Contractors** Governor signed on 2/28/97 Effective Date: 5/5/97	L. Poulton
S.B. 4	**Capital Homicide Amendments** Governor signed on 2/21/97 Effective Date: 5/5/97	D. Buhler
S.B. 5	**Creating a Public School District** House / enacting clause struck on 3/5/97	M. Peterson
S.B. 6	**Municipal and County Land Use Development and Management** House / enacting clause struck on 3/5/97	L. McAllister
S.B. 7	**Pharmacy Act - Open Drug Formulary** Governor signed on 2/28/97 Effective Date: 5/5/97	J. Holmgren
S.B. 8	**Appropriation for Sound Barriers** Senate/enacting clause struck on 3/5/97	D. Buhler
S.B. 9	**Parolees and Probationers Education Requirements** Became law w/o Governor signature on 3/21/97 Effective Date: 5/5/97	L. Poulton
S.B. 10	**Income Tax Checkoff** Governor signed on 2/21/97 Effective Date: 1/1/98	L. Hillyard
S.B. 11	**Workers' Compensation - Exemption for Agricultural Workers** House / enacting clause struck on 3/5/97	R. Steiner

S.B. 12 **Underground Coal Mining - Water Replacement Requirements** — M. Dmitrich
Governor signed on 2/26/97
Effective Date: 5/5/97

S.B. 13 **Telecommunication Amendments** — D. Steele
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 14 **Outdoor Advertising Amendments** — L. Mansell
Governor signed on 3/19/97
Effective Date: 5/5/97

S.B. 15 **Public Education Computer Technology Task Force** — R. Montgomery
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 16 **Appropriation for Tuscaloosa Foundation** — L. Jones
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 17 **Covering Certain Load Materials** — J. Hull
Governor signed on 2/26/97
Effective Date: 5/5/97

S.B. 18 **Health Care Provider Practice and Conduct Amendments** — R. Montgomery
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 19 **Prioritization of Child Support Collections** — R. Muhlestein
Senate/enacting clause struck on 3/5/97

S.B. 20 **Optometry Practice Act** — L. Mansell
Governor signed on 2/21/97
Effective Date: 5/5/97

S.B. 21 **Emissions Inspection on Newer Vehicles** — R. Muhlestein
Governor signed on 3/5/97
Effective Date: 1/1/98

S.B. 22 **Budget Review Task Force** M. Peterson
House / enacting clause struck on 3/5/97

S.B. 23 **Driver License Amendments** D. Steele
Governor signed on 2/26/97
Effective Date: 5/5/97

S.B. 24 **Appropriation for Forestry Extension Services** A. Myrin
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 25 **Sentencing Guidelines** L. Hillyard
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 26 **Sales Tax Option for Counties** L. Mansell
Governor signed on 3/17/97
Effective Date: 3/17/97

S.B. 27 **Dangerous Weapons - Restrictions** R. Steiner
Senate/enacting clause struck on 3/5/97

S.B. 28 **District Court Judge Increase** L. Hillyard
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 29 **Sales Tax Exemption for Scrap Recyclers** D. Buhler
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 30 **Accountability and Oversight of Utah Transit Authority** M. Peterson
Senate/enacting clause struck on 3/5/97

S.B. 31 **Cellular Phone Fraud** S. Howell
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 32 **Voter Registration Information in High Schools** R. Evans
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 33 **Child Visitation Guidelines** R. Evans
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 34 **Agricultural Amendments** L. Blackham
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 35 **Department of Agriculture and Food – Name Change** L. Blackham
Governor signed on 3/12/97
Effective Date: 7/1/97

S.B. 36 **Income Tax – Energy Savings Tax Credit Extension** R. Evans
Governor signed on 3/21/97
Effective Date: 1/1/97

S.B. 37 **Amendments to Workers' Compensation** D. Steele
Senate/enacting clause struck on 3/5/97

S.B. 38 **Dangerous Weapons at Child–Centered Schools and Facilities** M. Waddoups
Senate/enacting clause struck on 3/5/97

S.B. 39 **Private Property Owners' Right to Prohibit Dangerous Weapons** M. Waddoups
Senate/enacting clause struck on 3/5/97

S.B. 40 **State School Board Election Procedures** H. Nielson
Governor vetoed on 3/21/97
Effective Date: 5/5/97

S.B. 41 **Coal Tax Credit** M. Dmitrich
Governor signed on 3/21/97
Effective Date: 1/1/97

S.B. 42 **Juvenile Curfew** L. Jones
Senate/enacting clause struck on 3/5/97

S.B. 43 **Prohibition of Ultimate Fighting** L. Poulton
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 44 **Motor Vehicle Insurance - Transfer of Agent** J. Hull
Senate/enacting clause struck on 3/5/97

S.B. 45 **Air Quality Board Powers** L. McAllister
Senate/enacting clause struck on 3/5/97

S.B. 46 **Physician Assistant Practice Act Amendments** R. Steiner
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 47 **Tax Incentives for Clean Fuels** L. McAllister
Senate/enacting clause struck on 3/5/97

S.B. 48 **Appropriation for Restoration of Brigham Young Academy** H. Nielson
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 49 **Second Hand Smoke Amendments** L. Beattie
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 50 **Sales Tax Refund on Donated Food** H. Stephenson
Governor signed on 3/19/97
Effective Date: 7/1/97

S.B. 51 **Medical Advisory Board Waivers** E. Mayne
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 52 **Watercraft - Liability Insurance** N. Tanner
Governor signed on 3/21/97
Effective Date: 1/1/98

S.B. 53 **Redevelopment Agency Amendments** C. Taylor
Senate/enacting clause struck on 3/5/97

S.B. 54 **Drug Dealer's Liability Act** C. Taylor
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 55 **Publication of Legal Notices by Political Subdivisions** E. Mayne
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 56 **School Bus Parking Zones** E. Mayne
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 57 **State Motor Vehicle Fleet Operations Amendments** G. Mantes
Governor signed on 3/12/97
Effective Date: 3/12/97

S.B. 58 **Labor Organization Deductions** H. Stephenson
Senate/enacting clause struck on 3/5/97

S.B. 59 **Winery Licenses Amendments** M. Dmitrich
Senate/enacting clause struck on 3/5/97

S.B. 60 **Open Enrollment Amendments** G. Mantes
Governor signed on 3/19/97
Effective Date: 5/1/97

S.B. 61 **Income Tax - Education Tax Credit** H. Stephenson
Senate/enacting clause struck on 3/5/97

S.B. 62 **Division of Wildlife - Management of Lands** A. Myrin
Senate/enacting clause struck on 3/5/97

S.B. 63 **Unlawful Sexual Conduct Relating to Minors** C. Taylor
Senate/enacting clause struck on 3/5/97

S.B. 64 **Welfare Reform Amendments to Child Support** N. Tanner
Governor signed on 3/17/97
Effective Date: 7/1/97

S.B. 65 **Property Tax Exemption Fee** G. Mantes
Senate/enacting clause struck on 3/5/97

S.B. 66 **Attempted Purchase of Tobacco by Children** L. Jones
House / enacting clause struck on 3/5/97

S.B. 67 **Income Tax - Personal Exemption Increase** H. Nielson
Senate/enacting clause struck on 3/5/97

S.B. 68 **School Trust Lands Modifications** A. Myrin
Senate/enacting clause struck on 3/5/97

S.B. 69 **Real Estate Agent Background Check** M. Waddoups
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 70 **Eminent Domain Valuation** P. Suazo
Governor vetoed on 3/21/97
Effective Date: 5/4/98

S.B. 71 **Landlord - Tenant Amendments** R. Montgomery
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 72 **Division of State History Duties** L. McAllister
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 73 **Contractor's Duties to Subcontractors** L. Mansell
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 74 **Indigent Defense Provisions** L. Blackham
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 75 **Safe Drinking Water Act Amendments** J. Holmgren
Governor signed on 3/5/97
Effective Date: 5/5/97

S.B. 76 **Extracurricular Activities** H. Stephenson
House / enacting clause struck on 3/5/97

S.B. 77 **School and Institutional Trust Lands Amendments** D. Steele
Governor signed on 3/5/97
Effective Date: 5/5/97

S.B. 78 **Election Law - Political Parties** P. Suazo
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 79 **Election Law - Election Process** R. Evans
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 80 **Child Support Advisory Committee Membership** C. Taylor
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 81 **Election Law - Campaign Finance Reporting Requirements** D. Buhler
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 82 **Election Law - Candidate Issues** L. Poulton
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 83 **Judges Noncontributory Retirement System** C. Peterson
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 84 **Public Transit District Boards** L. Mansell
Governor signed on 3/19/97
Effective Date: 3/19/97

S.B. 85 **Public Safety Eligibility Amendments** R. Montgomery
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 86 **Housing Authority Amendments** P. Suazo
Governor signed on 2/26/97
Effective Date: 5/5/97

S.B. 87 **Adjustment in Certified Rate on Property Tax** H. Stephenson
Governor signed on 2/26/97
Effective Date: 1/1/97

S.B. 88 **Budgetary Process - Revenue Reporting** H. Stephenson
Governor signed on 2/26/97
Effective Date: 1/1/98

S.B. 89 **Juvenile Judges - Short Term Commitment of Youth** N. Tanner
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 90 **Juvenile Court Powers** N. Tanner
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 91 **Air Quality, Land Use, and Transportation Planning Provisions** L. McAllister
Senate/failed on 2/25/97

S.B. 92 **Telecommunications Deregulation Amendments** D. Steele
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 93 **Native American Coordinating Board** M. Peterson
Governor signed on 2/21/97
Effective Date: 7/1/97

S.B. 94 **Information Technology Amendments** D. Steele
Governor signed on 3/5/97
Effective Date: 5/5/97

S.B. 95 **Amendment to Procurement Requirements for Construction Projects** D. Buhler
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 96 **City Authority Over Certain Rental Units** D. Buhler
Governor signed on 3/19/97
Effective Date: 5/5/97

S.B. 97 **Costs for Unlawful Subdivision of Land** L. McAllister
Senate/enacting clause struck on 3/5/97

S.B. 98 **Counties – Subdivision Defined** L. McAllister
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 99 **County Planning Amendments** L. McAllister
Senate/enacting clause struck on 3/5/97

S.B. 100 **Financial Institution Amendments** L. Mansell
Governor signed on 3/12/97
Effective Date: 7/1/97

S.B. 101 **Corporal Punishment in Public Schools Amendments** D. Steele
House failed on 2/6/97

S.B. 102 **Western Interstate Commission for Higher Education Amendments** — L. Hillyard
Governor signed on 3/5/97
Effective Date: 5/5/97

S.B. 103 **Consumer Protection Amendments** — D. Buhler
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 104 **State Risk Management Coverage of Teachers** — L. Poulton
Governor signed on 2/26/97
Effective Date: 5/5/97

S.B. 105 **Eccles Community Art Center Grant** — N. Tanner
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 106 **Class B and C Road Bid Limit** — J. Holmgren
Senate/enacting clause struck on 3/5/97

S.B. 107 **Medical Savings Account Amendments** — G. Mantes
Governor signed on 2/26/97
Effective Date: 1/1/97

S.B. 108 **Public Safety Retirement Cost of Living Adjustment** — D. Buhler
Senate/enacting clause struck on 3/5/97

S.B. 109 **Labor - Working Conditions** — D. Buhler
Senate/enacting clause struck on 3/5/97

S.B. 110 **Workers' Compensation Exclusive Remedy** — D. Buhler
Governor signed on 3/12/97
Effective Date: 7/1/97

S.B. 111 **Handgun Purchase Requirements** — M. Waddoups
Senate/enacting clause struck on 3/5/97

S.B. 112 **Dramshop Liability Amendments** — D. Buhler
Governor signed on 3/12/97
Effective Date: 1/1/98

S.B. 113 **Legislative Oversight and Sunset Review Amendments** — L. Blackham
Governor signed on 2/21/97
Effective Date: 7/1/97

S.B. 114 **Commercial Project Entities** — L. Blackham
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 115 **Insurance Law Amendments** — L. Poulton
Governor signed on 3/14/97
Effective Date: 7/1/97

S.B. 116 **Extension of Child Visitation Pilot Program** — M. Peterson
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 117 **Commercial Vehicle Registration** — D. Steele
Governor signed on 3/21/97
Effective Date: 1/1/97

S.B. 118 **Validity of Credentials in Public Education** — L. McAllister
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 119 **Transportation Overhead Rate Limitations** — J. Holmgren
Governor signed on 3/17/97
Effective Date: 3/17/97

S.B. 120 **Amendments to Divorce Requirements** — C. Taylor
House / enacting clause struck on 3/5/97

S.B. 121 **Recording Judgments on Real Property** — L. Mansell
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 122 **Health Policy Commission Amendments** — H. Stephenson
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 123 **Water Conservancy District - Board of Directors** — M. Dmitrich
Governor signed on 3/19/97
Effective Date: 5/5/97

S.B. 124 **Task Force on Regulatory Barriers to Affordable Housing** L. Mansell
Governor signed on 3/21/97
Effective Date: 3/21/97

S.B. 125 **Hardship Driver Permit for Youth** L. Blackham
House failed on 3/3/97

S.B. 126 **Appropriation for Hill Air Force Base Heritage Museum and Fort Douglas Military Museum** R. Montgomery
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 127 **Constitutional Revision Commission Amendments** M. Dmitrich
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 128 **Off-highway Vehicle Operator Requirements** J. Holmgren
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 129 **Privileged Information In Civil Actions** P. Suazo
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 130 **Noncontributory Retirement System for Firefighters** P. Suazo
Senate/enacting clause struck on 3/5/97

S.B. 131 **Affordable Housing Amendments** P. Suazo
Senate/enacting clause struck on 3/5/97

S.B. 132 **Definition of Law Enforcement Official and Judge** L. Hillyard
Governor signed on 2/26/97
Effective Date: 5/5/97

S.B. 133 **Appeals Amendments** C. Peterson
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 134 **Juvenile Court Recodification - Phase 2** L. Hillyard
Governor signed on 3/21/97
Effective Date: 3/21/97

S.B. 135 **Building Code Amendments** C. Peterson
House failed on 3/4/97

S.B. 136 **Retention Proceeds Reform for Construction Projects** C. Peterson
House failed on 3/3/97

S.B. 137 **Special Education Dispute Resolution** D. Steele
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 138 **Used Oil Act Amendments** L. McAllister
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 139 **Clean Burning Stove Tax Credit Amendments** L. McAllister
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 140 **Appropriation for Domestic Violence Shelters** R. Evans
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 141 **State and Federal Law Enforcement--Joint Jurisdiction** D. Steele
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 142 **Coal Reclamation Amendments** M. Dmitrich
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 143 **Penalty for Joy Riding** P. Suazo
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 144 **Electronic Law Library** L. Hillyard
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 145 **Pedestrian Overpass Appropriation** M. Peterson
House / enacting clause struck on 3/5/97

S.B. 146 **Reauthorization of Administrative Rules** L. McAllister
Governor signed on 3/21/97
Effective Date: 5/1/97

S.B. 147 **Vehicle Air Bag Amendments** G. Mantes
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 148 **Revocation of Parole - Representation by Counsel** C. Peterson
Governor signed on 3/5/97
Effective Date: 5/5/97

S.B. 149 **Chiropractic Practice Amendments** D. Steele
House / enacting clause struck on 3/5/97

S.B. 150 **Conduct Related to School Activities** H. Stephenson
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 151 **Bear River Development Act Amendments** J. Holmgren
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 152 **Crime Victims' Rights Amendments** C. Peterson
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 153 **Appropriation to Study Centralized Urban Programs for Native Americans** P. Suazo
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 154 **Changes to Division of State History** L. McAllister
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 155 **Court Reporter Amendments** C. Peterson
Governor signed on 3/21/97
Effective Date: 1/1/98

S.B. 156 **Eminent Domain Amendments** M. Dmitrich
Senate/enacting clause struck on 3/5/97

S.B. 157	**Beer Industry Fair Dealing Act** Senate/enacting clause struck on 3/5/97	L. Blackham
S.B. 158	**Adult High School Completion Amendments** Senate/enacting clause struck on 3/5/97	P. Suazo
S.B. 159	**Protective Service Officers Amendments** Governor signed on 3/12/97 Effective Date: 5/5/97	L. Beattie
S.B. 160	**Beer License Amendments** Senate/enacting clause struck on 3/5/97	L. Blackham
S.B. 161	**Motor Vehicle Compliance With Insurance, Registration, and Sales Tax Requirements** Governor signed on 3/19/97 Effective Date: 3/19/97	C. Peterson
S.B. 162	**Appropriation for Statewide Integration of Engineering Education** Governor signed on 3/21/97 Effective Date: 7/1/97	C. Peterson
S.B. 163	**Uniform Commercial Code Article 5 - Letters of Credit** Governor signed on 3/17/97 Effective Date: 7/1/97	L. Hillyard
S.B. 164	**Utah State Capitol Building Centennial Study** Governor signed on 3/21/97 Effective Date: 5/5/97	N. Tanner
S.B. 165	**Management of Institutional Funds Act** Governor signed on 3/17/97 Effective Date: 5/5/97	L. Hillyard
S.B. 166	**Workforce Services and Labor Commission Implementation and Amendments** Governor signed on 3/21/97 Effective Date: 7/1/97	D. Buhler
S.B. 167	**Executive Compensation** Governor signed on 3/21/97 Effective Date: 7/1/97	C. Peterson

S.B. 168 **Property Tax Residential Exemption** D. Buhler
Senate/enacting clause struck on 3/5/97

S.B. 169 **Occupational and Professional Licensing Amendments** C. Taylor
Senate/enacting clause struck on 3/5/97

S.B. 170 **Coal Mining Reclamation - Insurance Pool** M. Dmitrich
Senate/enacting clause struck on 3/5/97

S.B. 171 **Homeowner's Insurance** M. Peterson
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 172 **Utah Transit Authority Budget Approval** B. Wharton
Senate/enacting clause struck on 3/5/97

S.B. 173 **County and District Attorneys** C. Peterson
House / enacting clause struck on 3/5/97

S.B. 174 **Medical Assistance Act - Spousal Impoverishment** S. Howell
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 175 **State Transportation Infrastructure Bank** M. Waddoups
Governor signed on 3/17/97
Effective Date: 3/17/97

S.B. 176 **Utah Automotive Repair Act** B. Wharton
Senate/enacting clause struck on 3/5/97

S.B. 177 **Income Tax - Research and Development Credit** L. Hillyard
Senate/enacting clause struck on 3/5/97

S.B. 178 **Penalties for Sale of Tobacco to Youth** R. Montgomery
Senate/enacting clause struck on 3/5/97

S.B. 179 **Offenders - Income Withholding** P. Suazo
House / enacting clause struck on 3/5/97

S.B. 180 **Merchant Or Service Provider Charge For Dishonored Checks** J. Holmgren
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 181 **Insurance – Mental Health** R. Steiner
Senate/enacting clause struck on 3/5/97

S.B. 182 **Children's Justice Center Program** C. Peterson
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 183 **Revised Uniform Partnership and Limited Liability Partnership Act** L. Hillyard
Senate/enacting clause struck on 3/5/97

S.B. 184 **Sales Tax – Telephone Exemption** L. Hillyard
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 185 **Appropriation for Secure Youth Facilities** S. Howell
Senate/enacting clause struck on 3/5/97

S.B. 186 **Property Tax – Real and Personal Property Assessment Amendments** M. Dmitrich
Governor signed on 3/21/97
Effective Date: 1/1/98

S.B. 187 **Services for Legal Aliens** P. Suazo
Senate/enacting clause struck on 3/5/97

S.B. 188 **Insurance Deductible for Motor Vehicle Repair** S. Howell
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 189 **Appropriation for Wildland Fire Suppression** L. Blackham
Senate/enacting clause struck on 3/5/97

S.B. 190 **Voluntary Release Cleanup Program** L. Mansell
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 191 **Class Size Reduction Options** M. Peterson
House / enacting clause struck on 3/5/97

S.B. 192 **Values-oriented Treatment Program** R. Evans
House / enacting clause struck on 3/5/97

S.B. 193 **Government Customer Satisfaction Survey** S. Howell
Senate/enacting clause struck on 3/5/97

S.B. 194 **Substance Abuse Counselor Licensure Amendments** R. Montgomery
Governor signed on 3/17/97
Effective Date: 3/17/97

S.B. 195 **Waste Disposal Fee Amendment** J. Holmgren
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 196 **Trust for Developmentally Disabled Amendments** L. McAllister
Senate/failed on 2/27/97

S.B. 197 **Judicial Nominating Commission Amendment** C. Taylor
Governor signed on 3/17/97
Effective Date: 7/1/98

S.B. 198 **Appropriation for Study of Facility For Children's Museum of Utah** P. Suazo
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 199 **Immunity for Volunteers** J. Holmgren
Senate/enacting clause struck on 3/5/97

S.B. 200 **Nightly Rental Property Managers** A. Myrin
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 201 **Appropriation for Biotech Program At Utah State University** L. Blackham
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 202 **Procurement Code - Design Build Amendments** L. Beattie
Governor signed on 3/12/97
Effective Date: 3/12/97

S.B. 203 **Agricultural Protection Area Amendments** L. Blackham
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 204 **Centennial License Plate Amendments** J. Hull
Governor signed on 3/21/97
Effective Date: 7/1/97

S.B. 205 **Uniform Gift to Minors Act Amendments** R. Montgomery
Senate/enacting clause struck on 3/5/97

S.B. 206 **Shelter Adopted Animals - Pet Neutering** R. Steiner
Senate/enacting clause struck on 3/5/97

S.B. 207 **New Motor Vehicle Broker** C. Peterson
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 208 **Motor Carrier Pilot Program** M. Waddoups
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 209 **State Pay Plan Revisions** C. Peterson
Senate/enacting clause struck on 3/5/97

S.B. 210 **Growth Impact Highways** L. Blackham
Became law w/o Governor signature on 3/21/97
Effective Date: 5/5/97

S.B. 211 **Snowmobile User Fee** L. Jones
House failed on 3/5/97

S.B. 212 **Sales and Use Tax Revision** L. Blackham
Senate/enacting clause struck on 3/5/97

S.B. 213 **Court Collections** L. McAllister
Senate/enacting clause struck on 3/5/97

S.B. 214 **Fees on Sale of Factory Built Housing** L. Hillyard
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 215 **Low Income Housing Tax Credit** R. Evans
House / enacting clause struck on 3/5/97

S.B. 216 **Business License Fee and Municipal Taxing Authority** L. Blackham
Senate/enacting clause struck on 3/5/97

S.B. 217 **Residential Facilities for Persons With A Disability** R. Muhlestein
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 218 **Government Relationship to Olympic Events** A. Myrin
House / enacting clause struck on 3/5/97

S.B. 219 **Privilege Tax Amendments** L. Hillyard
Governor signed on 3/21/97
Effective Date: 1/1/97

S.B. 220 **Trail Enhancements** D. Buhler
Senate/enacting clause struck on 3/5/97

S.B. 221 **County Officers - Official Bond** L. Hillyard
Governor signed on 3/17/97
Effective Date: 5/5/97

S.B. 222 **Appropriation for Purchase of Property Adjacent to Dixie College** L. Jones
House / enacting clause struck on 3/5/97

S.B. 223 **Environmental Law Amendments** J. Holmgren
Governor signed on 3/21/97
Effective Date: 5/5/97

S.B. 224 **Land Use, Transportation, and Air Quality Task Force Reauthorization** L. McAllister
House / enacting clause struck on 3/5/97

S.B. 225 **Waste Management Facility** M. Dmitrich
Senate/enacting clause struck on 3/5/97

S.B. 226 **Disclosure Required in Sale of Health Maintenance Organization Products to Senior Citizens** J. Hull
Senate/enacting clause struck on 3/5/97

S.B. 227 **Cigarette Tax** S. Howell
Senate/enacting clause struck on 3/5/97

S.B. 228 **Procurement Code Requirement of Health Care Benefits for Contractors** E. Mayne
Senate/enacting clause struck on 3/5/97

S.B. 229 **Fees for Commercial Radioactive Waste** H. Nielson
Senate/failed on 2/21/97

S.B. 230 **Local Government Funding Options** L. Blackham
Senate/enacting clause struck on 3/5/97

S.B. 231 **Wildland Fire Suppression Amendments** L. Blackham
Senate/enacting clause struck on 3/5/97

S.B. 232 **Delay of and Use of Tax Breaks** E. Mayne
Senate/enacting clause struck on 3/5/97

S.B. 233 **Employment Relationships in Film Industry** E. Mayne
Senate/enacting clause struck on 3/5/97

S.B. 234 **Employment of Utah Workers** E. Mayne
Senate/enacting clause struck on 3/5/97

S.B. 235 **Attorney General Powers – Contingent Fee Arrangements** R. Montgomery
Senate/enacting clause struck on 3/5/97

S.B. 236 **State Fish Amendments** P. Suazo
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 237 **Tax Rebates to Promote Hotel Development** D. Buhler
House / enacting clause struck on 3/5/97

S.B. 238 **Independent Hearing Officers for Teachers** R. Evans
Senate/enacting clause struck on 3/5/97

S.B. 239 **Amendments to Ethics Law** D. Buhler
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 240 **Rocky Mountain Presidential Primary Task Force Appointments** L. Beattie
Governor signed on 3/14/97
Effective Date: 5/5/97

S.B. 241 **Reporting Elected Official Funds** E. Mayne
House / enacting clause struck on 3/5/97

S.B. 242 **Campaign Finance Reform Amendment** R. Steiner
Senate/enacting clause struck on 3/5/97

S.B. 243 **Bonds for Highway Funding** L. Hillyard
Governor signed on 3/19/97
Effective Date: 5/5/97

S.B. 244 **Public Nudity Prohibition** C. Taylor
House / enacting clause struck on 3/5/97

S.B. 245 **Regulation of Octane Rating on Gas** C. Taylor
Senate/enacting clause struck on 3/5/97

S.B. 246 **Parental Responsibility for Wrongful Conduct of Child** P. Suazo
House / enacting clause struck on 3/5/97

S.B. 247 **Supplemental Appropriations Act II** L. McAllister
Governor line item veto on 3/21/97
Effective Date: 3/21/97

S.B. 248 **Changes to Environmental Law** M. Dmitrich
Senate/enacting clause struck on 3/5/97

S.B. 249 **Reorganization of Department Of Administrative Services** G. Mantes
Governor signed on 3/17/97
Effective Date: 3/17/97

S.B. 250 **Department of Corrections – Emergency Release** L. Hillyard
Governor signed on 3/12/97
Effective Date: 5/5/97

S.B. 251 **Uniform Fees on Tangible Personal Property** C. Peterson
Governor signed on 3/21/97
Effective Date: 1/1/98

S.B. 252 **Collection of Fuel Tax** H. Stephenson
Governor signed on 3/19/97
Effective Date: 7/1/97

S.B. 253 **Sales Tax Reduction, Fuel Taxes, and Repeal of Environmental Surcharge on Petroleum** L. McAllister
Governor signed on 3/19/97
Effective Date: 7/1/97

S.B. 254 **Use of Motor Fuel Tax** L. Blackham
Senate/enacting clause struck on 3/5/97

S.C.R. 1 **Resolution Integrating Utah Tomorrow Principles** L. McAllister
House / enacting clause struck on 3/5/97

S.C.R. 2 **Utah Tomorrow Resolution** L. McAllister
House / enacting clause struck on 3/5/97

S.C.R. 3 **Resolution Designating Bone Marrow Registration Day** M. Peterson
Governor signed on 3/12/97
Effective Date: 3/12/97

S.C.R. 4 **Resolution Encouraging Economic Resettlement of Rural Utah** L. Blackham
Governor signed on 3/12/97
Effective Date: 3/12/97

S.J.R. 1 **Resolution Amending Legislator Eligibility Standards** L. Beattie
Senate/to Lieutenant Governor on 3/12/97
Effective Date: 3/3/97

S.J.R. 2 **Resolution Urging Congressional Facilitation of Health Care Products** L. Beattie
Senate/to Lieutenant Governor on 2/20/97
Effective Date: 2/12/97

S.J.R. 3 **Resolution Encouraging Shortening Daylight Savings Period** E. Mayne
Senate/to Lieutenant Governor on 3/11/97
Effective Date: 2/20/97

S.J.R. 4 **Public School Snow Days Resolution** S. Howell
Senate/to Lieutenant Governor on 3/12/97
Effective Date: 2/25/97

S.J.R. 5 **Resolution on Republic of China on Taiwan** C. Peterson
Senate/to Lieutenant Governor on 2/20/97
Effective Date: 2/11/97

S.J.R. 6 **Resolution on Use of Fort Douglas Area** B. Wharton
Senate/enacting clause struck on 3/5/97

S.J.R. 7 **Joint Rules Resolution - Amending Legislative Procedures** — J. Holmgren
Senate/to Lieutenant Governor on 2/12/97
Effective Date: 1/29/97

S.J.R. 8 **Joint Rules Resolution - Fiscal Prioritization** — R. Steiner
Senate/enacting clause struck on 3/5/97

S.J.R. 9 **Joint Rules Resolution - Changes To Bill and Appropriation Process** — L. Beattie
Senate/to Lieutenant Governor on 2/12/97
Effective Date: 1/30/97

S.J.R. 10 **Resolution Urging Reevaluation of Centrally Assessed Telecommunications Providers** — H. Stephenson
Senate/to Lieutenant Governor on 3/13/97
Effective Date: 3/5/97

S.J.R. 11 **Olympic Facilities Repayment Resolution** — A. Myrin
Senate/to Lieutenant Governor on 3/12/97
Effective Date: 3/5/97

S.J.R. 12 **Resolution on Ozone and Particulate Matter** — M. Dmitrich
Senate/to Lieutenant Governor on 3/12/97
Effective Date: 3/5/97

S.J.R. 13 **Retirement Conversion and Credit Resolution** — E. Mayne
Senate/enacting clause struck on 3/5/97

S.J.R. 14 **Resolution Amending Rule of Evidence** — J. Holmgren
Senate/to Lieutenant Governor on 3/12/97
Effective Date: 3/5/97

S.R. 1 **Senate Rules Resolution - Introducing Bills** — L. Beattie
Senate/to Lieutenant Governor on 2/12/97
Effective Date: 1/29/97

S.R. 2 **Senate Rules Resolution - Motions to Circle** — M. Peterson
Senate/to Lieutenant Governor on 2/12/97
Effective Date: 2/6/97

S.R. 3 **Senate Rules Resolution - Quorum Committee** — J. Holmgren
Senate/to Lieutenant Governor on 2/12/97
Effective Date: 2/7/97

JOURNAL INDEX

Page

SEVENTH EXTRAORDINARY SESSION (51st Legislature)
May 15, 1996 1

EIGHTH EXTRAORDINARY SESSION (51st Legislature)
June 19, 1996 9

NINTH EXTRAORDINARY SESSION (51st Legislature)
July 17, 1996 17

TENTH EXTRAORDINARY SESSION (51st Legislature)
August 21, 1996 29

ELEVENTH EXTRAORDINARY SESSION (51st Legislature)
September 18, 1996 35

TWELFTH EXTRAORDINARY SESSION (51st Legislature)
October 16, 1996 43

THIRTEENTH EXTRAORDINARY SESSION (51st Legislature)
November 20, 1996 49

THIRD SPECIAL SESSION (51st Legislature)
November 20, 1996 57

GENERAL SESSION 1997 (52nd Legislature)
January 20, 1997 to March 5, 1997
Membership 75
Committees 91
Committees of the Whole 1191
Convene 79
Adjourn 958
Employees 93
Employee Compensation 195
Final Action Index 1163
Governor Leavitt's Remarks 125
Historical Information 967
Joint Conventions 125
Judiciary, State of 118
Leadership – Senate (photos) 72

Leadership – House 73
Legislative Summary 967
Page Indexes
  Senate Bills 1069
  House Bills 1117
President's Message 71, 83
Reading of Titles of Bills (motions) 91
Rules, Senate and Joint 78
Senators (photos) 74
State Officials 73
Subject Index 971
  Senate and House Bills 978
  Subject Index Titles 972

COMMITTEES OF THE WHOLE

	Page
Chief Justice Michael Zimmerman	118
Nibley Park Elementary (Principal Jane Larsen and Teachers 1/23/97)	163
John T. Nielsen, Utah Sentencing	241
Sybil S. Stewart and Nancy B. Peterson	256
Craig Dearden, Commissioner of Public Safety	307
Arthur K. Smith, President, University of Utah	336
Doug Bates, Department of Education	373
Bob Morris, Department of Natural Resources	391
Jonas Kage, Artistic Director, Ballet West	396
David B. Winder, Executive Director, DCED	403
Merwin U. Stewart, Commissioner of Insurance	403
Senator Orrin Hatch, U.S. Senator	451
Senator Bob Bennett, U.S. Senator	452
Linda Parkinson, State P.T.A. President	456
Leo Memmott, Legislative Fiscal Analyst	457
Lavell Edwards and BYU Football Team	467
Lamar Farnsworth, Hogle Zoo	469
Craig Dinsmore, Hogle Zoo	469
Millville Elementary Teacher and Students	481
Gay Taylor, LRGC General Counsel	483
Dick Adair, Sandy City Volunteer	535
Tom Dolan, Sandy City Mayor	535
High School Art Show Winners (Representative Haymond)	561
Doug Bodrero, Commissioner Public Safety	570
Keith Cox, Weber State University	570
Jim Peacock, Utah Petroleum Association	572
Senator Steve Poulton	572
Huntsman World Senior Games	579
Gerald Sherratt, Southern Utah University	579
Boy Scouts of America	638

Kang–Woo Lee 643
Representative Merrill Cook, U.S. Congress 743
Gordon Crabtree 844
Representative Brent Haymond 849