

STATE OF UTAH

# **SENATE JOURNAL**

TENTH EXTRAORDINARY SESSION  
OF THE  
FIFTY–FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, September 18, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Tenth Extraordinary Session convening on Wednesday, September 18, 2002, and adjourning sine die on the same day.

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

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

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

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

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Ninth Extraordinary Session at 12:00 noon on Wednesday, September 18, 2002.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Carlene Walker

**Pledge**– Senator Paula Julander

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of September, 2002 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 3rd day of  
September, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of September 3, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Tenth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 18th day of September, 2002, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 3rd day of  
September, 2002.

**Olene S. Walker**  
Lieutenant Governor

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

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Tenth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Hellewell, Waddoups and Davis to notify the Governor's representative that the Senate is convened in the Tenth Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communication:

### **COMMUNICATION FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: August 7, 2002

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

#### **JUVENILE COURT**

Elizabeth Lindsley appointed as a Judge of the Juvenile Court of the Third Judicial District. Utah Constitution article VIII, Section and Section 78-3a-107, Utah Code Annotated 1953, as amended.

Dear President Mansell and Members of the Senate: September 3, 2002

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

Michael P. Morris appointed to replace Robert P. Morris on the School and Institutional Trust Lands Board of Trustees for a term to expire July 1, 2008. Section 53C-1-202, Utah Code Annotated 1953, as amended.

**UTAH STATE RETIREMENT BOARD**

Phyllis Sorensen appointed to fill the unexpired term of Lily Eskelsen on the Utah State Retirement Board, a term to expire July 1, 2003. Section 49-1-202, Utah Code Annotated 1953, as amended.

**UTAH ATHLETIC FOUNDATION BOARD OF DIRECTORS**

Fraser Bullock appointed to fill the unexpired term of Frank Joklik on the Utah Athletic Foundation Board OF Directors, a term to expire August 15, 2003. H.J.R. 25, 2002 General Session.

**LABOR COMMISSION APPEALS BOARD**

Joseph E. Hatch appointed to fill the unexpired term of Zane Gill on the Labor Commission Appeals Board, a term to expire March 1, 2005. Section 34A-1-205, Utah Code Annotated 1953, as amended. Mr. Hatch is a democrat.

**UTAH SPORTS AUTHORITY BOARD**

Randy L. Dryer reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Mr Dryer is a democrat.

E. Marlowe Goble reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Dr. Goble is independent.

L. Clifford Goff reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Dr. Goff is a republican.

Dennis V. Haslam reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Mr. Haslam is a democrat.

Don J. Leonard reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Mr. Leonard is independent.

Carol W. Thorne reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Ms. Thorne is a republican.

Charles Wintzer reappointed as a member of the Utah Sports Authority Board for a term to expire January 1, 2006. Section 63A-7-104, Utah Code Annotated 1953, as amended. Mr. Wintzer is a democrat.

### **DRINKING WATER BOARD**

Laurie S. McNeill appointed to fill the unexpired term of Donald F. Hayes on the Drinking Water Board, a term to expire May 8, 2003. Section 19-4-103, Utah Code Annotated 1953, as amended. Dr. McNeill is independent.

### **BOARD OF SUBSTANCE ABUSE AND MENTAL HEALTH**

Joleen Meredith appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2004. Section 62A-15-106, Utah Code Annotated 1953, as amended. Ms. Meredith is a democrat.

Michael Crookston appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2004. Section 62A-15-106, Utah Code Annotated 1953, as amended. Dr. Crookston is independent.

Nora Stephens appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2004. Section 62A-15-106, Utah Code Annotated 1953, as amended. Ms. Stephens is a republican.

Carleen Kurip appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2006. Section 62A-15-106, Utah Code Annotated 1953, as amended. Ms. Kurip is independent.

James Ashworth appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2006. Section 62A-15-106, Utah Code Annotated 1953, as amended. Dr. Ashworth is independent.

Paula Bell appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2006. Section 62A-15-106, Utah Code Annotated 1953, as amended. Ms. Bell is a republican.

Darryl Wagner appointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2006. Section 62A-15-106, Utah Code Annotated 1953, as amended. Mr. Wagner is a republican.

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

**Michael O. Leavitt**  
Governor

Communication filed.

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Spencer	Stephenson	Valentine
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On motion of Senator Buttars, Judge Elizabeth Lindsley spoke in Committee of the Whole.

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

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

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

On motion of Senator Poulton, and at 12:30 p.m., the Senate adjourned sine die.



STATE OF UTAH

# **SENATE JOURNAL**

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

Convened and Adjourned on  
Wednesday, October 23, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, October 23, 2002, and adjourning sine die on the same day.

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

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

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

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

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Eleventh Extraordinary Session at 12:00 noon on Wednesday, October 23, 2002.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Beverly Evans

**Pledge**– Senator Chris Buttars

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 23rd day of October, 2002 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 8th day of  
October, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of October 8, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Eleventh Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 23rd day of October, 2002, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 8th day of  
October, 2002.

**Olene S. Walker**  
Lieutenant Governor

**Roll call** – All Senators present except Senators Bramble, Stephenson, Suazo, Wright and Spencer, excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Eleventh Extraordinary Session.

President Mansell appointed a committee comprised of Senators Hickman, Gladwell, and Mayne to notify the Governor's representative that the Senate is convened in the Eleventh Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communication:

#### **COMMUNICATION FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: October 8, 2002

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

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

Randy L. Dryer appointed to fill the unexpired term of Bud Scuggs on the University of Utah Board of Trustees, a term to expire June 30, 2003. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**HEALTH FACILITY COMMITTEE**

Paul N. Clayton reappointed as a member of the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Dr. Clayton is a republican.

Joyce E. Wanta reappointed as a member of the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Ms. Wanta is a republican.

Paul C. Fairholm appointed to replace Kathleen Fitzgerald on the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Mr. Fairholm is a republican.

Denell Bredsguard appointed to replace Kathy Siskins on the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Ms. Bredsguard is a republican.

Tracy D. Stocking appointed to replace Timothy Thomas on the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Mr. Stocking is a republican.

John T. Kesler appointed to replace Gayle Morawetz on the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Mr. Kesler is independent.

Carol E. Bloswick appointed to replace Travis Jackman on the Health Facility Committee for a term to expire July 1, 2006. Section 26-21-3, Utah Code Annotated 1953, as amended. Ms. Bloswick is a democrat.

Jill Andrews appointed to fill the unexpired term of Elisa Hill on the Health Facility Committee, a term to expire July 1, 2004. Section 26-21-3, Utah Code Annotated 1953, as amended. Ms. Andrews is non-partisan.

Susan R. Marquardt appointed to fill the unexpired term of Marilyn Williams on the Health Facility Committee, a term to expire July 1, 2004. Section 26-21-3, Utah Code Annotated 1953, as amended. Ms. Marquardt is a democrat.

**YOUTH PAROLE AUTHORITY**

Hank Hoole appointed to fill the unexpired term of Irene Bergstedt on the Youth Parole Authority, a term to expire April 1, 2003. Section 62A-7-109, Utah Code Annotated 1953, as amended.

**BOARD OF SERVICES FOR PEOPLE WITH DISABILITIES**

Tim Daynes appointed to fill the unexpired term of Julene Butler on the Board of Services for People with Disabilities, a term to expire April 1, 2003. Section 62A-5-105, Utah Code Annotated 1953, as amended. Mr. Daynes is a democrat.

## **BOARD OF AGING AND ADULT SERVICES**

Rodney D. Decker appointed to fill the unexpired term of Fern Reid on the Board of Aging and Adult Services, a term to expire April 1, 2005. Section 62A-1-107, Utah Code Annotated 1953, as amended. Dr. Decker is a democrat.

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

**Michael O. Leavitt**  
Governor

Communication filed.

\* \* \*

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

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

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

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

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

Bramble	Spencer	Stephenson	Suazo
Wright			

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

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

On motion of Senator Poulton, and at 12:30 p.m., the Senate adjourned sine die.





STATE OF UTAH

# **SENATE JOURNAL**

TWELFTH EXTRAORDINARY SESSION  
OF THE  
FIFTY-FOURTH LEGISLATURE

Convened and Adjourned on  
Wednesday, November 20, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty–Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, November 20, 2002, and adjourning sine die on the same day.

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

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

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

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

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, November 20, 2002.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Ed Allen

**Pledge**– Senator Millie Peterson

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of November, 2002 at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 5th day of  
November, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of November 5, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fourth Legislature of the State of Utah into a Twelfth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 20th day of November, 2002, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 5th day of  
November, 2002.

**Olene S. Walker**  
Lieutenant Governor

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

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Twelfth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Stephenson, Jenkins and Davis to notify the Governor's representative that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communication:

#### **COMMUNICATION FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: October 8, 2002

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

#### **BOARD OF TRAVEL DEVELOPMENT**

Vickie McCall appointed to fill the unexpired term of Jessica Stabrylla on the Board of Travel Development, a term to expire July 1, 2005. Section 9-3-202, Utah Code Annotated 1953, as amended. Ms. McCall is a republican.

Stanley B. Parrish appointed to replace Larry Jackstien on the Board of Travel Development for a term to expire July 1, 2005. Section 9-3-202, Utah Code Annotated 1953, as amended. Mr. Parrish is a republican.

Terry Porter appointed to replace Mark Leavitt on the Board of Travel Development for a term to expire July 1, 2005. Section 9-3-202, Utah Code Annotated 1953, as amended. Mr. Porter is a republican.

Dear President Mansell and Members of the Senate: November 5, 2002

### **BOARD OF CHILD AND FAMILY SERVICES**

Sheila Deputy appointed to fill the unexpired term of Sherill Edgell on the Board of Child and Family Services, a term to expire July 1, 2004. Section 62A-4a-102, Utah Code Annotated 1953, as amended. Ms. Deputy is a republican.

### **RADIATION CONTROL BOARD**

Robert Pattison appointed as a member of the Radiation Control Board for a term to expire July 1, 2004. Section 19-3-103, Utah Code Annotated 1953, as amended. Mr. Pattison is non-partisan.

Royal I. Hansen appointed as a member of the Radiation Control Board for a term to expire July 1, 2006. Section 19-3-103, Utah Code Annotated 1953, as amended. Mr. Hansen is a republican.

### **CENTRAL UTAH WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS**

Claude Hicken appointed to replace Ralph Duke as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 2, 2006. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

Mark Wilson appointed to fill the unexpired term of James Smedley on the Central Utah Water Conservancy District Board of Directors, a term to expire January 5, 2004. Section 17A-2-1409, Utah Code Annotated 1953, as amended.

### **WATER QUALITY BOARD**

Joe L. Piccolo appointed to fill the unexpired term of John R. Cushing on the Water Quality Board, a term to expire March 1, 2005. Section 19-5-103, Utah Code Annotated 1953, as amended. Mayor Piccolo is non-partisan.

### **UTAH STATE FAIR CORPORATION BOARD OF DIRECTORS**

Donald Marchant reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2006. Section 9-4-1104, Utah Code Annotated 1953, as amended.

Lorin L. Moench, Jr. reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2006. Section 9-4-1104, Utah Code Annotated 1953, as amended.

Douglas S. Peterson reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2006. Section 9-4-1104, Utah Code Annotated 1953, as amended.

Steve Barth appointed to fill the unexpired term of Richard S. Prows on the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2003. Section 9-4-1104, Utah Code Annotated 1953, as amended.

Ginger Casper appointed to fill the unexpired term of Lynn Runolfson on the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2005. Section 9-4-1104, Utah Code Annotated 1953, as amended.

#### **UTAH DINEH COMMITTEE**

Leonard Lee appointed to replace Roger Atcity as a member of the Utah Dineh Committee for a term to expire June 30, 2006. Section 63-88-107, Utah Code Annotated 1953, as amended.

Clarita Stevens appointed to replace Alta R. Stevens as a member of the Utah Dineh Committee for a term to expire June 30, 2006. Section 63-88-107, Utah Code Annotated 1953, as amended.

#### **HEALTH DATA COMMITTEE**

Kim A. Bateman reappointed as a member of the Health Data Committee for a term to expire June 30, 2006. Section 26-33a-103, Utah Code Annotated 1953, as amended. Dr. Bateman is a republican.

Leslie P. Francis reappointed as a member of the Health Data Committee for a term to expire June 30, 2006. Section 26-33a-103, Utah Code Annotated 1953, as amended. Dr. Francis is a democrat.

Annette K. Herman reappointed as a member of the Health Data Committee for a term to expire June 30, 2006. Section 26-33a-103, Utah Code Annotated 1953, as amended. Ms. Herman is a democrat.

Robert P. Huefner reappointed as a member of the Health Data Committee for a term to expire June 30, 2006. Section 26-33a-103, Utah Code Annotated 1953, as amended. Mr. Huefner is a democrat.

Ronald E. Casper appointed to replace Andrew B. Bowler on the Health Data Committee for a term to expire June 30, 2006. Section 26-33a-103, Utah Code Annotated 1953, as amended. Mr. Casper is a republican.

Mark E. Towner appointed to replace Wen Kuo on the Health Data Committee for a term to expire June 30, 2006. Section 26-33a-103, Utah Code Annotated 1953, as amended. Mr. Towner is a republican.

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

**Michael O. Leavitt**  
Governor

Communication filed.

\* \* \*

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

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator  
Peterson

**Absent or not voting were:** Senators  
Spencer                      Steele

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

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

On motion of Senator Poulton, and at 12:30 p.m., the Senate adjourned sine die.



STATE OF UTAH

# **SENATE JOURNAL**

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

Convened and Adjourned on  
Wednesday, December 18, 2002

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth Special Session of the Fifty-Fourth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Sixth Special Session convening on Wednesday, December 18, 2002, and adjourning sine die the same day.

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

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

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

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

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty–Fourth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Sixth Extraordinary Session at 10:00 a.m., on Wednesday, December 18, 2002.*

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

**Prayer** – Senator David Steele

**Pledge of Allegiance** – Senator Howard Stephenson

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

Annette B. Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2002 General Session of the Fifty–Fourth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty–Fourth Legislature of the State of Utah into a Sixth Special Session at the State Capitol in Salt Lake City, Utah, on the 18th day of December, 2002 at 10:00 a.m., for the following purposes:

1. To fund the Fiscal Year 2003 budget shortfall.

2. And, to consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 9th day of  
December, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of December 9th, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty-Fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 18th day of December, 2002, at 10:00 a.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2002 General Session.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 9th day of  
December, 2002.

**Olene S. Walker,**  
Lieutenant Governor

On motion of Senator Waddoups , the Senate voted to adopt the Senate Rules of the 2002 General Session of the Fifty-Fourth Legislature as the rules for the Sixth Special Session.

President Mansell appointed a committee comprised of Senators Knudson, Hellewell, and Davis to notify Governor Michael O. Leavitt that the Senate is convened in the Sixth Special Session in accordance with his proclamation and is organized and ready to receive any communications from him.

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

Senator Knudson reported that the House has been notified.

Senator reported Gladwell that the Governor has been notified.

\* \* \*

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

The motion passed by the required constitutional two-thirds majority.

## **INTRODUCTION OF BILLS**

### **GENERAL OBLIGATION BONDS**

**S.B. 6001**

*Beverly Ann Evans*

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

### **FIRE ACADEMY SUPPORT ACCOUNT AMENDMENTS**

**S.B. 6002**

*John L. Valentine*

THIS ACT MODIFIES PUBLIC SAFETY CODE TO MODIFY THE PURPOSES FOR WHICH THE FIRE ACADEMY SUPPORT FUND MAY BE USED. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time.

### **USE OF TOBACCO FUNDS**

**S.B. 6003**

*John W. Hickman*

THIS ACT MODIFIES STATE AFFAIRS IN GENERAL. THE ACT MODIFIES THE DISTRIBUTION OF TOBACCO SETTLEMENT FUNDS FROM DECEMBER 20, 2002 UNTIL JULY 1, 2003. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time.

On motion of Senator Valentine, under suspension of the rules, these bills were placed on the Second Reading Calendar for immediate consideration.

\* \* \*

On motion of Senator Poulton, and at 10:40 a.m., the Senate recessed.

The Senate was called to order at 4:25 p.m., with President Mansell presiding.

## **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Supplemental Proclamation issued under date of December 18th, 2002, and signed by Governor

Michael O. Leavitt, is a true and correct copy of the original Supplemental Proclamation adding to the purposes of the Sixth Special Session of the Fifty-Fourth Legislature of the State of Utah at the State Capitol at Salt Lake City.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 18th day of  
December, 2002.

**Olene S. Walker,**  
Lieutenant Governor

#### **SUPPLEMENTAL PROCLAMATION**

PURSUANT to item 2 of the proclamation issued December 9, 2002, calling the Legislature into a Sixth Special Session, I add the following items to the agenda:

1. To consider a resolution honoring Murray City on its centennial.

2. To consider modifying provisions relating to counties to change the effective date of county annexations and to provide for the pro rata sharing of revenues, fees, and charges.

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 18th day of  
December, 2002.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

## INTRODUCTION OF BILLS

### USE OF TOBACCO FUNDS

**S.B. 6003**

*John W. Hickman*

THIS ACT MODIFIES STATE AFFAIRS IN GENERAL. THE ACT MODIFIES THE DISTRIBUTION OF TOBACCO SETTLEMENT FUNDS FROM DECEMBER 20, 2002 UNTIL JULY 1, 2003. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time.

### USE OF ATTORNEY GENERAL FUND

**S.B. 6004**

*John L. Valentine*

THIS ACT MODIFIES THE CRIMINAL CODE AND TITLE 67, STATE OFFICERS AND EMPLOYEES, BY AMENDING AND RENUMBERING THE PROVISION REGARDING THE ATTORNEY GENERAL LITIGATION FUND. THIS ACT AMENDS THE FUND TO ALLOW THE ATTORNEY GENERAL TO USE FUND MONIES TO CARRY OUT THE OFFICE'S RESPONSIBILITIES UNDER STATE AND FEDERAL LAW. THIS ACT RELOCATES THE AMENDED PROVISION FROM THE ANTITRUST PROSECUTION AREA OF THE CODE TO TITLE 67, CHAPTER 5, ATTORNEY GENERAL. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time.



On motion of Senator Poulton, under suspension of the rules, these bills were placed on the Second Reading Calendar for immediate consideration.

### SECOND READING CALENDAR

On motion of Senator Evans, under suspension of the rules, **S.B. 6001**, GENERAL OBLIGATION BONDS, was considered read the second and third times. Senator Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Stephenson      Wright

**Absent or not voting were:** Senators

Hickman      Hillyard      Spencer

**S.B. 6001** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **S.B. 6002**, FIRE ACADEMY SUPPORT ACCOUNT AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard                      Spencer

**S.B. 6002** was transmitted to the House.

\* \* \*

**S.B. 6003**, USE OF TOBACCO FUNDS, was read the second time.

On motion of Senator Hickman, **S.B. 6003** was returned to Rules.

\* \* \*

**S.B. 6004**, USE OF ATTORNEY GENERAL FUND, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Poulton, and at 4:35 p.m., the Senate sauntered.

The Senate was called to order at 5:00 p.m., with President Mansell presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

December 18, 2002

The House passed **H.B. 6006**, BUDGET REALLOCATION AUTHORITY, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 6007**, COUNTY ANNEXATION AMENDMENTS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.C.R. 601**, RESOLUTION RECOGNIZING CENTENNIAL OF MURRAY CITY, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 6006**, **H.B. 6007**, and **H.C.R. 601** were read the first time.

On motion of Senator Valentine, under suspension of rules, the bills were placed on the Second Reading Calendar.

#### **SECOND READING CALENDAR**

On motion of Senator Valentine, the circle was removed from **S.B. 6004**, USE OF ATTORNEY GENERAL FUND, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **S.B. 6004**, USE OF ATTORNEY GENERAL FUND, was considered read the second and third times. Senator Valentine explained the bill. Senators Jenkins and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Blackham	Evans	Hillyard	Spencer
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**S.B. 6004** was transmitted to the House.

\* \* \*

**H.B. 6006**, BUDGET REALLOCATION AUTHORITY, was read the second time.

On motion of Senator Valentine, the bill was circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: December 18, 2002

The House passed, as amended, **H.B. 6005**, EDUCATION TESTING AMENDMENTS, by Representative M. Throckmorton, as follows:

1. Page 1, Lines 7–8:  
Delete “This act directs that the savings resulting from that change be used to pay the costs of online test administration.”
2. Page 3, Lines 76–79:  
Delete lines 76–79.  
and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 6005** was read the first time.

On motion of Senator Valentine, under suspension of rules, the bill was placed on the Second Reading Calendar

### SECOND READING CALENDAR

On motion of Senator Poulton, the circle was removed from **H.B. 6006**, BUDGET REALLOCATION AUTHORITY.

On motion of Senator Poulton, under suspension of the rules, **H.B. 6006**, BUDGET REALLOCATION AUTHORITY, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

E. Allen	Evans	Hillyard	Mayne
Spencer			

**H.B. 6006** 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. 6007**, COUNTY ANNEXATION AMENDMENTS, was considered read the second and third times. Senators Bramble, Dmitrich, Peterson, Stephenson, and Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

E. Allen                      Evans                      Hillyard                      Spencer

**H.B. 6007** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Davis, under suspension of the rules, **H.C.R. 601**, RESOLUTION RECOGNIZING CENTENNIAL OF MURRAY CITY, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

E. Allen                      Dmitrich                      Hillyard                      Spencer

**H.C.R. 601** 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. 6005**, EDUCATION TESTING AMENDMENTS, was considered read the second and third times. Senators Knudson and Peterson commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were: Senators**

E. Allen                  Blackham                  Hillyard                  Spencer

**H.B. 6005** was signed by the President of the Senate in open session and returned to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: December 18, 2002

The House passed, **S.B. 6001**, GENERAL OBLIGATION BONDS, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 6002**, FIRE ACADEMY SUPPORT ACCOUNT AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 6001** and **S.B. 6002** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

**INTRODUCTION OF BILLS**

**TOBACCO PERMANENT TRUST FUND APPROPRIATION**

**S.B. 6005** *L. Steven Poulton*

THIS ACT MODIFIES STATE AFFAIRS IN GENERAL. THE ACT MODIFIES THE DISTRIBUTION OF TOBACCO SETTLEMENT FUNDS FROM DECEMBER 20, 2002 UNTIL JULY 1, 2003. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

On motion of Senator Waddoups, the bill was returned to Rules.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: December 18, 2002

The House passed, **S.B. 6004**, USE OF ATTORNEY GENERAL FUND, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 6004** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President:

December 18, 2002

The House passed, as substituted, **1st Sub. H.B. 6004**, SALES AND USE TAX AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 6004** was read the first time.

On motion of Senator Valentine, under suspension of the rules, the bill was placed on the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 6004**, SALES AND USE TAX AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 1; Absent, 7.**

**Voting in the affirmative were:** Senators

R. Allen	Bramble	Davis	Dmitrich
Eastman	Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Suazo	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative was:** Senator

Wright

**Absent or not voting were:** Senators

E. Allen	Blackham	Buttars	Hillyard
Peterson	Poulton	Spencer	

**1st Sub. H.B. 6004** was signed by the President of the Senate in open session and returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

December 18, 2002

The House passed **H.B. 6001**, SUPPLEMENTAL APPROPRIATIONS ACT V, by Representative J. Alexander, with the following amendments:

1. Page 2, Line 70:  
After line 70 insert:  
“From General Fund, one–time 35,000”

2. Page 2, Line 72: Delete “(32,300)” and insert “(800)”
- 3.. Page 2, Line 73:  
Delete line 73
4. Page 3, Line 95:  
Delete “2,550,000” and insert “3,550,000”
5. Page 3, Line 101:  
Delete “(402,300)” and insert “(202,300)”
6. Page 3, Line 105:  
Delete “(1,087,700)” and insert “(487,700)”
7. Page 3, Line 106:  
Delete “(558,700)” and insert “(358,700)”
8. Page 4, Line 127:  
Delete “50,000” and insert “100,000”
9. Page 4, Line 129:  
Delete “(57,000)” and insert “(7,000)”
10. Page 5, Line 171:  
After Line 171 insert:  
“From General Fund, one–time 500,000”
11. Page 5, Line 177:  
Delete “(879,200)” and insert “(379,200)”
12. Page 10, Line 371  
After line 371 insert:  
“From General Fund, one–time 1,000,000”
13. Page 11, Line 395:  
Delete “(379,000)” and insert “621,000”
14. Page 21, Line 831:  
Delete “25,800” and insert “2,525,800”
15. Page 21, Line 833:  
Delete “1,000” and insert “1,501,000”
16. Page 22, Line 835:  
Delete “(33,200)” and insert “3,966,800”



## 17. Page 22, Line 836:

After line 836 insert::

“It is the intent of the Legislature that the Board of Regents exercise its discretion and distribute \$4,000,000 of this appropriation to higher education institutions. In determining how much, if any, to distribute to an institution, the Board of Regents shall consider: the mission of the institution; the impact of budget cuts on students; and the needs identified by the institution.”

## 18. Page 22, Line 852:

After Line 852, insert:

It is the intent of the Legislature that, in the 2003 annual general session, the Legislature consider and evaluate restoring, but not limited to, the cuts made in this line item by repealing and reducing certain sales and use tax exemptions, including considering and evaluating:

(1) repealing sales and use tax exemptions for:

(a) sales of food, beverage, and dairy products from vending machines;

(b) sales of food products and related services to commercial airline carriers for in-flight consumption;

(c) sales of media by producers, distributors, or studios to a commercial broadcaster or exhibitor;

(d) sales or use of property, materials, or services used in pollution control facilities;

(e) sales of newspapers or newspaper subscriptions;

(f) sales to a ski resort of electricity to operate a passenger ropeway;

(g) sales of certain equipment or passenger ropeways to a ski resort;

(h) sales or rentals of coin-operated amusement devices; and

(j) sales of cleaning or washing of tangible personal property by a coin-operated car wash machine; and

(2) reducing sales and use tax exemptions for:

(a) sales of certain machinery, equipment, and replacement parts used in manufacturing;

(b) sales of tooling, equipment, or parts used in certain aerospace or electronics contracts with the United States government;

(c) sales of certain items used to package tangible personal property; and

(d) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use.

## 19. Page 23, Line 890:

After Line 890, insert:

It is the intent of the Legislature that, in the 2003 annual general

session, the Legislature consider and evaluate restoring , but not limited to, the cuts made in this line item by repealing and reducing certain sales and use tax exemptions, including considering and evaluating:

(1) repealing sales and use tax exemptions for:

(a) sales of food, beverage, and dairy products from vending machines;

(b) sales of food products and related services to commercial airline carriers for in-flight consumption;

(c) sales of media by producers, distributors, or studios to a commercial broadcaster or exhibitor;

(d) sales or use of property, materials, or services used in pollution control facilities;

(e) sales of newspapers or newspaper subscriptions;

(f) sales to a ski resort of electricity to operate a passenger ropeway;

(g) sales of certain equipment or passenger ropeways to a ski resort;

(h) sales or rentals of coin-operated amusement devices; and

(j) sales of cleaning or washing of tangible personal property by a coin-operated car wash machine; and

(2) reducing sales and use tax exemptions for:

(a) sales of certain machinery, equipment, and replacement parts used in manufacturing;

(b) sales of tooling, equipment, or parts used in certain aerospace or electronics contracts with the United States government;

(c) sales of certain items used to package tangible personal property; and

(d) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use.

20. Page 27, Line 1041:

Delete "(290,600)" and insert "(2,390,600)"

21. Page 27, Line 1042:

After line 1042 insert:

""Schedule of Programs:

Planning and Project Services (2,100,000)"

22. Page 27, Line 1067:

Delete "100,000" and insert "150,000"

23. Page 27, Line 1069:

Delete “(68,000)” and insert “(18,000)”  
and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk  
Communications filed. **H.B. 6001** was read the first time.

On motion of Senator Hickman, under suspension of the rules, the bill was placed on the Second Reading Calendar

### **SECOND READING CALENDAR**

**H.B. 6001**, SUPPLEMENTAL APPROPRIATIONS ACT V, was read the second time.

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

1. Page 12, Line 451:

After Line 451 insert:  
“ITEM 62.5 To General Fund, one–time  
From Industrial Assistance Fund 1,000,000  
Schedule of Programs:  
General Fund, one–time 1,000,000”

2. Page 12, Line 473:

After Line 473 insert:  
“From General Fund, one–time 1,000,000”

3. Page 13, Line 475:

Delete “(25,400)” and insert “974,600”

4. Page 13, Line 482:

After line 482 insert:  
“It is the intent of the Legislature that \$1,000,000 be used for economic ecosystems in Health Informatics.”

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

On the Lilac transmittal from the House dated December 18, 2002, at 6:39 p.m.

Pages 2 and 3:

Delete numbers 18 and 19.

Senator Hickman explained the bill. Senators Stephenson, Bramble, Mayne, Evans, Valentine, and Dmitrich commented.

On motion of Senator Steele, the bill was circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

December 18, 2002

The House passed **H.B. 6003**, USE OF TOBACCO PERMANENT TRUST FUND, by Representative K. Morgan, with the following amendments:

1. Page 1 Line 5:  
Delete "\$26.4 million" and insert "\$21,135,000"
2. Page 1 Line 13:  
Delete "\$26.4 million" and insert "\$21,135,000"  
and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 6003** was read the first time.

On motion of Senator Hickman, under suspension of the rules, the bill was placed on the Second Reading Calendar

### SECOND READING CALENDAR

On motion of Senator Ron Allen, under suspension of the rules, **H.B. 6003**, USE OF TOBACCO PERMANENT TRUST FUND, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

E. Allen	Evans	Hillyard	Peterson
Poulton	Spencer		

**H.B. 6003** 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 **H.B. 6001**, SUPPLEMENTAL APPROPRIATIONS ACT V. Senator Steele declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Gladwell
Hellewell	Hickman	Jenkins	Knudson
Mayne	Steele	Suazo	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

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

E. Allen	Evans	Hillyard	Peterson
Poulton	Spencer		

\* \* \*

Having voted on the prevailing side, Senator Valentine made a motion to reconsider **H.B. 6001** for the purpose of revoting. The motion passed.

On motion of Senator Valentine, under suspension of the rules, **H.B. 6001**, SUPPLEMENTAL APPROPRIATIONS ACT V, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

R. Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hellewell	Hickman	Jenkins
Knudson	Mayne	Steele	Suazo
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Hale                      Julander                      Stephenson

**Absent or not voting were:** Senators

E. Allen                      Hillyard                      Peterson                      Poulton  
Spencer

**H.B. 6001**, as amended, was returned to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

December 18, 2002

The House concurred in the Senate amendments and passed **H.B. 6001**, SUPPLEMENTAL APPROPRIATIONS ACT V, by Representative J. Alexander, and it is transmitted for the signature of the President.

**H.B. 6001** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

President Mansell appointed Senators David Steele, Dan Eastman, and Paula Julander to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Beverly Evans, Parley Hellewell, and Ed Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Steele reported that the Governor has been notified.

Senator Evans reported that the House has been notified.

On motion of Senator Valentine, and at 9:00 p.m., the Sixth Special Session of the Fifty-Fourth Legislature adjourned sine die.

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FIFTY-FOURTH LEGISLATURE

SIXTH SPECIAL SESSION

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STATE OF UTAH

# **SENATE JOURNAL**

2003 GENERAL SESSION  
OF THE  
FIFTY-FIFTH LEGISLATURE

Convened  
Monday, January 20, 2003

Adjourned Sine Die  
Wednesday, March 5, 2003

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2003 General Session of the Fifty–Fifth 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, 2003, and adjourning sine die on Wednesday, March 5, 2003.

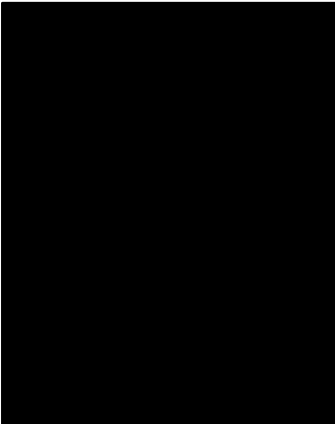
**Annette B. Moore**  
Secretary of the Senate

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

**Mary B. Andrus**  
Journal Clerk

# **PRESIDENT OF THE SENATE**

## **2003 General Session Fifty–Fifth Legislature**



The 2003 General Session of the Fifty–Fifth Legislature will likely stand out as one of the more challenging sessions of the past decade. The legislature had the difficult task of balancing the budget with less money than has been available in some 15 years. Adding to the tension were some very sensitive pieces of legislation dealing with tuition tax credits, hate crimes, holding therapy, and amendments related to financial institutions. These issues generated a great deal of citizen participation, and this involvement is what truly makes our process work.

Senate Bill 172 created a task force to study radioactive and hazardous waste storage, including evaluation of fees and taxes imposed on these wastes. It also placed a moratorium on acceptance of Class B or C radioactive waste through February 15, 2005.

Despite the budget constraints, the legislature increased public education funding by \$20 per pupil and avoided a general tax increase. Overall, I am pleased with the progress made during this session and the bipartisan effort to pass legislation that would be most beneficial to Utahns as a whole.

The Senate bid farewell to five retiring senators: Alicia Suazo (District 2), L. Steven Poulton (District 9), Millie M. Peterson (District 12), D. Edgar Allen (District 18), and Terry R. Spencer (District 22).

The Senate also welcomed five new senators: James Evans (District 1), Patrice Arent (District 4), David L. Thomas (District 18), Gregory S. Bell (District 22), and Thomas Hatch (District 28).

The governor's appointment of two new Supreme Court Justices provided an opportunity for the Senate to review its confirmation process before voting to confirm the appointees. The changes made significantly strengthened the process of evaluating judicial appointees and will better ensure the appointment of highly qualified judges who possess all the attributes necessary to perform this important service for the people of Utah.

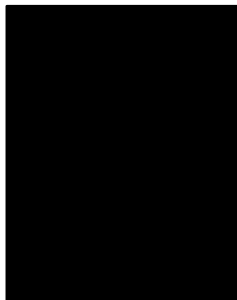
I am very honored to have been elected to a second term as President of the Senate. I appreciate the confidence of the good men and women of the Fifty–Fifth Legislature, and I look forward to my continued association with them.

**Al Mansell  
President Utah State Senate**

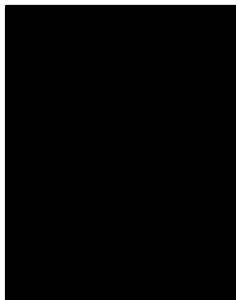


## SENATE LEADERSHIP

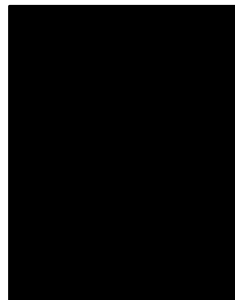
### MAJORITY LEADERSHIP (Republican)



Michael G. Waddoups  
*Majority Leader*



John L. Valentine  
*Majority Whip*

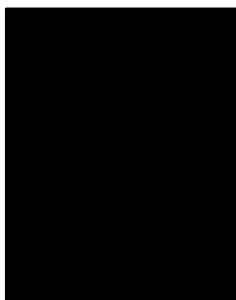


Peter C. Knudson  
*Asst. Majority Whip*

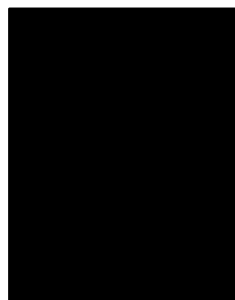
### MINORITY LEADERSHIP (Democrat)



Mike Dmitrich  
*Minority Leader*



Ron Allen  
*Minority Whip*



Gene Davis  
*Asst. Minority Whip*

### SENATE STAFF



Annette B. Moore  
*Secretary of  
the Senate*



Sandy D. Tenney  
*Manager  
Senate Services*



Lynette Erickson  
*Docket Clerk*



## SENATE LEADERSHIP

President of the Senate (R) .....	Al Mansell
Majority Leader (R) .....	Michael G. Waddoups
Majority Whip (R) .....	John L. Valentine
Assistant Majority Whip (R) .....	Peter C. Knudson
Minority Leader (D) .....	Mike Dmitrich
Minority Whip (D) .....	Ron Allen
Assistant Minority Whip (D) .....	Gene Davis

## HOUSE LEADERSHIP

Speaker of the House (R) .....	Martin R. Stephens
Majority Leader (R) .....	Greg J. Curtis
Majority Whip (R) .....	Jeff Alexander
Assistant Majority Whip (R) .....	Michael Styler
Minority Leader (D) .....	Brent Goodfellow
Minority Whip (D) .....	Brad King
Assistant Minority Whip (D) .....	Karen Morgan

## STATE OFFICIALS

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

## CONGRESSIONAL DELEGATION

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

## UTAH SUPREME COURT

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

## **MEMBERS OF THE SENATE**





## MEMBERS OF THE SENATE

### Fifty–Fifth Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
<b>James Evans</b>	1	Salt Lake	R	1552 N Newton Park Street Salt Lake City, Utah 84116 Home (801) 322–3452
<b>Paula Julander</b>	2	Salt Lake	D	476 B Street Salt Lake City, Utah 84103 Home (801) 363–0868
<b>Gene Davis</b> Asst. Minority Whip	3	Salt Lake	D	865 Parkway Avenue Salt Lake City, Utah 84106 Home (801) 484–9428
<b>Patrice Arent</b>	4	Salt Lake	D	6281 Havenbrook Circle Salt Lake City, Utah 84121 Home (801) 272–1956
<b>Ed Mayne</b>	5	Salt Lake	D	5044 West Bannock Circle West Valley City, Utah 84120 Home (801) 968–7756
<b>Michael G. Waddoups</b> Majority Leader	6	Salt Lake	R	2868 Matterhorn Drive West Jordan, Utah 84084 Home (801) 967–0225
<b>Karen Hale</b> Minority Caucus Mgr.	7	Salt Lake	D	2564 Maywood Drive Salt Lake City, Utah 84109 Home (801) 485–6642
<b>Carlene Walker</b>	8	Salt Lake	R	4085 East Prospector Drive Salt Lake City, Utah 84121 Home (801) 733–4599
<b>Al Mansell</b> President	9	Salt Lake	R	6995 S Union Park Ctr #100 Midvale, Utah 84047 Home (801) 942–6019
<b>D. Chris Buttars</b>	10	Salt Lake	R	9241 South Lisa Ave West Jordan, Utah 84088 Home (801) 561–0535
<b>Howard A. Stephenson</b>	11	Salt Lake, Utah	R	1038 East 13590 South Draper, Utah 84020 Home (801) 576–1022

<b>Ron Allen</b> Minority Whip	12	Salt Lake, Tooele	D	835 Lakeview Stansbury Park, Utah 84074 Home (435) 882-3535
<b>Bill Wright</b>	13	Tooele Utah	R	P.O. Box 178 Elberta, Utah 84626 Home (801)667-3333
<b>John L. Valentine</b> Majority Whip	14	Utah	R	857 East 970 North Orem, Utah 84097 Home (801) 224-1693
<b>Parley G. Hellewell</b>	15	Utah	R	492 South 1000 West Orem, Utah 84058 Home (801) 226-3034
<b>Curtis S. Bramble</b>	16	Utah	R	3663 North 870 East Provo, Utah 84604 Home (801)226-3663
<b>Peter C. Knudson</b> Asst. Majority Whip	17	Box Elder, Cache, Tooele	R	1209 Michelle Drive Brigham City, Utah 84302 Home (435) 723-2035
<b>David L. Thomas</b>	18	Davis Weber	R	7875 South 2250 East South Weber, Utah 84405 Home (801) 479-7479
<b>David L. Gladwell</b>	19	Morgan, Summit, Weber	R	3159 North 1075 East Ogden, Utah 84414 Home (801) 782-4130
<b>Scott K. Jenkins</b>	20	Weber	R	4385 West 1975 North Plain City, Utah 84404 Home (801) 731-5120
<b>David H. Steele</b>	21	Davis	R	3954 West 150 North West Point, Utah 84015 Home (801) 825-3033
<b>Greg Bell</b>	22	Davis	R	744 Eagle Way Fruit Heights, Utah 84037 Office (801) 543-2001
<b>Dan R. Eastman</b>	23	Davis	R	968 Canyon Crest Drive Bountiful, Utah 84010 Home (801) 295-5133

<b>Leonard M. Blackham</b>	24	Juab, Piute Sanpete, Sevier, Tooele Wayne,	R	P.O. Box 337 Moroni, Utah 84646 Home (435) 436-8489
<b>Lyle W. Hillyard</b>	25	Cache, Rich,	R	175 East First North Logan, Utah 84321 Home (435) 753-0043
<b>Beverly A. Evans</b>	26	Daggett, Duchesne,, Summit, Uintah, Wasatch	R	HC 65, Box 36 Altamont, Utah 84001 Home (435) 454-3719
<b>Mike Dmitrich</b> Minority Leader	27	Carbon, Emery, Grand, San Juan, Utah	D	566 North Dover Circle Price, Utah 84501 Home (435) 637-0426
<b>Thomas Hatch</b>	28	Beaver Garfield Iron, Kane Millard Washington	R	P O Box 391 Panguitch, Utah 84759 Home (435) 676-2421
<b>J. W. "Bill" Hickman</b>	29	Washington, Iron	R	214 North Emerald Drive St George, Utah 84770 Home (435) 673-2671



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

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

**\*“Rules of the Fifty–Fifth Legislature 2003”**

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

\*Copies available in the Office of Legislative Research and General Counsel.



**STATE OF UTAH**  
**SENATE JOURNAL**  
**2003 GENERAL SESSION**  
**of the**  
**FIFTY-FIFTH LEGISLATURE**  
**FIRST DAY**  
**MORNING SESSION**

*Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Fifth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 20, 2003 at ten o'clock a.m.*

The Senate was called to order at 10:00 a.m., with The Honorable Dee Benson, Chief Judge, U. S. District Court for the Utah District presiding.

**PRAYER**

Elder Neal A. Maxwell, Quorum of the Twelve Apostles, Church of Jesus Christ of Latter Day Saints

**POSTING OF COLORS & PLEDGE OF ALLEGIANCE**

Utah National Guard

Pledge of Allegiance – Mayor Tom Dolan of Sandy City

**SPECIAL MUSICAL PRESENTATION**

The Alta High School Madrigals, directed by Stephen Simmons, performed “America” and “One Who Stands Alone.”

On motion of Senator Michael Waddoups, the Senate thanked Elder Maxwell for delivering the invocation.

\* \* \*

Annette B. Moore read the following Certification of Membership for the 2003 General Session of the Utah State Senate:

**CERTIFICATE OF MEMBERSHIP OF THE**  
**2003 GENERAL SESSION**  
**OF THE UTAH STATE SENATE**  
**55TH 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 5, 2002, 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, 2003, to wit:

FIRST DISTRICT: County of Salt Lake

**James Evans**

SECOND DISTRICT: County of Salt Lake

**Paula Julander**

THIRD DISTRICT: County of Salt Lake

**Gene Davis**

FOURTH DISTRICT: County of Salt Lake

**Patrice Arent**

FIFTH DISTRICT: County of Salt Lake

**Ed Mayne**

SEVENTH DISTRICT: County of Salt Lake

**Karen Hale**

NINTH DISTRICT: County of Salt Lake

**L. Alma "Al" Mansell**

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

**Howard Stephenson**

TWELFTH DISTRICT: County of Salt Lake, Tooele

**Ron Allen**

FIFTEENTH DISTRICT: County of Utah

**Parley G. Hellewell**

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

**Peter C. Knudson**

EIGHTEENTH DISTRICT: Counties of Davis, Weber

**David L. Thomas**

TWENTY-FIRST DISTRICT: Counties of Davis

**David H. Steele**

TWENTY-SECOND DISTRICT: Counties of Davis

**Gregory Bell**

TWENTY-SIXTH: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch

**Beverly Evans**

TWENTY-EIGHTH: Counties of Beaver, Garfield, Iron, Kane,  
Millard, Washington

**Thomas Hatch**

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 7, 2000, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the



Senate, each for the term of four years, beginning January 1, 2001, to wit:

SIXTH DISTRICT: County of Salt Lake

**Michael G. Waddoups**

EIGHTH DISTRICT: County of Salt Lake

**Carlene M. Walker**

TENTH DISTRICT: Counties of Salt Lake

**D. Chris Buttars**

THIRTEENTH DISTRICT: County of Utah, Tooele

**Bill Wright**

FOURTEENTH DISTRICT: County of Utah

**John L. Valentine**

SIXTEENTH DISTRICT: County of Utah

**Curtis S. Bramble**

NINETEENTH DISTRICT: County of Morgan, Summit, Weber

**David L. Gladwell**

TWENTIETH DISTRICT: County of Weber

**Scott K. Jenkins**

TWENTY-THIRD DISTRICT: Counties of Davis

**Dan R. Eastman**

TWENTY-FOURTH DISTRICT: County of Juab, Piute, Sanpete,  
Sevier, Tooele, Wayne

**Leonard M. Blackham**

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

**Lyle W. Hillyard**

TWENTY-SEVENTH DISTRICT: County of Carton, Emery,  
Grand, San Juan, Utah

**Mike Dmitrich**

TWENTY-NINTH DISTRICT: County of Washington

**John W. (Bill) Hickman**

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 Twentieth day of  
January, 2003.

**OLENE S. WALKER**  
Lieutenant Governor

Communication filed.

\* \* \*

The Honorable Chief Judge Dee Benson administered the Oath of Office to all reelected, newly elected and appointed members of the Senate for the Fifty–Fifth Legislature.

\* \* \*

**Roll Call** – All Senators present

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

The Honorable Chief Judge Dee Benson declared nominations for the office of President of the Senate were in order.

On motion of Senator Michael Waddoups and seconded by Senator Mike Dmitrich, Senator Al Mansell was nominated to serve as the President of the Utah State Senate for the Fifty–Fifth Legislature.

On motion of Senator Michael Waddoups and seconded by Ron Allen, the nominations were closed and Senator Al Mansell was elected President of the Senate by acclamation. Senators Michael Waddoups, John Valentine, and Mike Dmitrich escorted President Mansell to the podium.

The Honorable Chief Judge Dee Benson administered the Oath of Office to the President of the Senate, Al Mansell.

On motion of Senator Michael Waddoups, the Senate expressed appreciation to the Honorable Chief Judge Dee Benson for taking time to participate in the opening of the Utah State Senate.

\* \* \*

On motion of Senator Waddoups, President Mansell directed that the following be recorded in the Senate Journal as leaders for the 55th Legislature 2003 General Session:

President – L. Alma “Al” Mansell  
Majority Leader – Michael G. Waddoups  
Majority Whip – John L. Valentine  
Asst. Majority Whip – Peter C. Knudson  
Minority Leader – Mike Dmitrich  
Minority Whip – Ron Allen  
Asst. Minority Whip – Gene Davis

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

President Mansell appointed a Senate Rules Committee comprised of Senator Lyle Hillyard, Chairman, and Senators Curtis Bramble, Chris Buttars, David Gladwell, Parley Hellewell, Scott Jenkins, Michael Waddoups, Gene Davis, and Ed Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Mansell appointed Senator Beverly Evans as the Committee Chair to serve Patronage and Employees.

On motion of Senator Lyle Hillyard, the Senate Rules and the Joint Rules of the 2002 General Session for the Fifty-Fourth Legislature were adopted with the understanding that changes to these rules for the Fifty-Fifth Legislature will be considered and adopted as soon as possible.

President Mansell appointed Senators Curtis Bramble, Parley Hellewell, and Paula Julander as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Mansell appointed Senators Thomas Hatch, Greg Bell, and Patrice Arent as a committee to notify Governor Michael O. Leavitt that the Senate is organized for the 2003 General Session of the Fifty-Fifth Legislature and ready to do business.

Representatives Johnson, Hutchings, and Hansen formally notified the Senate that the House is organized and ready to do business.

Senator Bramble, chairman of the Committee to Notify the House, reported the House has been notified that the Senate is organized and ready to do business.

Senator Hatch, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Michael O. Leavitt has been notified that the Senate is organized and ready to do business.

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

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

**STANDING COMMITTEES****Business and Labor**

Parley Hellewell, *Chair*

Curtis S. Bramble

Dan Eastman

Thomas Hatch

Michael Waddoups

Carlene Walker

Gene Davis

Ed Mayne

**Education**

Bill Wright, *Chair*

D. Chris Buttars

David L. Gladwell

David H. Steele

Howard A. Stephenson

John Valentine

Karen Hale

Patrice Arent

**Government Operations and  
Political Subdivisions**

Carlene M. Walker, *Chair*

Dan Eastman

Beverly Evans

Bill Hickman

Peter Knudson

Karen Hale

Patrice Arent

**Health and Human Services**

James Evans, *Chair*

Leonard Blackham

Beverly Evans

Scott Jenkins

Peter Knudson

David Thomas

Paula Julander

Ron Allen

**Judiciary, Law Enforcement and  
Criminal Justice**

Gregory Bell, *Chair*

Chris Buttars

James Evans

David Gladwell

Lyle Hillyard

Al Mansell

Mike Dmitrich

Patrice Arent

**Natural Resources, Agriculture and Environment**

Beverly Ann Evans, *Chair*

Leonard M. Blackham

Thomas Hatch

Parley Hellewell

Scott Jenkins

Bill Wright

Gene Davis

Paula Julander

**Revenue and Taxation**

Curtis S. Bramble, *Chair*

Gregory Bell

Leonard Blackham

David Gladwell

Howard Stephenson

Michael Waddoups

Mike Dmitrich

Ron Allen

**Quasi-Government Entities**

John Valentine, *Chair*

Beverly Evans

Carlene Walker

Ron Allen

Paula Julander

**Transportation and Public Utilities  
and Technology**David H. Steele, *Chair*

Dan Eastman

Bill Hickman

Peter Knudson

Howard Stephenson

Carlene Walker

Karen Hale

Ed Mayne

**Workforce Services and Community  
and Economic Development**David Thomas, *Chair*

Thomas Hatch

Lyle Hillyard

Scott Jenkins

David Steele

John Valentine

Paula Julander

Ed Mayne

**EXECUTIVE APPROPRIATIONS AND  
JOINT APPROPRIATIONS SUBCOMMITTEES****Executive Appropriations**Sen. Leonard M. Blackham, *Chair*Sen. Bill Hickman, *Vice Chair*

Sen. Al Mansell

Sen. Michael G. Waddoups

Sen. John L. Valentine

Sen. Peter C. Knudson

Sen. Mike Dmitrich

Sen. Ron Allen

Sen. Gene Davis

Sen. Karen Hale

**Capital Facilities and Administrative Services**Beverly Evans, *Co Chair*

Greg Bell

Mike Dmitrich

**Commerce and Revenue**

Scott Jenkins, *Co Chair*

Leonard Blackham

John Valentine

Ed Mayne

**Economic Development and Human Resources**

Carlene Walker, *Co Chair*

Curtis Bramble

Al Mansell

Gene Davis

**Executive Offices and Criminal Justice**

Chris Buttars, *Co Chair*

Michael Waddoups

Patrice Arent

**Health and Human Services**

David H. Steele *Co Chair*

Leonard Blackham

Paula Julander

**Higher Education**

David Gladwell, *Co Chair*

Bill Hickman

Peter Knudson

Ron Allen

**Natural Resources**

Tom Hatch, *Co Chair*

Parley Hellewell

Ron Allen

**Public Education**

Howard Stephenson, *Co Chair*

James Evans

Lyle Hillyard

Bill Wright

Karen Hale

### **Transportation, Environmental Quality and National Guard**

Dan Eastman, *Co Chair*

Dave Thomas

Michael Waddoups

Mike Dmitrich

### **Senate Rules**

Lyle Hillyard, Chair

Curtis Bramble

D. Chris Buttars

David Gladwell

Parley G. Hellewell

Scott Jenkins

Michael Waddoups

Gene Davis

Ed Mayne

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

### **EMPLOYEE COMMITTEE REPORT**

Senator Evans introduced the Senate Staff.

Mr President and members of the Senate:

As Chair of the Committee on Patronage and Employees, I recommend that these individuals be employed as Senate Staff for the 2003 General Session of the Fifty-Fifty Legislature:

Annette B. Moore	Secretary of the Senate
Sandy D. Tenney	Manager of Senate Services
Leslie O. McLean	Administrative Asst.
Janeen M. Melchior	Minority Administrative Assistant
Lynette Erickson	Docket Clerk
Greg Johnson	System Analyst Computer Specialist
Eric Isom	Majority Administrative Assistant
Rolayne Day	Secretarial Supervisor
Mary Andrus	Journal Clerk
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Bonnie Brinton	Committee Secretary
Nadine Woodhead	Committee Secretary
Karen Allred	Committee Secretary
Nedra Duzett	Committee Secretary
Norda Shepard	Committee Secretary
Jeanne Wride	Committee Secretary
Kathryn Alldredge	Aide to Secretary of Senate



Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Virgil Blair	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Wendell Coombs	Security
Paul Jacobs	Security
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Paula Tew	Legislative & Third House Aide
Evoline Gardner	Hostess and 3rd House Aide
Charliene T. Reed	Public Information Officer
Rebecca Rawson	Public Information Officer
Darlene D. Nilson	Public Information Officer
Pamela H. Benson	Legislative Tour Guide

**INTRODUCTION OF INTERNS**

Andrus, Amber	Hansen, Seth
Boardman, Casey	Hinton, Rachel
Burbidge, Emilee	Izatt, Hilary
Butler, Britney	Karren, Lynette
Campbell, Ian	Melville, Matt
Dance, Tim	Nay, Ashlee
Ellis, Jacob	Petersen, Ryan
Ethington, Todd	Prince, Cynthia
Grygla, Erin	Risbon, Megan
	Whittaker, Bryce

**INTRODUCTION OF BILLS****CLEAN SPECIAL FUEL TAX CERTIFICATE – EXEMPTION****S.B. 4***David H. Steele*

THIS ACT MODIFIES THE REVENUE AND TAXATION CODE BY CLARIFYING THAT GOVERNMENT VEHICLES ARE EXEMPT FROM PURCHASING THE CLEAN SPECIAL FUEL TAX CERTIFICATE. THIS ACT MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE  
AMENDMENTS****S.B. 5***Beverly Ann Evans*

THIS ACT MODIFIES THE INDEPENDENT ENTITIES CODE BY CHANGING THE NAME OF THE LEGISLATIVE QUASI-GOVERNMENTAL ENTITIES COMMITTEE AND THE LEGISLATIVE INDEPENDENT ENTITIES COMMITTEE TO THE RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE. THIS ACT REPEALS THE QUASI-GOVERNMENTAL ENTITIES ACT WHICH WAS REPLACED BY THE INDEPENDENT ENTITIES ACT THAT BECAME EFFECTIVE ON JULY 1, 2002, was read for the first time and referred to the Rules Committee.

**RETAILER REQUIREMENTS IN PRINTING FINANCIAL  
TRANSACTION CARD RECEIPT****S.B. 6***Carlene M. Walker*

THIS ACT MODIFIES THE COMMERCE AND TRADE CODE BY ENACTING PROVISIONS PROHIBITING A PERSON FROM PRINTING MORE THAN THE LAST FIVE DIGITS OF A FINANCIAL TRANSACTION CARD ACCOUNT NUMBER OR THE EXPIRATION DATE ON A FINANCIAL TRANSACTION CARD RECEIPT. THIS ACT TAKES EFFECT ON JANUARY 1, 2004, was read for the first time and referred to the Rules Committee.

**AUTOMOBILE HOMICIDE AMENDMENTS****S.B. 7***Carlene M. Walker*

THIS ACT MODIFIES THE CRIMINAL CODE BY STATING THAT ONE OF THE ELEMENTS OF THE OFFENSE OF AUTOMOBILE HOMICIDE

MAY BE THAT THE OPERATOR HAS A MEASURABLE AMOUNT OF SCHEDULE I OR II CONTROLLED SUBSTANCES IN THE BODY. THIS ACT ALSO PROVIDES AN AFFIRMATIVE DEFENSE IF THE CONTROLLED SUBSTANCE WAS INVOLUNTARILY INGESTED OR WAS BEING TAKEN PURSUANT TO A PRESCRIPTION, was read for the first time and referred to the Rules Committee.

### **SENTENCING IN CAPITAL CASES AMENDMENTS**

#### **S.B. 8**

*David L. Gladwell*

THIS ACT MODIFIES THE CRIMINAL CODE BY PROVIDING THAT PERSONS FOUND BY THE COURT TO BE MENTALLY RETARDED ARE NOT SUBJECT TO THE DEATH PENALTY. THIS ACT DEFINES MENTAL RETARDATION AS APPLICABLE TO DEATH PENALTY CASES. THIS ACT SPECIFIES PROCEDURES FOR THE EXAMINATION OF DEFENDANTS ALLEGING MENTAL RETARDATION AND PROCEDURES FOR THE JUDICIAL HEARING TO DETERMINE MENTAL RETARDATION. THIS ACT IS IN RESPONSE TO THE RECENT U.S. SUPREME COURT CASE ATKINS V. VIRGINIA WHICH PROHIBITS EXECUTION OF THE MENTALLY RETARDED. THIS ACT ALSO PROVIDES THAT DEFENDANTS WITH SPECIFIED SUBAVERAGE FUNCTIONING ARE NOT SUBJECT TO THE DEATH PENALTY IF THE DEFENDANT'S CONFESSION IS NOT SUBSTANTIALLY CORROBORATED. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### **COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS**

#### **S.B. 9**

*Gene Davis*

THIS ACT MODIFIES THE COMPREHENSIVE HEALTH INSURANCE POOL ACT. THE ACT AMENDS DEFINITIONS. THE ACT AMENDS THE NUMBER OF BOARD MEMBERS REQUIRED FOR A QUORUM, THE POWERS OF THE BOARD, AND THE DUTIES OF THE POOL ADMINISTRATOR. THE ACT AMENDS ELIGIBILITY FOR THE POOL AND THE APPLICATION OF PREEXISTING CONDITIONS IN ORDER TO BE IN COMPLIANCE WITH FEDERAL LAW AND TO INCORPORATE PROVISIONS OF THE PRIMARY CARE NETWORK WAIVER FOR THE STATE MEDICAID PROGRAM. THE ACT AMENDS PROVISIONS RELATED TO COPAYS, DEDUCTIBLES, AND CANCELLATIONS OF COVERAGE. THE ACT AMENDS THE FREQUENCY WITH WHICH PREMIUMS MAY BE ADJUSTED. THE ACT AMENDS BENEFIT

REDUCTION AND IMMUNITY PROVISIONS. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **PRENEED FUNERAL ARRANGEMENT AMENDMENTS**

#### **S.B. 10**

*Patrice M. Arent*

THIS ACT MODIFIES THE PRENEED FUNERAL ARRANGEMENT ACT BY REQUIRING PRENEED CONTRACTS TO PROVIDE THE BUYER WITH THE OPTION TO FURNISH A DISCLOSURE OF THE PRENEED CONTRACT TO ANOTHER PERSON, was read for the first time and referred to the Rules Committee.

### **CHILD CARE AMENDMENTS**

#### **S.B. 11**

*Beverly Ann Evans*

THIS ACT MODIFIES PROVISIONS RELATED TO CHILD CARE IN UTAH. THE ACT MODIFIES DEFINITIONS RELATED TO PROVIDING CHILD CARE SERVICES. IT MODIFIES THE FUNCTIONS AND DUTIES OF THE OFFICE OF CHILD CARE AND REQUIRES AN ANNUAL REPORT BY THE OFFICE ON THE STATUS OF CHILD CARE IN THE STATE. THE ACT INCREASES THE MEMBERSHIP OF THE CHILD CARE ADVISORY COMMITTEE AND PROVIDES SPECIFIC RESPONSIBILITIES FOR THE COMMITTEE. THE ACT MODIFIES THE ROLES AND RELATIONSHIPS OF INDIVIDUALS AND ENTITIES WHO HAVE STATUTORY RESPONSIBILITIES RELATED TO THE CHILD CARE EXPENDABLE TRUST FUND AND MAKES CERTAIN TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **INDUSTRIAL ASSISTANCE FUND AMENDMENTS**

#### **S.B. 12**

*Beverly Ann Evans*

THIS ACT MODIFIES THE QUALIFICATIONS FOR APPLICANTS TO RECEIVE FINANCIAL ASSISTANCE FROM THE INDUSTRIAL ASSISTANCE FUND, INCLUDING APPLICANT COMPANIES CREATING AN ECONOMIC IMPEDIMENT. THIS ACT PROVIDES FOR GRANTS TO BE MADE FROM THE FUND, REQUIRES AGREEMENTS WITH SPECIFIC TERMS AND CONDITIONS BETWEEN THE ADMINISTRATOR OF THE FUND AND SUCCESSFUL APPLICANTS, AND MAKES CERTAIN TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**DUI PLEA RESTRICTIONS****S.B. 13***D. Chris Buttars*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY PROVIDING RESTRICTIONS ON WHEN A COURT CAN ACCEPT A PLEA OF GUILTY OR NO CONTEST IN A DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS CASE. THIS ACT REQUIRES THAT A COURT RECEIVE VERIFICATION THAT THE PROSECUTOR AGREES TO THE PLEA, THE PROSECUTOR FILES A CRIMINAL INFORMATION, OR THE COURT RECEIVES VERIFICATION OF NO PRIOR OFFENSES FROM A LAW ENFORCEMENT AGENCY, was read for the first time and referred to the Rules Committee.

**GOVERNOR'S OFFICE OF PLANNING AND BUDGET  
RECODIFICATION AND REVISIONS****S.B. 14***Ron Allen*

THIS ACT MODIFIES UTAH CODE PROVISIONS GOVERNING THE STATE BUDGET OFFICE AND OFFICER AND THE STATE PLANNING COORDINATOR. THIS ACT RECODIFIES THOSE SECTIONS TO CREATE THE GOVERNOR'S OFFICE OF PLANNING AND BUDGET. THIS ACT MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**WORKFORCE SERVICES AMENDMENTS****S.B. 15***Scott K. Jenkins*

THIS ACT MODIFIES PROVISIONS RELATED TO THE EMPLOYMENT SECURITY ACT BY REMOVING THE PART-TIME EMPLOYEE LIMITATION ON THE CHAIR OF THE WORKFORCE APPEALS BOARD. THE ACT MODIFIES THE DEFINITION OF EMPLOYER TO BE CONSISTENT WITH STATE AND FEDERAL WITHHOLDING REQUIREMENTS AND ALSO MAKES CERTAIN TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**MASTER STATE HIGHWAYS AMENDMENTS****S.B. 16***David H. Steele*

THIS ACT MODIFIES THE TRANSPORTATION CODE BY DELETING SR-223 THE SPORTS PARK ROAD AND THE BEAR HOLLOW ROAD

FROM THE STATE HIGHWAY SYSTEM, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX – EXEMPTION FOR SEMICONDUCTOR  
FABRICATING OR PROCESSING MATERIALS**

**S.B. 17**

*Curtis S. Bramble*

THIS ACT AMENDS THE SALES AND USE TAX ACT TO EXTEND THROUGH JUNE 30, 2007 THE EXEMPTION FOR A SALE OR LEASE OF SEMICONDUCTOR FABRICATING OR PROCESSING MATERIALS, was read for the first time and referred to the Rules Committee.

**LIEUTENANT GOVERNOR CERTIFICATION OF SPECIAL  
DISTRICT AND LOCAL DISTRICT ANNEXATIONS,  
WITHDRAWALS, AND DISSOLUTIONS**

**S.B. 18**

*David L. Gladwell*

THIS ACT MODIFIES SPECIAL DISTRICT AND LOCAL DISTRICT PROVISIONS TO PROVIDE A PROCEDURE FOR LIEUTENANT GOVERNOR CERTIFICATION OF ANNEXATIONS, WITHDRAWALS, AND DISSOLUTIONS FOR CERTAIN SPECIAL DISTRICTS AND FOR LOCAL DISTRICTS. THE ACT REQUIRES THE APPROPRIATE LOCAL BODY TO SEND NOTICE OF THE ANNEXATION, WITHDRAWAL, OR DISSOLUTION TO THE LIEUTENANT GOVERNOR AND REQUIRES THE LIEUTENANT GOVERNOR TO ISSUE A CERTIFICATE OF ANNEXATION, WITHDRAWAL, OR DISSOLUTION AND TO SEND A COPY OF THE APPLICABLE CERTIFICATE TO SPECIFIED STATE AND LOCAL AGENCIES. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**VEHICLE HISTORY INFORMATION**

**S.B. 19**

*Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY ALLOWING THE DEPARTMENT OF PUBLIC SAFETY TO DISCLOSE VEHICLE ACCIDENT HISTORY INFORMATION, EXCLUDING PERSONAL IDENTIFYING INFORMATION, IN BULK ELECTRONIC FORM, was read for the first time and referred to the Rules Committee.

**FACILITATION OF E-GOVERNMENT**

**S.B. 20**

*David H. Steele*

THIS ACT MODIFIES THE UNIFORM ELECTRONIC TRANSACTIONS ACT AND CONSTRUCTION STATUTES TO FACILITATE GOVERNMENT

AGENCIES PROVIDING SERVICES ELECTRONICALLY AND TO MAKE TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **AMENDMENTS TO THE INTERLOCAL COOPERATION ACT**

#### **S.B. 21**

*Leonard M. Blackham*

THIS ACT MODIFIES THE INTERLOCAL COOPERATION ACT INCLUDING MAKING TECHNICAL CHANGES. THE ACT ADDS DEFINITIONS AND MODIFIES PROVISIONS RELATED TO PROJECT ENTITY AND GENERATION OUTPUT REQUIREMENTS. FOR PURPOSES OF THE PAYMENT OF FEE IN LIEU OF AD VALOREM PROPERTY TAX, THIS ACT PROVIDES THAT A FEE BASE FOR A PROJECT CAN BE DETERMINED BY AGREEMENT. THIS ACT PROVIDES FOR VALUATION BY THE STATE TAX COMMISSION IF A FEE BASE IS NOT DETERMINED BY AN AGREEMENT, was read for the first time and referred to the Rules Committee.

### **TELECOMMUNICATIONS RELATED TAXES, FEES, AND CHARGES**

#### **S.B. 22**

*Curtis S. Bramble*

THIS ACT MODIFIES THE SALES AND USE TAX ACT TO EXPAND WHAT TELEPHONE SERVICES ARE SUBJECT TO THE SALES AND USE TAX AND TO PROVIDE AN EXEMPTION FROM SALES AND USE TAXES UNDER SPECIFIED CIRCUMSTANCES FOR CERTAIN TELEPHONE SERVICES USED BY CALL CENTERS AND FOR PURCHASES OF MACHINERY OR EQUIPMENT PRIMARILY USED TO PROVIDE TELEPHONE SERVICES TO THE GENERAL PUBLIC. THIS ACT PROVIDES FOR DIVERSION OF SALES AND USE TAXES AS DEDICATED CREDITS TO BE USED FOR DEVICES ASSISTING HEARING OR SPEECH IMPAIRED PERSONS. THIS ACT PROVIDES FOR DIVERSION OF SALES AND USE TAXES AS DEDICATED CREDITS TO BE USED TO FUND THE POISON CONTROL CENTER. THIS ACT ADDRESSES HOW BUNDLED TRANSACTIONS ARE TAXED UNDER THE SALES AND USE TAX ACT. THE ACT ADDRESSES CUSTOMER REMEDIES FOR OVER-PAYMENT OF SALES AND USE TAXES. THIS ACT MODIFIES THE PUBLIC UTILITIES TITLE TO ELIMINATE THE SURCHARGE FOR TELECOMMUNICATION DEVICES ASSISTING HEARING OR SPEECH IMPAIRED PERSONS. THIS ACT REPEALS THE EMERGENCY SERVICES TELEPHONE CHARGE THAT FUNDS THE POISON CONTROL CENTER. THIS ACT MAKES TECHNICAL CHANGES. THE ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

**STATE AND LOCAL TAXES, FEES, AND CHARGES  
RELATED TO TELECOMMUNICATIONS**

**S.B. 23***Curtis S. Bramble*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE TO ENACT THE MUNICIPAL TELECOMMUNICATIONS LICENSE TAX ACT AND TO MAKE TECHNICAL CHANGES. AS ENACTED, THE MUNICIPAL TELECOMMUNICATIONS LICENSE TAX ACT AUTHORIZES A MUNICIPALITY TO LEVY AND COLLECT A MUNICIPAL TELECOMMUNICATIONS LICENSE TAX BY ORDINANCE. THE ACT PROVIDES FOR THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE TAX THROUGH THE STATE TAX COMMISSION. THIS ACT LIMITS A MUNICIPALITY'S AUTHORITY TO IMPOSE OTHER TELECOMMUNICATIONS TAXES OR FEES. THIS ACT PROVIDES FOR REPORTING OF TAX RATE RELATED INFORMATION. THIS ACT ADDRESSES CUSTOMER REMEDIES. THE ACT ADDRESSES HOW BUNDLED TRANSACTIONS ARE TAXED UNDER THE MUNICIPAL TELECOMMUNICATIONS LICENSE TAX ACT. THIS ACT ADDRESSES RIGHTS-OF-WAY PROVISIONS. THIS ACT MODIFIES PROVISIONS RELATED TO THE CHARGE THAT MAY BE IMPOSED FOR EMERGENCY TELEPHONE SERVICES. THIS ACT ADDRESSES HOW THE LOCATION OF A TRANSACTION FOR TELEPHONE SERVICE AND MOBILE TELECOMMUNICATIONS SERVICE IS DETERMINED UNDER THE SALES AND USE TAX ACT. THIS ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**LOCAL HUMAN SERVICES AUTHORITIES AMENDMENTS**

**S.B. 24***Scott K. Jenkins*

THIS ACT MODIFIES PROVISIONS RELATING TO LOCAL SUBSTANCE ABUSE AUTHORITIES AND LOCAL MENTAL HEALTH AUTHORITIES. THE ACT RENUMBERS THOSE PROVISIONS AND MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**COMMITMENT AND CUSTODY OF ADULTS  
AND MINORS AMENDMENTS**

**S.B. 25***Scott K. Jenkins*

THIS ACT MODIFIES PROVISIONS OF THE UTAH HUMAN SERVICES CODE RELATING TO COMMITMENT PROCEEDINGS. THE ACT



CLARIFIES THE CIRCUMSTANCES UNDER WHICH PROCEEDINGS FOR THE COMMITMENT OF A CHILD MAY BE COMMENCED. THE ACT MODIFIES PROVISIONS RELATING TO THE INVOLUNTARY COMMITMENT OF ADULTS AND CHILDREN AND SPECIFIES THAT THEY MAY BE COMMITTED TO LOCAL MENTAL HEALTH AUTHORITIES ONLY AFTER A COURT COMMITMENT PROCEEDING. THE ACT ELIMINATES PROVISIONS RELATING TO THE COMMITMENT OF A CHILD TO THE LEGAL CUSTODY OF THE DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH AND CLARIFIES THAT CERTAIN COMMITMENT PROCEEDINGS APPLY TO THE COMMITMENT OF A CHILD TO THE PHYSICAL CUSTODY OF LOCAL MENTAL HEALTH AUTHORITIES. THE ACT CLARIFIES THAT A COURT DETERMINATION IS NECESSARY FOR A PERSON TO BE COMMITTED TO THE STATE HOSPITAL. THE ACT MAKES TECHNICAL AND CONFORMING CHANGES, was read for the first time and referred to the Rules Committee.

### **SUNSET ACT REAUTHORIZATIONS**

#### **S.B. 26**

*Patrice M. Arent*

THIS ACT REAUTHORIZES CERTAIN STATE ENTITIES AND PROGRAMS THAT WOULD OTHERWISE SUNSET BEFORE THE 2004 ANNUAL GENERAL SESSION OF THE UTAH LEGISLATURE, was read for the first time and referred to the Rules Committee.

### **INVOLUNTARY COMMITMENT AMENDMENTS**

#### **S.B. 27**

*Leonard M. Blackham*

THIS ACT MODIFIES THE PROCESS BY WHICH ADULTS ARE INVOLUNTARILY COMMITTED TO MENTAL HEALTH PROGRAMS. IT ELIMINATES THE "IMMEDIATE DANGER" STANDARD AND PROVIDES FOR A "SUBSTANTIAL DANGER" STANDARD FOR THE PURPOSES OF INVOLUNTARY COMMITMENT, DEFINES SUBSTANTIAL DANGER, SHORTENS THE TIME PERIOD BEFORE A HEARING WHEN A PERSON IS BEING DETAINED PENDING A HEARING, AND REQUIRES A REPORT TO THE HEALTH AND HUMAN SERVICES INTERIM COMMITTEE. IT ALSO MODIFIES THE DEFINITION OF MENTAL ILLNESS, LIMITS THE NEW DEFINITION SOLELY TO INVOLUNTARY COMMITMENTS, AND REQUIRES EXAMINERS TO INFORM PATIENTS OF SPECIFIC RIGHTS, was read for the first time and referred to the Rules Committee.

**INITIATIVE AMENDMENTS****S.B. 28***John W. Hickman*

THIS ACT MODIFIES THE ELECTION CODE PROVISIONS RELATING TO STATEWIDE INITIATIVES. THIS ACT MODIFIES SIGNATURE REQUIREMENTS, MODIFIES CERTAIN DISCLOSURE REQUIREMENTS, AND MODIFIES THE TIME PERIOD DURING WHICH SPONSORS MAY GATHER SIGNATURES. THIS ACT ESTABLISHES A MORATORIUM BEFORE AN INITIATIVE THAT FAILED MAY BE RECIRCULATED. THIS ACT MODIFIES THE INITIATIVE PETITION FORM TO REQUIRE CERTAIN DISCLOSURES AND CERTIFICATIONS ON THE PETITION AND SIGNATURE SHEETS. THIS ACT REQUIRES THAT THE PETITION SPONSORS HOLD PUBLIC HEARINGS ON THE PETITION IN GEOGRAPHICALLY DIVERSE AREAS OF UTAH AND ESTABLISHES NOTICE AND PROCEDURAL REQUIREMENTS FOR THOSE PUBLIC HEARINGS. THIS ACT MODIFIES POLITICAL ISSUES COMMITTEE AND CORPORATION FINANCIAL DISCLOSURE REQUIREMENTS. THIS ACT MAKES IT A CRIME FOR PERSONS TO PAY SOMEONE TO SIGN OR REMOVE THEIR SIGNATURE FROM AN INITIATIVE PETITION AND MAKES IT A CRIME FOR PERSONS TO ACCEPT PAYMENT FOR SIGNING OR REMOVING THEIR NAME FROM AN INITIATIVE PETITION. THIS ACT INCLUDES A SEVERABILITY CLAUSE. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**DRIVER EDUCATION COURSES****S.B. 32***Carlene M. Walker*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION BY REQUIRING SCHOOL DISTRICTS TO FUND DRIVER EDUCATION PROGRAMS SOLELY THROUGH THE AUTOMOBILE DRIVER EDUCATION TAX ACCOUNT AND STUDENT FEES, EXCLUDING THE FULL-TIME EQUIVALENT COST OF A TEACHER WHEN THE PROGRAM IS TAUGHT DURING REGULAR SCHOOL HOURS. THIS ACT ALSO REQUIRES SCHOOL DISTRICTS TO ESTABLISH STUDENT FEES THAT ARE REASONABLY ASSOCIATED WITH THE COSTS OF DRIVER EDUCATION PROGRAMS. THIS ACT ALLOWS SCHOOL DISTRICTS TO BE REIMBURSED BY THE AUTOMOBILE DRIVER EDUCATION ACCOUNT FOR THE COSTS OF FEES WAIVED FOR THE DRIVER EDUCATION PROGRAM. THIS ACT ALLOWS A SCHOOL DISTRICT TO PROVIDE THE CLASSROOM PORTION OF DRIVER EDUCATION

THROUGH HOME STUDY OR THROUGH THE ELECTRONIC HIGH SCHOOL AND ALLOWS THE SCHOOLS TO PROVIDE MATERIAL FOR PARENT INVOLVEMENT IN DRIVER EDUCATION. THIS ACT ALLOWS A SCHOOL DISTRICT TO OFFER THE CLASSROOM PORTION OF DRIVER EDUCATION AND THE BEHIND-THE-WHEEL PORTION TO BE OFFERED BY PRIVATE PROVIDERS. THIS ACT REQUIRES THE STATE BOARD OF EDUCATION TO ESTABLISH MINIMUM STANDARDS FOR SCHOOL-RELATED DRIVER EDUCATION PROGRAMS. THIS ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

### **FEES FOR SHERIFF**

**S.B. 33**

*Mike Dmitrich*

THIS ACT MODIFIES PROVISIONS RELATING TO COUNTIES TO INCREASE THE AMOUNT OF FEES THAT A SHERIFF RECEIVES FOR THE PERFORMANCE OF CERTAIN DUTIES AND SERVICES, was read for the first time and referred to the Rules Committee.

### **TUITION TAX CREDITS**

**S.B. 34**

*D. Chris Butters*

THIS ACT MODIFIES CORPORATE FRANCHISE AND INCOME TAXES AND THE INDIVIDUAL INCOME TAX ACT TO PROVIDE FOR NONREFUNDABLE TAX CREDITS FOR CONTRIBUTIONS MADE TO A SCHOLARSHIP GRANTING ORGANIZATION TO BE USED FOR TUITION GRANTS FOR A QUALIFYING STUDENT TO ATTEND A PRIVATE SCHOOL, OR NONREFUNDABLE TAX CREDITS FOR AMOUNTS PAID FOR TUITION TO A PRIVATE SCHOOL ON BEHALF OF A QUALIFYING STUDENT. THE ACT PROVIDES DEFINITIONS AND ESTABLISHES PROCEDURES AND REQUIREMENTS FOR ADMINISTERING THE TAX CREDITS. THE ACT ESTABLISHES DUTIES OF SCHOLARSHIP GRANTING ORGANIZATIONS AND PROVIDES PENALTIES. THE ACT AUTHORIZES THE STATE TAX COMMISSION TO MAKE RULES. THIS ACT AUTHORIZES THE DIVISION OF CONSUMER PROTECTION TO ENFORCE CERTAIN PRIVATE SCHOOL REQUIREMENTS. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003, was read for the first time and referred to the Rules Committee.

**REDEVELOPMENT OF SUPERFUND SITES****S.B. 35***D. Chris Buttars*

THIS ACT MODIFIES THE REDEVELOPMENT AGENCIES ACT. THE ACT EXPANDS THE CRITERIA FOR BLIGHT TO INCLUDE A SUPERFUND SITE. THE ACT MAKES AN EXCEPTION TO A SIZE RESTRICTION ON PROJECT AREAS FOR THE CASE OF A SUPERFUND SITE. THE ACT AUTHORIZES THE USE OF TAX INCREMENT FUNDS FOR A SUPERFUND SITE WITHOUT TAXING ENTITY APPROVAL, was read for the first time and referred to the Rules Committee.

**MINERAL LEASE FUND AMENDMENTS****S.B. 36***Beverly Ann Evans*

THIS ACT MODIFIES PROVISIONS ON MINERAL LEASE FUNDS. THE ACT EXPANDS THE PUBLIC ENTITIES THAT MAY RECEIVE MONIES FROM THE MINERAL LEASE ACCOUNT TO INCLUDE PUBLIC INSTITUTIONS OF HIGHER EDUCATION, was read for the first time and referred to the Rules Committee.

**TASK FORCE STUDY OF IMPACT OF GRAVEL PITS****S.B. 37***Peter C. Knudson*

THIS ACT CREATES A TASK FORCE TO STUDY THE OPERATIONS OF GRAVEL PITS IN THE STATE AND THEIR IMPACT ON THE SURROUNDING ENVIRONMENT AND INFRASTRUCTURE. THE ACT ESTABLISHES THE MEMBERSHIP OF THE TASK FORCE AND PROVIDES FOR COMPENSATION OF LEGISLATIVE MEMBERS. THE ACT PROVIDES FOR THE DUTIES OF THE TASK FORCE. THE ACT MAKES A ONE-TIME APPROPRIATION OF \$29,500 FROM THE GENERAL FUND FOR FISCAL YEAR 2002-03 TO PAY FOR TASK FORCE EXPENSES. THE ACT PROVIDES A REPEAL DATE, was read for the first time and referred to the Rules Committee.

**CHILD ACCESS TO FIREARM PREVENTION AMENDMENTS****S.B. 38***Paula F. Julander*

THIS ACT MODIFIES THE UTAH CRIMINAL CODE. THE ACT CREATES A CRIME FOR NEGLIGENT STORAGE OF A FIREARM WITH EXCEPTIONS. THE ACT REQUIRES A LICENSED FIREARM DEALER TO

PROVIDE WRITTEN WARNING OF POSSIBLE PROSECUTION AND CIVIL SUIT FOR NEGLIGENT STORAGE OF A FIREARM AND PROVIDES A CRIMINAL PENALTY TO DEALERS WHO VIOLATE THIS REQUIREMENT. THE ACT CREATES A CIVIL CAUSE OF ACTION FOR NEGLIGENT STORAGE OF A FIREARM. THE ACT DEFINES TERMS. THE ACT PROVIDES DISCRETION FOR A PROSECUTOR AND AN ARRESTING OFFICER. THE ACT ESTABLISHES A DAMAGE CAP AND PROVIDES A STATUTE OF LIMITATION, was read for the first time and referred to the Rules Committee.

#### **AMENDMENTS TO THE UTAH ANTIDISCRIMINATION ACT**

##### **S.B. 39**

*Ed P. Mayne*

THIS ACT MODIFIES THE UTAH ANTIDISCRIMINATION ACT TO CLARIFY THAT A PERSON EMPLOYING SIX OR MORE EMPLOYEES MAY NOT DISCRIMINATE UNDER THE UTAH ANTIDISCRIMINATION ACT, was read for the first time and referred to the Rules Committee.

#### **PAY PLAN – SALARY SURVEY AMENDMENTS**

##### **S.B. 40**

*Mike Dmitrich*

THIS ACT MODIFIES THE PERSONNEL MANAGEMENT ACT BY ELIMINATING THE REQUIREMENT THAT SALARY SURVEYS FOR PEACE OFFICERS, CORRECTIONAL OFFICERS, AND PUBLIC SAFETY DISPATCH PERSONNEL INCLUDE A SURVEY OF BENEFITS. THIS ACT ALSO ELIMINATES THE REQUIREMENT THAT THE DIRECTOR CONSIDER INTERNAL COMPARISONS AND OTHER FACTORS WHEN DETERMINING COMPENSATION. THIS ACT TAKES EFFECT JANUARY 1, 2004, was read for the first time and referred to the Rules Committee.

#### **CLANDESTINE LAB RACKETEERING AMENDMENT**

##### **S.B. 41**

*Patrice M. Arent*

THIS ACT MODIFIES THE CRIMINAL CODE BY INCLUDING CLANDESTINE DRUG LAB ACT OFFENSES AS UNLAWFUL ACTIVITY WHEN DETERMINING A PATTERN OF UNLAWFUL ACTIVITY UNDER THE STATE'S RACKETEERING PROVISIONS, was read for the first time and referred to the Rules Committee.

#### **FRAUDULENT USE OF CREDIT CARD NUMBER**

##### **S.B. 42**

*Carlene M. Walker*

THIS ACT MODIFIES THE CRIMINAL CODE BY PROVIDING THAT POSSESSION OF A FINANCIAL TRANSACTION CARD NUMBER OR

RELATED INFORMATION WITH THE INTENT TO DEFRAUD IS A THIRD DEGREE FELONY. THIS ACT ALSO PROVIDES THAT A PERSON WHO OBTAINS THE ENCODED INFORMATION FROM THE STRIP ON A FINANCIAL TRANSACTION CARD WITH THE INTENT TO USE THE INFORMATION TO DEFRAUD A MERCHANT IS GUILTY OF A THIRD DEGREE FELONY, AND THAT ANY SUBSEQUENT VIOLATION IS A SECOND DEGREE FELONY, was read for the first time and referred to the Rules Committee.

### **PROVIDING INFORMATION RELATING TO TAX CREDITS AND TAX FILING DUE DATES**

**S.B. 43**

*David H. Steele*

THIS ACT MODIFIES TARGETED BUSINESS INCOME TAX CREDITS WITHIN AN ENTERPRISE ZONE, CORPORATE FRANCHISE AND INCOME TAXES, AND THE INDIVIDUAL INCOME TAX ACT TO MODIFY THE REQUIREMENTS FOR PROVIDING INFORMATION TO THE STATE TAX COMMISSION WHEN A TAXPAYER CLAIMS A TAX CREDIT. THE ACT MODIFIES THE INFORMATION THAT CERTAIN ENTITIES ARE REQUIRED TO PROVIDE TO TAXPAYERS CLAIMING CERTAIN TAX CREDITS AND THE REQUIREMENTS FOR PROVIDING THIS INFORMATION. THE ACT MODIFIES THE DUE DATES FOR FILING CERTAIN RETURNS WITH THE STATE TAX COMMISSION, AND MAKES TECHNICAL CHANGES. THE ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003, was read for the first time and referred to the Rules Committee.

### **TORT REFORM AMENDMENTS**

**S.B. 44**

*Leonard M. Blackham*

THIS ACT ENACTS A PROVISION PROVIDING FOR THE AFFIRMATIVE DEFENSE OF ASSUMPTION OF RISK IN TORT ACTIONS, was read for the first time and referred to the Rules Committee.

### **LOBBYIST REPORTING REQUIREMENTS**

**S.B. 45**

*Patrice M. Arent*

THIS ACT MODIFIES THE LOBBYIST REGULATION AND DISCLOSURE ACT BY CLARIFYING REQUIREMENTS FOR LOBBYIST AND PRINCIPAL REPORTING WHEN A PERSON OR ENTITY CEASES TO BE A LOBBYIST OR PRINCIPAL, was read for the first time and referred to the Rules Committee.

**RESIDENTIAL PROPERTY TAX EXEMPTIONS****S.B. 46***Ed P. Mayne*

THIS ACT MODIFIES THE PROPERTY TAX ACT TO PROVIDE DEFINITIONS, TO PROVIDE FOR AN EXEMPTION FROM TAXATION OF A PORTION OF THE FAIR MARKET VALUE OF A QUALIFYING SECONDARY RESIDENCE, AND TO CLARIFY THE EXEMPTION FROM TAXATION OF A PORTION OF THE FAIR MARKET VALUE OF A PRIMARY RESIDENCE. THE ACT ESTABLISHES PROCEDURES AND REQUIREMENTS FOR CLAIMING AN EXEMPTION FOR A QUALIFYING SECONDARY RESIDENCE. THIS ACT REQUIRES THE STATE TAX COMMISSION TO MAKE DISTRIBUTIONS FROM THE GENERAL FUND TO COUNTIES FOR THE AMOUNT OF EXEMPTIONS CLAIMED FOR QUALIFYING SECONDARY RESIDENCES AND ESTABLISHES PROCEDURES FOR MAKING SUCH DISTRIBUTIONS. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**LABOR COMMISSION – APPEALS BOARD****S.B. 47***John L. Valentine*

THIS ACT MODIFIES THE UTAH LABOR CODE TO PROVIDE FOR TEMPORARY APPOINTMENTS TO THE APPEALS BOARD IN CASES WHERE THERE IS A VACANCY ON THE APPEALS BOARD. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**REPEAL OF TRADING STAMPS REGULATION****S.B. 78***Scott K. Jenkins*

THIS ACT REPEALS CODE PROVISIONS RELATING TO THE REGULATION OF TRADING STAMPS. THE ACT REPEALS PROVISIONS REQUIRING PERSONS IN THE BUSINESS OF TRADING STAMPS TO ESTABLISH AN OFFICE IN UTAH, APPOINT A PROCESS ATTORNEY FOR CIVIL ACTIONS, AND POST A BOND. THE ACT REPEALS PROVISIONS REQUIRING TRADING STAMPS TO DISPLAY THEIR REDEEMABLE VALUE, AND REPEALS PROVISIONS PROVIDING GUIDELINES FOR THE REDEMPTION OF TRADING STAMPS. , was read for the first time and referred to the Rules Committee.

**DISABLED PARKING FINE****S.B. 79***D. Chris Buttars*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY INCREASING THE FINE FOR PARKING IN A DISABILITY PARKING ZONE FROM \$100 TO \$200 AND FOR PARKING IN A SCHOOL BUS PARKING ZONE FROM \$50 TO \$100, was read for the first time and referred to the Rules Committee.

**ADVERSE BENEFIT DETERMINATION AMENDMENTS****S.B. 80***Peter C. Knudson*

THIS ACT AMENDS THE INSURANCE CODE. THE ACT AMENDS THE ADVERSE BENEFIT DETERMINATION REVIEW PROCESS FOR GROUP HEALTH PLANS TO INCLUDE INDIVIDUAL OR GROUP HEALTH PLANS AND INCOME REPLACEMENT OR DISABILITY INCOME POLICIES, was read for the first time and referred to the Rules Committee.

**PUBLIC SAFETY RETIREMENT AMENDMENTS****S.B. 81***Mike Dmitrich*

THIS ACT MODIFIES THE UTAH STATE RETIREMENT AND INSURANCE BENEFIT ACT BY INCREASING THE COST-OF-LIVING ALLOWANCE FOR MEMBERS OF THE PUBLIC SAFETY RETIREMENT SYSTEMS. THIS ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

**AUTHORIZED OVERSPENDING LIMIT IN  
FEDERAL MEDICAID BUDGET****S.B. 82***Beverly Ann Evans*

THIS ACT MODIFIES THE EMPLOYMENT SUPPORT ACT BY GRANTING AUTHORITY TO THE GOVERNOR TO SUPPLEMENT THE ANNUAL APPROPRIATION FOR MEDICAL BENEFITS OR PUBLIC ASSISTANCE, was read for the first time and referred to the Rules Committee.

**OCCUPATIONAL AND PROFESSIONAL  
LICENSING MODIFICATIONS****S.B. 83***Lyle W. Hillyard*

THIS ACT MODIFIES PROVISIONS OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT RELATED TO



REINSTATEMENT OF LICENSES AND DIVERSION PROCEDURES. THE ACT PROVIDES THAT FOR LICENSES REINSTATED NO LATER THAN 120 DAYS AFTER EXPIRATION THE REINSTATEMENT GOES BACK TO THE DATE OF EXPIRATION. THE ACT ALLOWS DIVERSION IN LICENSEE DISCIPLINARY MATTERS AS WELL AS FOR SELF-REFERRALS. THE ACT DEFINES AND PROVIDES FOR THE EXTENSION AND TERMINATION OF A DIVERSION AGREEMENT. THE ACT DETAILS THE EFFECT OF A DIVERSION AGREEMENT ON CHARGES AGAINST A LICENSEE OF UNPROFESSIONAL OR UNLAWFUL CONDUCT THAT ARE UNDER THE DIVISION DIRECTOR'S JURISDICTION. THE ACT ESTABLISHES A PROCEDURE TO BE FOLLOWED BY THE DIVISION IN THE EVENT THE LICENSEE MAKES AN INTENTIONAL MISREPRESENTATION OF FACT IN THE STIPULATION OF FACTS PART OF THE DIVERSION AGREEMENT, was read for the first time and referred to the Rules Committee.

### **REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS**

**S.B. 84**

*Bill Wright*

THIS ACT MODIFIES THE ENVIRONMENTAL QUALITY CODE BY CREATING A NEW CHAPTER, "ENVIRONMENTAL INSTITUTIONAL CONTROL ACT." THE ACT ALLOWS FOR CREATION OF ENVIRONMENTAL INSTITUTIONAL CONTROLS WHICH LIMIT OR OTHERWISE AFFECT THE USE OF REAL PROPERTY WHICH HAS BEEN AFFECTED BY A CLEANUP OR RISK ASSESSMENT. THE ACT INCLUDES PROCEDURES FOR ESTABLISHMENT AND ENFORCEMENT OF THE INSTITUTIONAL CONTROLS, REMOVAL OF THE CONTROLS, AND APPEAL OF THE EXECUTIVE DIRECTOR'S DECISION REGARDING THE CONTROLS, was read for the first time and referred to the Rules Committee.

### **UNDERGROUND STORAGE TANK AMENDMENT**

**S.B. 85**

*Bill Wright*

THIS ACT MODIFIES THE UNDERGROUND STORAGE TANK ACT BY INCREASING THE ENVIRONMENTAL ASSURANCE FEE OF 1/4 CENT PER GALLON ON THE FIRST SALE OR USE OF PETROLEUM PRODUCTS TO 1/2 CENT PER GALLON. THE ACT PROVIDES FOR A REDUCTION OF THE FEE WHEN THE CASH BALANCE IN THE PETROLEUM STORAGE TANK TRUST FUND EXCEEDS \$20,000,000 IN ANY YEAR, was read for the first time and referred to the Rules Committee.

**PROHIBITION OF AUTOMATIC RENEWAL  
OF SERVICE CONTRACTS**

**S.B. 86**

*Michael G. Waddoups*

THIS ACT MODIFIES THE TITLE DEALING WITH CONTRACTS AND OBLIGATIONS IN GENERAL BY ENACTING PROVISIONS THAT PROHIBIT THE AUTOMATIC RENEWAL OF SERVICE CONTRACTS UNLESS THE SELLER NOTIFIES THE CONSUMER OF THE AUTOMATIC RENEWAL., was read for the first time and referred to the Rules Committee.

**LIBRARY AMENDMENTS**

**S.B. 87**

*Michael G. Waddoups*

THIS ACT MODIFIES PROVISIONS RELATED TO COUNTY LIBRARIES BY MAKING THE LIBRARY BOARD OF DIRECTORS AN ADVISORY BODY AND RESTRUCTURING ITS DUTIES. THIS ACT SHIFTS THE TRUSTEESHIP OF DONATIONS FOR THE BENEFIT OF A LIBRARY FROM THE LIBRARY BOARD TO THE COUNTY LEGISLATIVE BODY, was read for the first time and referred to the Rules Committee.

**SECURITY PERSONNEL LICENSING ACT AMENDMENTS**

**S.B. 88**

*Dan R. Eastman*

THIS ACT MODIFIES THE SECURITY PERSONNEL LICENSING ACT BY CREATING A SECURITY PERSONNEL LICENSING EDUCATION AND ENFORCEMENT FUND TO EDUCATE AND TRAIN LICENSEES AND THE GENERAL PUBLIC AND TO HELP ENFORCE THE PROVISIONS OF THE LICENSING ACT. THE ACT GIVES THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS OF THE LICENSING ACT AND ASSESS FINES FOR CITED OFFENSES. THE ACT EXPANDS THE DEFINITION OF UNLAWFUL CONDUCT USED IN THE LICENSING ACT, was read for the first time and referred to the Rules Committee.

**MENTAL HEALTH PROFESSIONAL  
PRACTICE ACT AMENDMENTS**

**S.B. 89**

*D. Chris Buttars*

THIS ACT MODIFIES THE MENTAL HEALTH PROFESSIONAL PRACTICE ACT BY ESTABLISHING QUALIFICATIONS FOR CLINICAL

WORKER SUPERVISORS, was read for the first time and referred to the Rules Committee.

### **PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER**

**S.B. 90**

*Paula F. Julander*

THIS ACT REPEALS THE PRESCRIPTIVE PRACTICE PEER COMMITTEE, was read for the first time and referred to the Rules Committee.

### **FUNERAL SERVICES AMENDMENTS**

**S.B. 91**

*David L. Gladwell*

THIS ACT MODIFIES THE OCCUPATIONS AND PROFESSIONS CODE BY REPEALING THE FUNERAL SERVICES LICENSING ACT AND THE PRENEED FUNERAL ARRANGEMENT ACT. THE ACT ENACTS THE PROVISIONS OF THOSE TWO ACTS AS THE FUNERAL SERVICES ACT. THE ACT ALTERS THE MEMBERSHIP OF THE BOARD OF FUNERAL SERVICE. THE ACT ELIMINATES THE PRENEED FUNERAL ARRANGEMENT LICENSING BOARD AND TRANSFERS THE DUTIES AND RESPONSIBILITIES TO THE BOARD OF FUNERAL SERVICE. THE ACT ENACTS PROVISIONS PROHIBITING A CONVICTED FELON FROM HOLDING CERTAIN LICENSES. THE ACT ENACTS ENDORSEMENT REQUIREMENTS FOR INDIVIDUALS LICENSED IN ANOTHER JURISDICTION. THE ACT ENACTS PROVISIONS PROHIBITING SOLICITATION OF FUNERAL SERVICES OR MERCHANDISE AFTER A PERSON'S DEATH. THE ACT ESTABLISHES CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS. THE ACT ENACTS PROVISIONS DEALING WITH THE RIGHT AND DUTY TO CONTROL THE DISPOSITION OF A DECEASED PERSON, AND PROVIDES IMMUNITY TO FUNERAL SERVICE DIRECTORS WHO CONTROL THE DISPOSITION OF A DECEASED PERSON UNDER SOME CIRCUMSTANCES. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **LAND SURVEYOR AMENDMENTS**

**S.B. 92**

*Howard A. Stephenson*

THIS ACT MODIFIES THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT BY SUNSETTING THE OPTION OF PERSONS SEEKING LICENSURE AS PROFESSIONAL LAND SURVEYORS TO SUBSTITUTE A PROGRAM OF QUALIFYING

EXPERIENCE FOR THE EDUCATIONAL REQUIREMENT. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **REAPPOINTMENT OF COUNTY JUSTICE COURT JUDGES**

**S.B. 93**

*Thomas V. Hatch*

THIS ACT MODIFIES THE JUDICIAL CODE AS IT PERTAINS TO COUNTY JUSTICE COURT JUDGES. IT ELIMINATES THE RETENTION ELECTION FOR COUNTY JUSTICE COURT JUDGES AND REQUIRES THEIR REAPPOINTMENT BY THE COUNTY LEGISLATIVE BODY, was read for the first time and referred to the Rules Committee.

### **CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS**

**S.B. 94**

*John L. Valentine*

THIS ACT MODIFIES THE LICENSING REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS BY REQUIRING APPLICANTS TO SIT FOR AND MEET THE CONDITIONING REQUIREMENTS OF THE AICPA UNIFORM CPA EXAMINATION AS ESTABLISHED BY THE AICPA, was read for the first time and referred to the Rules Committee.

### **STATE EMERGENCY MEDICAL SERVICES AMENDMENTS**

**S.B. 95**

*John L. Valentine*

THIS ACT MODIFIES THE UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT. THE ACT ESTABLISHES A STATEWIDE DATABASE FOR THE COLLECTION AND DISTRIBUTION OF INFORMATION REGARDING THE LOCATION OF COMMERCIALY OWNED FULLY AUTOMATED EXTERNAL DEFIBRILLATORS. THE ACT AUTHORIZES THE DEPARTMENT TO WORK WITH COMMUNITY AGENCIES TO PROMOTE EDUCATION AND INSTRUCTION ON THE USE OF FULLY AUTOMATED EXTERNAL DEFIBRILLATORS AND CARDIO PULMONARY RESUSCITATION, was read for the first time and referred to the Rules Committee.

### **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT AMENDMENTS**

**S.B. 96**

*Paula F. Julander*

THIS ACT PROVIDES THAT THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING MAY NOT INCLUDE HOME TELEPHONE

NUMBERS OR HOME ADDRESSES ON THE LISTS OF LICENSEES IT PREPARES THAT ARE MADE AVAILABLE TO THE GENERAL PUBLIC, was read for the first time and referred to the Rules Committee.

### **COUNTY ANNEXATION AMENDMENTS**

**S.B. 97**

*Carlene M. Walker*

THIS ACT MODIFIES PROVISIONS RELATING TO COUNTIES. THE ACT REPEALS AN ALTERNATE PROCEDURE FOR ANNEXING PART OF ONE COUNTY TO ANOTHER AND MAKES TECHNICAL AND CONFORMING CHANGES, was read for the first time and referred to the Rules Committee.

### **TAXATION OF MEDICALLY IMPLANTED DEVICES AND PROSTHETICS**

**S.B. 98**

*D. Chris Buttars*

THIS ACT MODIFIES THE SALES AND USE TAX ACT TO PROVIDE DEFINITIONS, TO EXEMPT SALES OF PROSTHETIC DEVICES AND SURGICAL IMPLANTS FROM SALES AND USE TAXES, AND TO MAKE TECHNICAL CHANGES. THE ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

### **SEAT BELT ENFORCEMENT**

**S.B. 99**

*Karen Hale*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY AMENDING SAFETY BELT ENFORCEMENT PROVISIONS. THIS ACT REPEALS THE PROVISION THAT MAKES A SEAT BELT VIOLATION FOR A PERSON 19 YEARS OF AGE OR OLDER ENFORCEABLE ONLY AS A SECONDARY ACTION WHEN THE PERSON IS DETAINED FOR ANOTHER OFFENSE, was read for the first time and referred to the Rules Committee.

### **INDIAN AFFAIRS AMENDMENTS**

**S.B. 100**

*Beverly Ann Evans*

THIS ACT MODIFIES PROVISIONS OF THE UTAH DIVISION OF INDIAN AFFAIRS ACT RELATED TO MEETINGS BETWEEN THE DIVISION AND TRIBAL LEADERS INCLUDING CLARIFYING WHEN THE OPEN AND PUBLIC MEETINGS REQUIREMENTS APPLY AND

ALLOWING SPECIFIED STATE AGENCIES TO PARTICIPATE IN CERTAIN MEETINGS. THIS ACT REPEALS THE STATE NATIVE AMERICAN COORDINATING BOARD. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **PROCUREMENT CODE REQUIREMENTS OF HEALTH CARE BENEFITS**

**S.B. 101**

*Ed P. Mayne*

THIS ACT MODIFIES THE UTAH PROCUREMENT CODE BY REQUIRING CERTAIN BUSINESSES TO PROVIDE QUALIFIED HEALTH INSURANCE COVERAGE TO EMPLOYEES AS A CONDITION FOR CONTRACTING WITH THE STATE UNDER CERTAIN CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

### **PROPERTY TAX APPEAL PROVISIONS**

**S.B. 102**

*Curtis S. Bramble*

THIS ACT AMENDS THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT AND THE REVENUE AND TAXATION CODE. THIS ACT EXEMPTS REAL ESTATE BROKERS, REAL ESTATE SALES AGENTS, AND OTHER PERSONS FROM REAL ESTATE APPRAISER LICENSING AND CERTIFICATION REQUIREMENTS WHEN GIVING AN OPINION REGARDING THE VALUE OF REAL ESTATE IN CERTAIN CIRCUMSTANCES. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **CONCEALED WEAPON PERMIT HOLDER AMENDMENTS**

**S.B. 103**

*Curtis S. Bramble*

THIS ACT MODIFIES PROVISIONS RELATED TO CONCEALED WEAPONS BY REMOVING THE 60-DAY RESTRICTION ON THE VALIDITY OF CONCEALED FIREARM PERMITS ISSUED BY ANOTHER STATE OR COUNTY, was read for the first time and referred to the Rules Committee.

### **DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL**

**S.B. 104**

*Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY PROVIDING THAT ACCESS TO DIVISION RECORDS INCLUDES ALL PURPOSES

PERMITTED UNDER FEDERAL LAW. THIS ACT PROVIDES THAT RESALE AND DISCLOSURE OF PROTECTED INFORMATION IS PROHIBITED EXCEPT AS PERMITTED UNDER FEDERAL LAW. THIS ACT ELIMINATES ENUMERATED EXCEPTIONS THAT ARE PERMITTED USES UNDER FEDERAL LAW, was read for the first time and referred to the Rules Committee.

### **PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS**

**S.B. 105**

*D. Chris Buttars*

THIS ACT MODIFIES PROVISIONS OF THE STATE SYSTEM OF PUBLIC EDUCATION CODE RELATING TO THE RECITATION OF THE PLEDGE OF ALLEGIANCE IN PUBLIC SECONDARY SCHOOLS, was read for the first time and referred to the Rules Committee.

### **RESOLUTION URGING LIGHT POLLUTION PREVENTION**

**S.C.R. 1**

*Ron Allen*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGES STATE AGENCIES, POLITICAL SUBDIVISIONS OF THE STATE, CITIZENS, AND BUSINESSES TO PREVENT LIGHT POLLUTION, was read for the first time and referred to the Rules Committee.

### **JOINT RESOLUTION – RULES REVISIONS RENAMING AN APPROPRIATIONS SUBCOMMITTEE**

**S.J.R. 1**

*Beverly Ann Evans*

A JOINT RESOLUTION OF THE LEGISLATURE REVISING JOINT RULES BY CHANGING THE NAME OF A JOINT APPROPRIATIONS SUBCOMMITTEE. THIS RESOLUTION HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### **RESOLUTION REAPPOINTING GENERAL COUNSEL**

**S.J.R. 2**

*Michael G. Waddoups*

A JOINT RESOLUTION OF THE LEGISLATURE APPROVING THE REAPPOINTMENT OF M. GAY TAYLOR AS GENERAL COUNSEL FOR THE LEGISLATURE, was read for the first time and referred to the Rules Committee.

**RESOLUTION PROVIDING FOR  
CONTESTED JUDICIAL ELECTIONS**

**S.J.R. 3**

*David L. Thomas*

THIS JOINT RESOLUTION OF THE LEGISLATURE PROPOSES TO AMEND THE UTAH CONSTITUTION TO MODIFY THE PROCESS OF SELECTING JUSTICES AND JUDGES FOR COURTS OF RECORD. THE JOINT RESOLUTION ELIMINATES THE PROCESS OF SELECTING JUSTICES AND JUDGES BY GOVERNOR APPOINTMENT FROM A LIST PROVIDED BY THE JUDICIAL NOMINATING COMMISSION AND REPLACES THAT SELECTION PROCESS WITH NONPARTISAN ELECTION OF JUSTICES AND JUDGES. THE JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON  
THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION**

**S.J.R. 4**

*Ed P. Mayne*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES THE PUBLIC UTILITIES AND TECHNOLOGY INTERIM COMMITTEE TO CONDUCT A PUBLIC HEARING AT WHICH PUBLIC COMMENT COULD BE RECEIVED CONCERNING WHETHER THE PUBLIC SERVICE COMMISSION SHOULD BE RESTRUCTURED, INCLUDING WHETHER COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION SHOULD BE ELECTED, was read for the first time and referred to the Rules Committee.

**SENATE RULES RESOLUTION –  
STANDING COMMITTEE REVISIONS**

**S.R. 1**

*Beverly Ann Evans*

A RESOLUTION OF THE SENATE REVISING SENATE RULES BY CHANGING THE NAME OF A SENATE STANDING COMMITTEE. THIS RESOLUTION HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**SENATE RULES RESOLUTION – PLEDGE OF ALLEGIANCE**

**S.R. 2**

*David L. Gladwell*

THIS RESOLUTION MODIFIES SENATE RULES GOVERNING THE ORDER OF BUSINESS BY ADDING THE PLEDGE OF ALLEGIANCE TO



THE DAILY ORDER OF BUSINESS. THIS RESOLUTION TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 20, 2003

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

#### **Business and Labor**

- S.B. 10** Preneed Funeral Arrangement Amendments (P. Arent)
- S.B. 78** Repeal of Trading Stamps Regulation (S. Jenkins)
- S.B. 83** Occupational and Professional Licensing Modifications (L. Hillyard)
- S.B. 88** Security Personnel Licensing Act Amendments (D. Eastman)
- S.B. 91** Funeral Services Amendments (D. Gladwell)
- S.B. 92** Land Surveyor Amendments (H. Stephenson)
- S.B. 94** Certified Public Accountant Licensing Act Amendments (J. Valentine)

#### **Government Operations and Political Subdivisions**

- S.B. 33** Fees for Sheriff (M. Dmitrich)
- S.B. 40** Pay Plan – Salary Survey Amendments (M. Dmitrich)
- S.B. 87** Library Amendments (M. Waddoups)

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

- S.B. 80** Adverse Benefit Determination Amendments (P. Knudson)
- S.B. 89** Mental Health Professional Practice Act Amendments (D. C. Buttars)

#### **Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 86** Prohibition of Automatic Renewal of Service Contracts (M. Waddoups)

#### **Natural Resources, Agriculture, and Environment**

- S.B. 35** Redevelopment of Superfund Sites (D. C. Buttars)
- S.B. 36** Mineral Lease Fund Amendments (B. Evans)

#### **Revenue and Taxation**

- S.B. 21** Amendments to the Interlocal Cooperation Act (L. Blackham)

**S.B. 23** State and Local Taxes, Fees, and Charges Related to Telecommunications (C. Bramble)

**Transportation and Public Utilities and Technology**

**S.B. 19** Vehicle History Information (D. Eastman)

**Workforce Services and Community and Economic Development**

**S.B. 11** Child Care Amendments (B. Evans)

**S.B. 12** Industrial Assistance Fund Amendments (B. Evans)

Lyle Hillyard  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 20, 2003

The Rules Committee recommends the assignment of the following Senate Bills and Resolutions to the Second Reading Calendar:

- S.J.R. 1** Joint Resolution – Rules Revisions Renaming an Appropriations Subcommittee (B. Evans)
- S.J.R. 2** Resolution Reappointing General Counsel (M. Waddoups)
- S.R. 1** Senate Rules Resolution – Standing Committee Revisions (B. Evans)
- S.B. 4** Clean Special Fuel Tax Certificate – Exemption (D. Steele)
- S.B. 5** Retirement and Independent Entities Committee Amendments (B. Evans)
- S.B. 9** Comprehensive Health Insurance Pool Amendments (G. Davis)
- S.B. 13** DUI Plea Restrictions (D. C. Buttars)
- S.B. 15** Workforce Services Amendments (S. Jenkins)
- S.B. 17** Sales and Use Tax – Exemption for Semiconductor Fabricating or Processing Materials (C. Bramble)
- S.B. 18** Lieutenant Governor Certification of Special District and Local District Annexations, Withdrawals, and Dissolutions (D. Gladwell)
- S.B. 24** Local Human Services Authorities Amendments (S. Jenkins)

**S.B. 25**                      Commitment and Custody of Adults and Minors  
Amendments (S. Jenkins)

Lyle Hillyard  
Rules Committee Chair

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

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The Senate recognized former Senators Terry Spencer and Ed Allen. Senators Steele, Knudson, Blackham, Allen and Hale commented.

**COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, Ross Peterson, Emeritus Professor of History, Utah State University, spoke in Committee of the Whole for a presentation by the Martin Luther King Human Rights Commission.

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

On motion of Senator Valentine, the remarks of Ross Peterson will be spread on the pages of the Senate Journal.

**REMARKS BY ROSS PETERSON  
PROFESSOR EMERITUS  
UTAH STATE UNIVERSITY**

Mr. President Mansell, Members of the Senate and friends, it is a privilege and an honor to represent Utah's Martin Luther King Commission on this national holiday. We are here to commemorate the life and legacy of Martin Luther King, Jr. We are not here in grief or in sorrow, but are here to rejoice in the fact that Dr. King lived in this nation and led a movement that changed the fabric of American life.

His journey from the Montgomery, Alabama, bus boycott in 1955 to his assassination at Memphis in 1968 is just thirteen short years, a mere dot on history's time line. Yet as he preached and marched and talked and walked across this great nation from South to North and East to West, Martin Luther King, Jr. became both the symbol and the conscience of an era. Utilizing the philosophy of non-violent resistance to injustice and direct confrontation with inequality, he dramatized the reality that the lofty ideals of Thomas Jefferson's Declaration of Independence and Abraham Lincoln's Emancipation Proclamation had not yet been fulfilled for many Americans.

He lived and led when people really cared. Individuals of all races and religions were willing to walk together, pray together, go to jail together, and yes, even die together. We honor King today because his message is universal and timeless. He encouraged us to be better and taught that every individual has value regardless of religion, color, age, sex, or physical infirmity. In 1963 from a dank Birmingham, Alabama, jail cell he wrote, "I am cognizant of the interrelatedness of all communities and states. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Anyone who lives in the United States can never be considered an outsider anywhere in this country."

King practiced what M. Russell Ballard has called the "Doctrine of Inclusion." Ballard wrote that, "Of all people, we should be the most loving, the kindest, the most tolerant." King and Ballard both admonished all citizens to be kind to one another despite our deepest differences. Treat one another with respect and civility. As Gordon B. Hinckley admonished, "Each of us in an individual; each of us is different. There must be respect for those differences. We cannot afford to exclude anyone because we, all of us, are literally tied together in a single garment of destiny." The Rev. France David prayed, "In unity we find strength and courage and hope."

Consequently, members of Congress or a Legislature represent not only those who voted for them or members of their own political party, but they represent all citizens. Their actions and their laws can benefit everyone in a society. That is why King and others fought so diligently for the nonpartisan Civil Rights Act of 1964 and the nonpartisan Voting Rights Act and Poll Tax Amendment of 1965. When Martin Luther King, Jr. lobbied for those legislative measures at the Lincoln Memorial, he reminded us that bigotry and discrimination cripple the bigot and the oppressor as much as they do the oppressed.. None can stand tall until injustice is banished from our land and from our laws.

King's legacy goes beyond civil and human rights. He symbolized a time when opportunity became a reality and stopped being just a dream. He lived and taught and fought and died for the principle that everyone deserves a chance. We, like Martin Luther King, Jr., cannot remain satisfied as long as persecution or hate and crimes exist. As King said shortly before his death, "Let us be dissatisfied until we will no longer have a high blood pressure of creeds and an anemia of deeds. Let us be dissatisfied until the tragic walls that separate the outer city of wealth and comfort and the inner city of poverty and despair shall be caused by the battering rams of the forces of justice."

King encouraged us also, to recognize the achievements of courage and victories. He would be satisfied that we can have the opportunity of high quality,

discrimination-free education. He would be satisfied that we, today, view integration as an opportunity to participate in the beauty of diversity and the reality of inclusion. He would be satisfied that men, women, and children, however black, brown, red, yellow, or white, are judged by the content of their character and not the color of their skin. Martin Luther King, Jr. would also encourage us to be vigilant as we press forward.

I must confess, my friends, that the road ahead will not always be smooth. This attempt to expand the meaning of our Constitution's preamble, "We the People," can be bumpy. It requires great courage. There will be rocky places of frustration, meandering points of bewilderment. There will be setbacks. There will be despair, but there will always be hope. We cannot let the dream die.

Let this affirmation be our ringing cry. It will give us the courage to face the uncertainties of the future. It will give our tired feet new strength as we continue our stride toward freedom. Let us remember how many miles King marched, how many times he went to jail, how many times he drank from the well of bitterness. And yet he said, shortly before his death, "This is the hope for the future and with this faith we will be able to sing in some not too distant tomorrow with a cosmic past tense a past tense. We did over come. We did overcome. Deep in our hearts we knew that we would overcome someday."

It is my hope, my plea, my dream and my prayer that we, as citizens of Utah, whether in this very Capitol building, wherever we might be, will practice the doctrine of inclusion, that we will be fair and open and honest as we discuss the issues of our day. We can live and legislate so that Martin Luther King, Jr. did not live or die in vain. We can live together and work together to create a society where we are dedicated to the proposition that all of us are created equal and that "We the People" means all the people. It is inclusive. We as a State and a Nation, pay homage to Dr. King because his dream became the dream for a generation. We long for the day when all of God's children of all backgrounds can join together and fulfill our destinies as citizens of Utah and the United States of America.

Thank you very much.

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On motion of Senator Waddoups, and at 11:45, the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Mansell presiding.

### **COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, Chief Justice Christine M. Durham spoke in Committee of the Whole. Senator Stephenson commented.

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

President Mansell, Members of the Senate, thank you for the invitation to speak to you today.

Although I have served as a judge for almost 25 years, I am new to the responsibilities of being the Chief Justice, and this is my first opportunity to speak to you in this setting. If you will indulge me for a moment, I would like to introduce myself. When we were still undergraduates in college, I married a man with the Wasatch mountains “in his bones,” as he likes to say, and we came to Salt Lake City after graduate school in 1973 to settle and raise our family. George, who is a pediatrician, concedes that 30 years is probably enough to eradicate the taint of my having been born in California. We have raised five children in this community, including one with special needs, all of whom are products of our public education system, and all of whom love the mountains. I have treasured the opportunity to serve on the Utah Supreme Court since 1982, after four years on the trial bench. I recently learned that one of my great–great grandfathers, Heber C. Kimball, was elected Chief Justice of the provisional Supreme Court contemplated by Utah’s pioneers in 1849, although my research has not disclosed whether he ever actually served. Nonetheless, that connection to the history of the court has made the opportunity to serve as Chief Justice even more meaningful for me.

I am completely passionate about my job, about the Utah court system, and about the administration of justice and the rule of law. I have enormous respect for our scheme of government, and for the people who serve in it. During the past few months I have been visiting each of the judicial districts in the state, to have lunch and conversation with many of you and the trial judges in your districts. From each meeting I have carried away a strong sense of the dedication and concern of the people who serve in our courts and in this body. While we do our work in very different spheres, we share a commitment to the welfare of the people of our state.

The single most significant challenge facing Utah’s court system, like all of state government, lies in maintaining the trust and confidence of the public we

serve. Like other government institutions, we in the courts can no longer take for granted the understanding of and respect for our constitutional role that was a “given” in past eras. It is no longer sufficient merely to do our work; increasingly we must find ways to make the courts more accessible, more responsive, and more understandable, while at the same time preserving the core values and tasks that are our constitutional responsibility. Furthermore, I believe, we have obligations to explain those responsibilities to the public, to support and enhance public and community education about the role of the judicial branch and the significance of the rule of law. That is one reason I have been so supportive of restoring the place of civic education in the public schools, and why the courts, together with the bar and the Utah Law–related Education Project, have worked with the State Board of Education and its staff in those efforts.

In addition to enhancing public understanding of what we do, we are aware that, along with all of state government, we must expand our effectiveness at a time when resources are limited; we feel constantly the pressure to find ways to do more with less.

Utah’s courts have responded to these challenges with creativity and hard work, and we are recognized nationally as one of the most innovative systems in the country. Our governance structure, in particular, serves us well in the management of the judicial branch. Utah’s Judicial Council, which consists of judges from each court level, is the policy–making body for the administration of the courts, and makes the decisions about our budget and our operational needs. It receives input from boards of judges at each court level, and then sets the priorities for the system that are included each year in our budget requests to you.

The Council’s job is hard in the best of times and very hard in hard times. In the recent past, like all parts of government, we have had to resolve competing interests in our system, preserve all of our essential functions, and try to find ways to increase our productivity and excellence in the context of significant losses in our budget. In ordinary times, I would not use this occasion to touch on budget–related issues; I would much rather spend it outlining for you our innovations and vision for the future. In light of the degree to which our state, like the rest of the nation, finds itself coping with reduced resources, however, I think it is important that I report briefly to you on the way in which the courts have been absorbing our share of the losses. We appreciate the discretion that you have allotted us to manage our resources, and we have tried to do so in a fashion that will minimize impacts on the public. The choices have been difficult. In the last 18 months, for example, from a workforce of 1200, we have lost 94 positions and curtailed numerous programs and services. We have been prudent, I believe, and have planned well, which has permitted us to accomplish most of the personnel cuts through attrition and hiring freezes (although we have had to terminate 17

employees for lack of funds), and by asking all of our people to work a little harder, with no expectation of pay increases, bonuses, or new resources. Thus far, as I said, we have worked hard to make reductions in areas that are least likely to affect the public. But some of the money has been saved in ways that are, ultimately, detrimental to public needs, such as the closure of courts in Murray and Roy. Although the facilities costs for those courts have been eliminated, so has the availability of court services close to the people in those communities. There are other examples: in the area of state supervision of seriously delinquent youth (designed to keep these young people from having to be committed to the Division of Youth Corrections), we had to eliminate almost twenty positions, resulting in decreased supervision and calls from concerned parents worried that their children were not being seen often enough; in Salt Lake, the juvenile courts had to eliminate their electronic monitoring program because we had to cut the staff person responsible for installing and monitoring the equipment; in Provo and Salt Lake, court funds used to pay for sex offender treatment for juveniles have had to be reduced. Perhaps most discouragingly, we have been able to serve far fewer children and parents in our juvenile drug courts than we – and you – had hoped.

Thus, we are experiencing loss of momentum in some of the very promising and innovative programs that the legislature has recognized and supported in the past. Of even greater concern to us, however, is the fact that we are now at the point where additional significant losses in our budget will inevitably require additional terminations of staff. In addition to the devastation to the people themselves, such losses will have great repercussions for our work. As many of you know, personnel costs comprise approximately 80% of our budget; judges, court clerks, bailiffs and court security, information and technology staff, legal research assistants, clerical staff, and juvenile probation officers are the courts. We are constantly developing ways to make our people more effective. Our On-Line Court Assistance program, for example, is now making forms and procedures available electronically to persons seeking to pursue their own claims in divorce and landlord/tenant cases. By the end of this week, the system will be able to let people prepare their own paperwork for obtaining protective orders in domestic violence cases. In fact, people will be able to have assistance in doing so at any abuse shelter with access to the internet. Our appellate courts are beginning to explore electronic filing options. Our mediation and divorce education programs are helping to reduce use of expensive trial resources.

At the same time, some of our most effective and innovative programs, like “problem-solving” courts in the areas of drug and alcohol addiction, mental health, and domestic violence, actually require more time and personnel investment from our judges and staff than doing things the traditional way. Emerging evidence suggests that in the long run they save money, not to mention



lives, in their impact on future crime and incarceration costs, but in the short run they need more attention than traditional adjudications and dispositions. I recently attended a drug court graduation ceremony in the courtroom of juvenile judge Kim Hornak. Two young fathers, whose parental rights to their small children had been jeopardized by neglect and criminal behavior related to drug abuse, were recognized for the completion of a full year of sobriety. As they spoke of the joy and the hope they had in returning to their families, they described their gratitude to the team of service providers who had been with them every step of the way. That team, put in place and closely supervised by Judge Hornak, included court personnel, juvenile probation officers, and counselors and social workers with treatment expertise working on contract with the courts. The dollar cost of their programs was a fraction of what the system would have to absorb if their parental rights had had to be permanently terminated, and their wives and children left adrift. And the human value of being given a second chance to be competent, healthy, parents is, of course, incalculable.

Utah, as you know, continues to grow and change, whatever the economy may be doing. Whereas in 1990, only 58,000 of our population consisted of people who were born in other countries, that figure grew to 158,000 by 2000. For us in the courts, that has implications for interpreter services and other access issues. Even more urgent, as we seek to enhance the trust and confidence of the public, is the degree to which we are perceived as being open, even-handed, and fair. Without public perception that the courts are fair, I don't believe the courts can long exist; fairness is at the heart of our constitutional role. And yet, in a report issued last week, the Commission on Racial & Ethnic Fairness in the Criminal and Juvenile Justice system revealed that the larger justice system, which includes the courts but also law enforcement and corrections, has still ground to cover in making both fairness and the perception of fairness the hallmark of Utah's justice system.

In a future perspective, another growing pressure on our system is the need for more comprehensive, better-funded, defense resources for indigent persons in criminal, especially capital cases, throughout the state. In an adversary system of justice, the courts cannot do our work without the help of well-trained and responsible counsel. Likewise, we urgently need the help of readily available, competent research assistance to deal with the ever-increasing complexity of our work. I know how pressed for time, information, and instant expertise you are in your capacity as lawmakers. Trial judges, also, are desperate for research support in their work. At present, statewide, there are only 15 law clerks available to 95 trial judges for legal research and consultation (compared, for example, to the 2-3 law clerks assigned to each judge nationwide in the federal system). That circumstance doesn't just limit the capacity of our trial judges to do their best work: it also has a cumulative effect, I believe, in burdening the appellate system

with occasional decisions reached in the absence of adequate time and resources in cases involving complex legal questions. This is a pressing problem we will continue to address. It is yet another example of the fact that people are our greatest resource and our greatest need.

May I close with some comments about the relationship between the judicial and legislative branches. President Mansell and Speaker Stephens have been generous and gracious with their time and willingness to speak with me and others about administrative matters and problems. Legislative leadership, likewise, has been welcoming to me in my new post, and I greatly appreciate opportunities to talk and share views. The many conversations I have had with you in your districts have been invaluable, and your staff is wonderful to work with.

There are natural tensions between our branches – they were created thoughtfully and deliberately by the framers of our constitutions. Next month will mark the 200th anniversary of John Marshall’s landmark opinion in *Marbury v. Madison*, the case that established the constitutional principle of judicial review in the federal system. Ironically, many do not realize that the principle of judicial review was in place, and in fact specifically acknowledged in constitutional language, in many of the original states years before *Marbury*. Historically, then, this constitutional balance between legislatures and courts has been part of the fabric of government from the very beginning of this nation. It has always created tension, on the federal as well as the state level, between the legislatures, which have plenary power to make policy choices and law within the framework of the federal and state constitutions, and the courts, whose duty it is to interpret the meaning of constitutional language and resolve claims that challenge the constitutionality of the laws. I want to emphasize that when the courts do that assessment, they must be, and are in my experience, motivated only by honest convictions, informed by their study of constitutional law, about the content and meaning of constitutional language, and not by policy preferences or disagreements with legislative choices. Because legislators operate in a system that is by definition political and oriented to majority will and the art of compromise, there is sometimes a tendency to assume that judges are similarly motivated by political, personal or partisan preferences. We in this state’s judiciary do not, and cannot, function that way; it would be a violation of our oaths of office, our professional values, and the law we serve. It is precisely because of our state’s commitment to a neutral, impartial judiciary that we have evolved over the years the non-partisan, merit-based system of judicial selection, evaluation and retention that we have. There are other states where judges must raise campaign funds, accept donations from entities with major interests litigated in their courts, make promises about actions they will take on the bench, worry about the effect of each decision on their popularity and vote-getting capacity, and even

seek support from partisan political sources. There have been appalling instances of scandal and corruption in some of those states, but more significant in my view, has been the tendency to degrade the courts from places for objective, fair decision-making to entities perceived as biased and purely political. Recent surveys show that a majority of people in states with elective systems have at least the perception that the courts are less neutral and less objective because of election-related practices such as the acceptance of campaign funds from lawyers, law firms, and business entities. While we might like to think that courts either are or are not fair as a matter of objective reality, I believe we have both to be fair and to be perceived as fair to perform our constitutional role.

By contrast with systems in many other states, Utah has consistently moved in directions designed to avoid politicizing anything about the judiciary, to insulate the entire process of selection, retention, evaluation, and discipline of our judges from forces that could impinge on their neutrality in decision-making. I hope that we will always value that need for neutrality – it is the essence of fairness.

Not long ago, many of you joined forces with colleagues from the executive branch and judges to participate in the Dialogue for Freedom project sponsored by the Utah State Bar. We went into classrooms all over the state to engage students with the first principles of our government. I like to think that because of the divergent constitutional assignments given to the three branches of Utah's government, they are themselves constantly engaged in a dialogue – open, lively, sometimes fierce – about life in a free society. I hope that dialogue will increasingly be mutually respectful and marked by civility, even when it is most fierce. We cannot expect to earn the trust and confidence of the people if we do less.

I honor and respect your service to our state, and on behalf of the judicial branch express our best wishes to you in the session ahead.

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

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On motion of Senator Hillyard, under suspension of the rules, the 24-hour rule was waived for consideration of bills on the Second Reading Calendar.

## **SECOND READING CALENDAR**

**S.J.R. 1, JOINT RESOLUTION – RULES REVISIONS RENAMING AN APPROPRIATIONS SUBCOMMITTEE**, was read the second time. Senator

Evans explained the bill. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

J. Evans	Wright
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**S.J.R. 2, RESOLUTION REAPPOINTING GENERAL COUNSEL**, was read the second time. Senator Waddoups explained the bill. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Bell	Buttars	J. Evans	Stephenson
Wright			

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**S.R. 1, SENATE RULES RESOLUTION – STANDING COMMITTEE REVISIONS**, was read the second time. Senator Bev Evans explained the bill. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Bell	Buttars	J. Evans	Wright
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**S.B. 4, CLEAN SPECIAL FUEL TAX CERTIFICATE – EXEMPTION**, was read the second time. Senator Steele explained the bill. Under suspension of the rules, the bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Mansell		

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators

J. Evans	Wright
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**S.B. 5, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE AMENDMENTS**, was read the second time. Senator Evans explained the bill. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Wright
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**S.B. 9, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS**, was read the second time. Senator Davis explained the bill. Senator B. Evans commented. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Hickman	Wright
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**S.B. 13, DUI PLEA RESTRICTIONS**, was read the second time. Senator Buttars explained the bill. Senator Walker commented. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hickman                      Wright

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**S.B. 15, WORKFORCE SERVICES AMENDMENTS**, was read the second time. Senator Jenkins explained the bill. Under suspension of the rules, the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham                      Hickman                      Hillyard                      Wright

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**S.B. 17, SALES AND USE TAX – EXEMPTION FOR SEMICONDUCTOR FABRICATING OR PROCESSING MATERIALS**, was read the second time. Senator Bramble explained the bill. Senators Mayne, Davis, Mansell, Steele, and Stephenson commented.

**S.B. 17** remains on the calendar as unfinished business.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 20, 2003

The House passed **H.J.R. 4**, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Representative M. Newbold, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 4** was read the first time and referred to the Rules Committee.

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On motion of Senator Waddoups and at 3:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 21, 2003.

# SECOND DAY

## MORNING SESSION

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

**Prayer** – Greg Haws, Utah State Board of Education; Member of the Ogden Utah University Stake Presidency

**Pledge of Allegiance** – Senator James Evans

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### INTRODUCTION OF BILLS

#### FORCED ENTRY TO MAKE ARREST

**S.B. 48**

*David L. Thomas*

THIS ACT MODIFIES THE CODE OF CRIMINAL PROCEDURE BY AMENDING PROVISIONS REGARDING WHEN AND HOW FORCIBLE ENTRY MAY BE MADE TO EFFECT AN ARREST. THE AMENDMENTS REFLECT RULINGS IN TWO U.S. SUPREME COURT DECISIONS, was read for the first time and referred to the Rules Committee.

#### DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS

**S.B. 49**

*Parley G. Hellewell*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE BY AMENDING THE DRIVER LICENSE AND IDENTIFICATION CARD PROVISIONS. THIS ACT REQUIRES AN APPLICANT FOR A DRIVER LICENSE OR IDENTIFICATION CARD TO BOTH HAVE AND PROVIDE A UTAH RESIDENCE ADDRESS. THIS ACT CLARIFIES THAT A PERSON UNDER 16 MAY OPERATE A MOTOR VEHICLE IF OPERATING UNDER A PERMIT ISSUED BY THE DRIVER LICENSE DIVISION. THIS ACT ALLOWS IDENTIFICATION CARD APPLICANTS TO CHECK A BOX ON THE APPLICATION TO DONATE TO BLINDNESS PREVENTION, ORGAN DONATION, AND PUBLIC TRANSPORTATION ASSISTANCE FOR SENIORS OR PEOPLE WITH DISABILITIES. THIS ACT EXTENDS THE EXPIRATION TO TEN YEARS FOR IDENTIFICATION CARDS. THIS ACT



REMOVES A PROVISION THAT MAKES ALL IDENTIFICATION CARDS EXPIRE WHEN THE PERSON TURNS 21 YEARS OF AGE AND ALLOWS ALTERNATIVE WORDING OR OTHER MEANS ON IDENTIFICATION CARDS AND DRIVER LICENSES TO INDICATE THE PERSON IS A MINOR. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

#### **INDEPENDENT ESCROW AGENTS AMENDMENTS**

**S.B. 77**

*Thomas V. Hatch*

THIS ACT MODIFIES THE FINANCIAL INSTITUTION TITLE TO EXEMPT QUALIFIED INTERMEDIARIES, AS DEFINED, FROM THE CHAPTER REGULATING INDEPENDENT ESCROW AGENCIES AND TO MAKE TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

#### **HIGHWAY PATROL USE OF UNMARKED VEHICLES**

**S.B. 106**

*Curtis S. Bramble*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE TO ALLOW HIGHWAY PATROL TO USE MORE THAN ONE UNMARKED VEHICLE IN ORGANIZED OPERATIONS TO ENFORCE TRAFFIC LAWS. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

#### **CERTIFICATION OF MINES**

**S.B. 107**

*Mike Dmitrich*

THIS ACT MODIFIES THE MINING CODE TO PROVIDE THAT THE LABOR COMMISSION SHALL ASSUME CERTAIN RESPONSIBILITIES RELATING TO COAL MINE CERTIFICATION PREVIOUSLY PERFORMED BY THE LABOR COMMISSION'S SAFETY DIVISION, was read for the first time and referred to the Rules Committee.

#### **DANGEROUS WEAPONS AMENDMENTS**

**S.B. 108**

*Michael G. Waddoups*

THIS ACT MODIFIES PROVISIONS ON DANGEROUS WEAPONS BY PROVIDING CLARIFICATION ON THE RESTRICTION OF WEAPONS AT SCHOOLS AND RESTRICTING CERTAIN DRUG OFFENDERS FROM

POSSESSING A DANGEROUS WEAPON, was read for the first time and referred to the Rules Committee.

### **EDUCATION ASSISTANCE FOR NATIONAL GUARD MEMBERS**

**S.B. 109**

*Peter C. Knudson*

THIS ACT MODIFIES PROVISIONS RELATING TO HIGHER EDUCATION BY PROVIDING THAT 2–1/2% OF TUITION WAIVERS AT STATE INSTITUTIONS OF HIGHER EDUCATION BE SET ASIDE FOR MEMBERS OF THE UTAH NATIONAL GUARD, was read for the first time and referred to the Rules Committee.

### **INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT**

**S.B. 110**

*Thomas V. Hatch*

THIS ACT MODIFIES THE INDIVIDUAL INCOME TAX ACT TO ALLOW A TAXPAYER HAVING A FEDERAL ADJUSTED GROSS INCOME OF \$25,000 OR LESS TO CLAIM FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003, A NONREFUNDABLE STATE EARNED INCOME TAX CREDIT THAT IS EQUAL TO A CERTAIN PERCENTAGE OF THE FEDERAL EARNED INCOME TAX CREDIT. THE ACT DEFINES TERMS, REQUIRES THE STATE TAX COMMISSION TO MAKE TRANSFERS FROM THE GENERAL FUND TO THE UNIFORM SCHOOL FUND EQUAL TO THE AMOUNT OF STATE EARNED INCOME TAX CREDIT CLAIMED, AND GRANTS RULEMAKING AUTHORITY TO THE STATE TAX COMMISSION. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003, was read for the first time and referred to the Rules Committee.

### **SENATE RULES RESOLUTION – REPORT OF COMMITTEE VOTE**

**S.R. 3**

*Lyle W. Hillyard*

THIS RESOLUTION MODIFIES SENATE RULES GOVERNING COMMITTEES BY REQUIRING THAT THE CHAIR VERBALLY ANNOUNCE THE RESULT OF THE VOTE AND VERBALLY IDENTIFY EITHER THOSE MEMBERS WHO VOTED "YES" OR THOSE MEMBERS WHO VOTED "NO." THIS RESOLUTION TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

## COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Congressman Chris Cannon spoke in Committee of the Whole. Senators Allen and Mansell commented.

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

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On motion of Senator Waddoups, and at 10:35 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 21, 2003

The House passed, as amended, **H.B. 7**, SPECIAL GROUP LICENSE PLATE REVISIONS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 16**, EQUAL EMPLOYMENT OPPORTUNITY – TECHNICAL CHANGES, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 23**, PUBLIC AIRPORT AND AERONAUTICS AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 24**, HAZARDOUS WASTE FACILITIES MANAGEMENT AMENDMENTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed **H.B. 25**, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 30**, PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed **H.B. 33**, RESPONSIBILITIES OF LEGISLATIVE GENERAL COUNSEL, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed **H.B. 38**, DIVISION OF CORPORATIONS AMENDMENT, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.B. 43**, REAUTHORIZATION OF FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES TASK FORCE, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed **H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed **H.B. 165**, REVISOR'S STATUTE, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, RESOLUTION URGING REWORKING OF CENSUS DATA COLLECTION PROCEDURES, by Representative M. Stephens, and it is transmitted for consideration; and

The House passed **H.J.R. 5**, JOINT RULES RESOLUTION – AMENDMENTS TO CERTAIN PROCESSES, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.J.R. 6**, JOINT RULES RESOLUTION – LEGISLATIVE EXPENSES, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.J.R. 8**, JOINT RULES RESOLUTION – REPORT OF COMMITTEE VOTE, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.J.R. 9**, INTERIM RULES RESOLUTION – REPORT OF COMMITTEE VOTE, by Representative M. Dillree, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 7, H.B. 16, H.B. 23, H.B. 24, H.B. 25, H.B. 30, H.B. 33, H.B. 38, H.B. 43, H.B. 44, H.B. 165, H.C.R. 1, H.J.R. 5, H.J.R. 6, H.J.R. 8, and H.J.R. 9** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 21, 2003

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

**Business and Labor**

- S.B. 6** Retailer Requirements in Printing Financial Transaction Card Receipt (C. Walker)
- S.B. 42** Fraudulent Use of Credit Card Number (C. Walker)
- S.B. 96** Division of Occupational and Professional Licensing Act Amendments (P. Julander)

**Government Operations and Political Subdivisions**

- S.B. 14** Governor's Office of Planning and Budget Recodification and Revisions (R. Allen)
- S.B. 20** Facilitation of E-government (D. Steele)
- S.B. 79** Disabled Parking Fine (D. C. Buttars)

**Health and Human Services**

- S.B. 82** Authorized Overspending Limit in Federal Medicaid Budget (B. Evans)
- S.B. 90** Prescriptive Practice Peer Committee Repealer (P. Julander)

**Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 7** Automobile Homicide Amendments (C. Walker)
- S.B. 26** Sunset Act Reauthorizations (P. Arent)
- S.B. 38** Child Access to Firearm Prevention Amendments (P. Julander)
- S.B. 41** Clandestine Lab Racketeering Amendment (P. Arent)

**Natural Resources, Agriculture, and Environment**

- S.B. 37** Task Force Study of Impact of Gravel Pits (P. Knudson)

**Revenue and Taxation**

- S.B. 43** Providing Information Relating to Tax Credits and Tax Filing Due Dates (D. Steele)

**Transportation and Public Utilities and Technology**

- S.B. 16** Master State Highways Amendments (D. Steele)

Lyle Hillyard  
Rules Committee Chair

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

## RULES COMMITTEE REPORTS

To the Members of the Senate:

January 21, 2003

The Rules Committee recommends the assignment of the following Resolutions to the Second Reading Calendar:

**S.R. 2**                      Senate Rules Resolution – Pledge of Allegiance (D. Gladwell)

**H.J.R. 4**                      Resolution Approving Compensation of In-session Employees (M. Newbold)

Lyle Hillyard

Rules Committee Chair

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

## INTRODUCTION OF BILLS

### MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT AMENDMENTS

**S.B. 50**

*Michael G. Waddoups*

THIS ACT MODIFIES MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT PROVISIONS TO PROHIBIT A MUNICIPALITY OR COUNTY FROM ENFORCING LAND USE AND DEVELOPMENT ORDINANCES WITH RESPECT TO A SPECIAL DISTRICT'S WATER TREATMENT PLANT THAT PROVIDES CULINARY WATER TO MORE THAN ONE POLITICAL SUBDIVISION OF THE STATE. THE ACT PROVIDES AN EXCEPTION TO THE PROHIBITION IN THE CASE OF UNIFORM BUILDING CODE OR OTHER ORDINANCES NECESSARY FOR THE PROTECTION OF PUBLIC HEALTH AND SAFETY. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

### PLANETARIUM AMENDMENTS

**S.B. 51**

*Gene Davis*

THIS ACT MODIFIES PROVISIONS RELATING TO COUNTY PLANETARIUMS. THE ACT PROVIDES FOR THE APPOINTMENT OF OTHER PLANETARIUM PERSONNEL BY THE COUNTY EXECUTIVE RATHER THAN THE COUNTY LEGISLATIVE BODY. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**PROCESS SERVERS****S.B. 111***Michael G. Waddoups*

THIS ACT MODIFIES PROVISIONS RELATING TO PRIVATE INVESTIGATORS. IT PROVIDES THAT PRIVATE INVESTIGATORS MAY SERVE ALL FORMS OF PROCESS ISSUED BY A COURT EXCEPT WRITS OF EXECUTION, BENCH WARRANTS, AND ANY CRIMINAL PROCESS, was read for the first time and referred to the Rules Committee.

**GOVERNMENT RECORDS PROTECTIONS  
FOR FEDERAL MISSION OF NATIONAL GUARD****S.B. 112***Peter C. Knudson*

THIS ACT MODIFIES PROVISIONS OF THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT RELATED TO PROTECTED RECORDS BY INCLUDING INFORMATION REGARDING NATIONAL GUARD OPERATIONS OR ACTIVITIES IN SUPPORT OF THE NATIONAL GUARD'S FEDERAL MISSION, was read for the first time and referred to the Rules Committee.

**MIDWIFE CERTIFICATION ACT****S.B. 113***Thomas V. Hatch*

THIS ACT MODIFIES THE OCCUPATIONS AND PROFESSIONS CODE BY ENACTING THE MIDWIFE CERTIFICATION ACT. THE ACT PROVIDES FOR CERTIFICATION OF DIRECT-ENTRY MIDWIVES BY THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING. THE ACT PROVIDES FOR DEFINITIONS RELATING TO THE PRACTICE OF CERTIFIED DIRECT-ENTRY MIDWIVES. THE ACT CREATES THE CERTIFIED DIRECT-ENTRY MIDWIFE BOARD AND SETS FORTH ITS MEMBERSHIP AND DUTIES. THE ACT REQUIRES THE DIVISION TO ESTABLISH A CERTIFIED DIRECT-ENTRY MIDWIFE FORMULARY COMMITTEE AND A CERTIFIED DIRECT-ENTRY MIDWIFE FORMULARY TO DEFINE WHICH PRESCRIPTION DRUGS AND DEVICES CAN BE PRESCRIBED AND ADMINISTERED BY CERTIFIED DIRECT-ENTRY MIDWIVES AND TO PROVIDE GUIDELINES FOR THEIR USE. THE ACT PROVIDES FOR DISCIPLINARY ACTION, INCLUDING ADMINISTRATIVE PENALTIES, AGAINST CERTIFIED DIRECT-ENTRY MIDWIVES. THE ACT DEFINES AND PROVIDES PENALTIES FOR UNLAWFUL AND UNPROFESSIONAL CONDUCT. THE ACT SETS

STANDARDS FOR CONSULTATION, COLLABORATION, REFERRAL, AND TRANSFER TO OR WITH OTHER HEALTH CARE PROVIDERS AND SETS STANDARDS FOR LIABILITY UNDER THOSE CIRCUMSTANCES. THE ACT BRINGS CERTIFIED DIRECT-ENTRY MIDWIVES WITHIN THE SCOPE OF THE HEALTH CARE PROVIDERS IMMUNITY FROM LIABILITY ACT, was read for the first time and referred to the Rules Committee.

### **JOURNAL OF NOTARY PUBLIC ACTS**

**S.B. 114**

*Peter C. Knudson*

THIS ACT MODIFIES THE NOTARIES PUBLIC REFORM ACT TO REQUIRE NOTARIES PUBLIC TO MAINTAIN A JOURNAL OF NOTARIAL ACTS, was read for the first time and referred to the Rules Committee.

### **THEFT DETECTION SHIELDING DEVICES AMENDMENTS**

**S.B. 115**

*John W. Hickman*

THIS ACT MODIFIES THE CRIMINAL CODE REGARDING THEFT DETECTION SHIELDING DEVICES BY PROVIDING THAT WHEN A THEFT DETECTION DEVICE IS UNLAWFULLY REMOVED FROM AN ITEM OF MERCHANDISE, THE PENALTY IS BASED ON THE VALUE OF THE MERCHANDISE, was read for the first time and referred to the Rules Committee.

### **DNA – AMENDMENT REGARDING WARRANTS**

**S.B. 116**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE CRIMINAL CODE, REMOVING THE STATUTE OF LIMITATIONS ON CERTAIN VIOLENT CRIMES WHEN DNA EVIDENCE HAS BEEN COLLECTED THAT CAN BE USED TO IDENTIFY THE PERPETRATOR, was read for the first time and referred to the Rules Committee.

### **AGGRAVATED ROBBERY AMENDMENTS**

**S.B. 117**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE CRIMINAL CODE REGARDING THE AGGRAVATED ROBBERY OFFENSE OF “CARJACKING” TO PROVIDE THAT THE ATTEMPT TO TAKE OR “CARJACK” A MOTOR VEHICLE IS ALSO AN AGGRAVATED ROBBERY OFFENSE, was read for the first time and referred to the Rules Committee.



## INDIVIDUAL INCOME TAX – ADOPTION EXPENSES

**S.B. 118**

*Carlene M. Walker*

THIS ACT MODIFIES THE INDIVIDUAL INCOME TAX ACT TO ALLOW AN INDIVIDUAL TO CHOOSE FROM SPECIFIED OPTIONS THE TAXABLE YEAR FOR WHICH THE INDIVIDUAL MAY SUBTRACT ADOPTION EXPENSES FROM FEDERAL TAXABLE INCOME. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003, was read for the first time and referred to the Rules Committee.

## MOTOR VEHICLE INSURANCE – PERSONAL INJURY PROTECTION

**S.B. 119**

*Mike Dmitrich*

THIS ACT MODIFIES THE INSURANCE CODE TO INCREASE THE PERSONAL INJURY PROTECTION COVERAGE FOR NECESSARY MEDICAL EXPENSES FROM \$3,000 TO \$8,000 PER PERSON. THIS ACT ALSO CHANGES THE MEDICAL DAMAGES LIMIT TO DAMAGES IN EXCESS OF THE COVERAGE LIMIT FOR A PERSON TO BE ABLE TO MAINTAIN A CAUSE OF ACTION. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

## THIRD READING CALENDAR

**S.J.R. 1, JOINT RESOLUTION – RULES REVISIONS RENAMING AN APPROPRIATIONS SUBCOMMITTEE**, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**S.J.R. 1** was transmitted to the House.

\* \* \*

**S.J.R. 2**, RESOLUTION REAPPOINTING GENERAL COUNSEL, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

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

\* \* \*

**S.R. 1**, SENATE RULES RESOLUTION – STANDING COMMITTEE REVISIONS, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators  
Blackham            Steele            Wright

**S.R. 1** was signed by the President in open session. The bill will be enrolled and transmitted to the Lt. Governor.

\* \* \*

**S.B. 4, CLEAN SPECIAL FUEL TAX CERTIFICATE – EXEMPTION**, was read the third time

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 5, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE AMENDMENTS**, was read the third time and explained by Senator B. Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**S.B. 5** was transmitted to the House.

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**S.B. 9, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS**, was read the third time and explained by Senator Davis. Senator Valentine commented.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 13, DUI PLEA RESTRICTIONS**, was read the third time and explained by Senator Buttars. Senator Hillyard commented.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 15, WORKFORCE SERVICES AMENDMENTS**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**S.B. 15** was transmitted to the House.

\* \* \*

On motion of Senator Steele, the circle was removed from **S.B. 4, CLEAN SPECIAL FUEL TAX CERTIFICATE – EXEMPTION**, and it was before the Senate. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator  
Stephenson

**S.B. 4** was transmitted to the House.

**SECOND READING CALENDAR**

**S.B. 17, SALES AND USE TAX – EXEMPTIONS FOR SEMICONDUCTOR FABRICATING OR PROCESSING MATERIALS**, was before the Senate and explained by Senator Bramble. Senators Hillyard, Hickman, Arent, Valentine, Dmitrich, Davis, Blackham, and Mayne commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hickman	Hillyard	Julander
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\* \* \*

On motion of Senator Waddoups and at 3:20 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 22, 2003.

**JOINT CONVENTION**

President Al Mansell called the Joint Convention to order at 6:00 p.m. in the Chamber of the Utah House of Representatives and recognized Martin R. Stephens, Speaker of the House.

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

President Mansell appointed a Joint Committee comprised of Senators John Valentine, Peter Knudson and Mike Dmitrich, and Representatives Greg Curtis, Jeff Alexander, and Brent Goodfellow to notify Governor Michael O. Leavitt that the 2003 General Session of the Fifty-Fifth Legislature is in Joint Convention and ready to hear his State-of-the-State address.

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

Senator Lyle Hillyard made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Leavitt's State-of-the-State address.

The Joint Committee escorted Governor Leavitt to the House rostrum.

**STATE-OF-THE-STATE ADDRESS  
BY GOVERNOR LEAVITT**

A year ago, I stood before you on the eve of a milestone in Utah history – the 2002 Olympic Winter Games. I conveyed a strategy for turning 17 days of attention into a thousand days of progress.

Those 17 days were pivotal to us as a state – and they were a triumph.

Because of world events, the Utah Olympics had to be much more than a world sports festival. And they were.

They became, for this nation particularly, a recovery – a healing process of joyful celebration.

The Games were also a response to the enemies of world civility. In the single image of athletes reverently carrying the battered Ground Zero flag, our nation declared its most profound respect for liberty and life – and we served unequivocal notice that we would defend them both.

It was simple repudiation, and it was powerful. As the snowboarders defied gravity, America defied terrorism.

A conversation I had with a Russian-born coach illustrates why people from throughout the world gave these games a perfect score.

He told me the volunteer driving the van to his event was the president of a Utah company. Then, back at the athlete's village, a volunteer cleaning his room, who in real life is a computer engineer, helped him connect his laptop to the Internet.

With his deep Russian accent, he said, "The president of a company drives me to an event. My room is cleaned by a computer engineer. What a country!"

What a country indeed! And what a state! Our state was lifted to international prominence on the shoulders of 35,000 volunteers. We are forever an "Olympic City," and we will never be the same.

Tonight I salute the volunteers of Team 2002, whose spirit personified this state, reassured our nation, and befriended the world.

The Olympics also marked the beginning of our thousand day economic plan. They remain a lasting legacy and a recurring opportunity. But we are now at Day 352 – another time, a different place economically, and a whole new set of challenges.

The glow of the Games in a way masked the debilitating effect that the struggling national economy was having on our people. In the past year, many Utahns lost their jobs. Others have seen their income or retirement savings erode as the stock market fell. The historic drop in state revenues that followed has caused disruption and unmet expectations. Add to that fire, drought, return of the Mormon crickets and war—it's been quite a year.

But to keep last year in perspective it helps to remember how much progress we have made the past ten years.

- Yes, unemployment is higher than we would like it to be right now, but even considering that, in the last decade we have a quarter million new jobs and wages growing faster than inflation. Household income has climbed from 20th in the nation to 10th: ten places in ten years.

- Our air and water are cleaner. Our communities are safer. Crime rates have fallen and still no high-level nuclear waste.

- Our transportation system is vastly improved. Energy and water systems are more reliable.

- Utahns remain among the healthiest people in the world.

- There are fewer than half as many families on welfare, even in difficult economic times. One hundred and thirty-five thousand more families own homes. Put another way, 25 percent of the families in Utah bought their first home in the last ten years.

- Nearly every list of emerging technology markets now includes Utah.

- Our reputation in the world was enhanced by the Olympics, which gave us a new internal confidence we've never had before. And with good reason.

Do we have challenges? Yes we do. But, we have toughed out these rough patches before, and we are doing it again.

It's important to note, the biggest factor in Utah's economic recovery is the national economy. As that unfolds, we need to carefully manage the state's financial situation. Some states have had their bond rating lowered this year, and more will, but Utah isn't going to be one of them. We also need to stay focused on the long term. And here's the key to long term:

In the economic race of this century, the society with the best-educated people wins. Period. End of conversation.

Two weeks ago, the State School Board announced that they plan to adopt a competency standard for high school graduation in Utah. The phrase competency standard is new to most people, but I want to bluntly say: this is a big deal.

If you're a student, this is going to affect your life. If you're a parent with a child in school, you need to know about this. If you're an employer who may hire a Utah student, you will want to know the term "competency standard."

This isn't a nibble around the edges program the State School Board is proposing; it's a transformation, and I support it.

A friend of mine made an observation that illustrates why this is such a landmark. He pointed out to me – that in life you get what you value. He said, “If my child misses first period at school, within an hour I get a call. But it’s six weeks before we find out that he failed a test.” Why? Because funding for the school is based on attendance and it’s no surprise that we get 95% attendance because that is what we value.

So what’s the message there? Attendance is mandatory. Learning is optional. And that’s the wrong message.

The standard our schools use now is called the Carnegie credit system – a system developed nearly 100 years ago. The whole system is based on the measurement of time. It organizes schools like a factory.

Under the Carnegie credit system, when a student has spent roughly 120 hours studying a subject, our schools issue a credit, and we move them to the next place in the assembly line. When a student has 24 Carnegie credits, they can trade that for a high school diploma.

Some would say, yes, but the student has to pass the class to get the credit; but what’s the standard of competence to receive the credit? It’s a D–. That is no standard. That’s a disservice.

Time is everything in our school system. We define a school year as 990 hours. Schools get funded based on the number of students that spend the time.

We’re so accustomed to the clock that we don’t see it as a problem, but what parent isn’t bothered that text books are turned in days before the end of the school year?

Students may not be engaged in learning activities, but under this system if the school is open the student gets the credit and the school gets the money.

To parents, it feels like misplaced priorities. To high school seniors, it’s a free ride. If they pass their classes with a D– or better in the first three years, they have nearly all the credits they need to graduate, and they waste their senior year.

They take a light load and do what my son calls “chill.” It has become a right of passage, almost an entitlement; and our current system doesn’t just allow it; it enables it.

This system doesn’t just need tinkering; we need a different system, because it’s organized around the wrong value.

Ten years ago, a dozen European nations committed to transform themselves by adopting a uniform currency. Where once you had the Franc, the German Mark, the Italian Lira, you now have one unified currency: the Euro.

It began with a well-framed idea and progressed to a vision slowly refined and implemented. It was controversial and in many ways disruptive, but it has changed Europe in a historic way.



For our schools, changing to a competency-measured system is just as significant as changing the monetary system in Europe. It will transform the schools, because it changes the value system.

I propose that the State Board of Education be given authority to develop and test a funding mechanism called the Weighted Competency Unit, which will provide a means of financing schools under this alternative system. The State School Board has said they can be ready to act by fall of this year.

I invite you to join with me this summer in organizing a summit meeting where leaders of every school district and educational governing body can join with parents and academics to discuss and learn together how to implement this vision.

I salute the members of the State School Board. It's time for bold leadership, and this is bold.

Eight months ago, I met with the leaders of 23 industry groups in Utah. I asked them, under the chairmanship of Fraser Bullock, to take an independent look at our current direction in education from an employer's point of view.

In addition to expressing their support of a competency measured system, their report praised what Utah educators accomplish with limited resources. But the report carried a sobering warning: Education in Utah has a serious funding crisis. Think about it. Employers in this state independently calling the situation a crisis – *a crisis*.

The thrust of their statement is that we can't expect to prosper economically when our competitors lap us in education investment.

And, that's exactly what is happening. Even after doubling our investment in education during the past decade, we are 50th in per student funding. Dead last and 40% below the national average. It's clear to me that as long as our demographics stay as they are now, we are never going to approach the national average in per pupil spending.

So what is adequate? We need a target. At a minimum, over the next six years, we should aspire to both fund increased enrollment and close one-half of the gap between ourselves and the intermountain states, such as Idaho, Wyoming, and Colorado.

We will not resolve our funding crisis all at once, but tonight I would like to propose five ways that will move us in the right direction.

First, no backsliding. It would be unthinkable, given our relative under-investment and the 10,000 new students entering our schools and colleges this year, to appropriate less money than last year.

Some believe tuition tax credits are the solution to paying for increased enrollments. They say if we subject public schools to the forces of the marketplace, competition will improve them.

I believe in the power of markets to improve public education. Tuition tax credits are based on a simple idea, but they create serious risks. I'm prepared to participate in a discussion, but only when we have adequately funded our public schools. Until then, I would create educational choices in a different way.

Charter schools are working. There are waiting lines to get in; the parents are happy; and they are providing incentives for other public schools to improve. We need more of them and they deserve equal financial footing with other public schools. Additionally, the state needs to create a revolving loan fund for non-profit charter schools to help them meet their building needs.

The best of both worlds is a competency-measured charter school. That is exactly what we are creating in our six new high-tech high schools. The first of those is the Academy of Math, Science and Engineering, which opens at Cottonwood High School this fall. Right on schedule.

Second proposal: we need to discontinue the practice of funding road construction with sales tax dollars.

In 1997, to commemorate the state's one-hundredth year, we created the Centennial Highway Fund consisting of 41 highway projects. Every project is important and needs to be completed.

The 2003 legislature faces vastly different circumstances. The 1997 legislature was awash in new revenue, and faced declining welfare rolls, flat school enrollments, and falling health care prices. By contrast, this legislature faces the fifth year of drought, 65,000 unemployed families, the leading edge of a school enrollment boom, skyrocketing health care costs, and the sharpest drop in revenue since World War II.

This is not 1997, and we cannot approach our highway building as if it were. The excess funds we were spending then no longer exist.

We have limited options. We can slow down road construction and complete projects as we have the money to do so. That was my budget proposal. Or, if you are determined to move ahead on the current construction schedule, new revenues will have to be found because it would be wrongheaded to support cuts to education, release prisoners, and reduce law enforcement while we continue spending sales tax dollars on roads.

Third proposal: We are in a serious drought. Our current method of subsidizing water projects with sales tax is neither adequate, nor reliable, nor conservation-minded. And it puts water development in direct competition with funds for college students, healthcare for the poor, abused children, and others in need.

Tonight, I call upon the water community in our state to seize this moment to create a permanent, adequate, reliable, and conservation-oriented means to assure our water future. This not only benefits water users, it returns general fund dollars to education.

Fourth proposal: If we collected taxes that are now owed but not collected on sales made via Internet, catalogue or telephone, it would level the retail playing field and help us meet our public education aspirations. You have legislation before you that will radically simplify and bring fairness to the sales tax system.

And finally, the fifth proposal: We need to hold the line on administrative costs in government by stepping up our efforts to move government services online. This is hard work requiring flexibility and innovation. Approximately 1.2 million state government services are provided over the Internet each month. That's 1.2 million times people got their service faster without the direct help of a state employee.

But the result of bringing every state government service online 24/7 will be lower costs and better service for Utahns. You can start by allowing consumers to use credit cards without penalty when they use online services.

I have some good news tonight. Putting education first in our budget is good economic policy. That's our strategy, and it works. I'm pleased to announce that tomorrow we will sign a deal resulting in the creation of 500 to 1000 new technology jobs in Utah by prominent national companies over the next three years. Anyone who is interested may go to the State of Utah website for more information about these exciting opportunities.

These jobs are in a health care industry called medical informatics; and these jobs are coming to Utah, because we've trained workers with the specific skills employers need.

Many of the new jobs will be located in rural Utah at our 18 Smart Sites. In just 352 days, Smart Sites have become one of the largest single sources of employment in rural Utah.

The Thousand Day plan also fostered a new biotechnology/human genetics project called GenData. GenData is a non-profit enterprise formed by the state, the University of Utah and the Huntsman Cancer Foundation. It combines the unique genealogical information found in Utah with genetic and medical data contributed by Utah families into a database that will create a scientific treasure, used to cure and treat diseases like diabetes and cancer that touch every family. It will attract venture capital and pharmaceutical and medical research organizations from all over the world.

In order to assure the integrity of the information Utah families give voluntarily, I ask that you build into law an impenetrable wall of privacy protection.

Though still in the early development stage, this is one to watch. GenData will be the springboard for thousands of high-paying jobs in the next decade and the means by which Utah secures a reputation as a world leader in biotechnology.

There are two economic trends that worry me. Bankruptcies in our state are getting to the point that the only explanation is a plague of bad judgment and over

consumption. It's the kind of weakness that will destroy reputations, families, communities and economic prosperity. Our schools have a role, but most of all we have a duty as responsible adults to live in ways that allow us to meet our obligations and teach our children to do the same.

I am also concerned that tuition increases are beginning to price the average family in Utah out of higher education. One of our greatest strengths is a highly educated work force, another reason to put education first.

And now I'd like to spend a moment talking about homeland security. I want to assure you, we are doing all that is humanly reasonable to protect your health and safety.

We remember not just what we lost on September 11, but what we found, and terrorists will never have the final say. I'd like to tell you about a special group of Utahns who took that message to Afghanistan and hand-delivered it to Al Qaeda.

Two months after the attack on America, Bravo Company of the 19th Special Forces Group in Springville was quietly activated and sent to Afghanistan. It was commanded by Major Randy Watt, who is with us tonight, along with Sergeants Scott Hansen, Allen Smithee, and Mark Evans.

They are elite forces – Green Berets specializing in counter-terrorism, guerilla warfare, infiltration and strikes behind enemy lines.

In civilian life – you know them as your neighbors – Bravo Company's ranks include a school teacher, a paramedic, a construction worker, and a corporate safety manager, not to mention West Valley City's director of housing and Ogden's assistant police chief.

Last year, when you heard about America's Special Forces going into caves and compounds in Tora Bora and Wazir Valley to root out Al Qaeda, you may not have known the reports were referring to Utah National Guard soldiers.

They came under fire more than one hundred times from rockets, machine guns, grenades, and artillery. They watched their backs constantly, because the paid loyalists supplementing their ranks regularly fled and left them in the "kill zone."

They faced a new kind of enemy that rigged up everyday electronic devices as remote detonators for land mines and favored children as human shields – an enemy motivated by hatred, extreme fundamentalism and the \$100,000 bounty Al Qaeda promised for each dead American.

Bravo Company confronted the enemy for seven months and returned home in November to more than 70 combat decorations — including 39 Bronze Stars – for their distinguished service and bravery.

That is a staggering amount of heroism for one small unit. We are a proud state and a grateful nation.

Two experiences of this unit particularly stand out. Sergeants Smithee and Evans were among just four Bravo Company sergeants who took on a larger, heavier-equipped enemy force that had set up an ambush. They were surrounded and badly out-numbered. Under heavy fire, at close range, Smithee and Evans systematically, in a lengthy gun battle, worked their way up a hill to take out an enemy machine gun emplacement and mortar pit. Their direct strike against the enemy gave them the high ground and the Al Qaeda forces fled.

The second heroic event began as a “search and locate” foray at a walled Afghan compound and turned into a prolonged battle between Major Watt’s detachment and an Al Qaeda cell. It was all-out combat, involving air support and medical evacuations and it continued for five hours. Four soldiers were hit, including a Utah guardsman. Through it all, Watt commanded rescue and battle operations as Hansen risked his life to pull wounded comrades to safety.

They killed and captured the entire Al Qaeda force. One of those injured in that battle was Sergeant Lane Morris – also with us tonight.

I wanted to begin repaying our debt of gratitude to these soldiers in a meaningful way by inviting all of Utah to witness a very special event: the awarding of the Bronze Star to the final four members of Bravo Company who have yet to receive it.

These four earned the star with an added citation called the “V device.” It signifies valor and is awarded only for directly engaging the enemy in ground combat.

It is my great pleasure as commander-in-chief of the Utah National Guard to award the Bronze Star with the “V device” for valor to Major Randy Watt, Sergeant Scott Hansen, Sergeant Allen Smithee, and Sergeant Mark Evans.

Ladies and Gentlemen, the Army’s newest recipients of the Bronze Star.

I need to be clear about the future of the Army, Air National Guard, Air Force Reserve, and US Army Reserve. A sobering assessment of the landscape suggests the potential of war in Iraq. You need to know that because of the unique training and capability of the Utah National Guard and Reserve, Utah will likely bear a disproportionate responsibility in that conflict, perhaps as many as 2,300 soldiers and airmen. They need our unfailing support, as employers, Utahns, and Americans.

These four here tonight told me that during their tour of duty not a day went by that they did not think of America and were thankful.

This is the nature of America and the abiding character of Utah – the courage and resolve of Bravo Company... and the spirit and devotion of the Olympic volunteer. Because of it we have no limits on aspiration or achievement.

So while difficulty lies ahead, so does full recovery and renewed prosperity. And we will triumph over our adversity. It can be no other way. Utah is a composite of its people and the state of our state is strong.

Thank you, good night and may God bless our troops, our state and our nation.

\* \* \*

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

Representative Michael Styler made a motion that the complete text of the Governor's State-of-the-State address be spread upon the pages of the Senate Journal, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 22, 2003.

# THIRD DAY

## MORNING SESSION

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

**Prayer** – W. James Mortimer, Publisher Emeritus of the Deseret News;  
Stake Patriarch, Salt Lake Wasatch State

**Pledge of Allegiance** – Senator Chris Buttars

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMITTEE OF THE WHOLE

On motion of Senator Davis, Bhichai Rattakul, Rotary International President, spoke in Committee of the Whole. Senators Mansell, Eastman, and Buttars commented.

On motion of Senator Davis, Sandy Tenney read the following declaration:

WHEREAS, in 1985, Rotary learned that an estimated eight million children world-wide would be infected with polio by 2005; and

WHEREAS, in that same year, the Rotary service organization launched a serious effort devoted to eradicating polio from the world; and

WHEREAS, Utah Rotarians have participated in this initiative from the beginning; and

WHEREAS, there were only 483 reported cases of polio among seven nations at the start of 2002, meaning that ninety-nine percent of the world's children are now polio-free; and

WHEREAS, Rotary is working to declare the world polio-free in 2005;

NOW, THEREFORE, I Michael O. Leavitt, Governor of the state of Utah, do hereby declare January 22, 2003, as ROTARY WORLD-WIDE POLIO ERADICATION DAY in Utah, and commend Rotary for its continued dedication and service to ending polio world-wide.

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

On motion of Senator Eastman, the Senate voted to spread the words of Bhichai Rattakul upon the pages of the Senate Journal.

**BHICHAIRATTAKUL  
ROTARY INTERNATIONAL PRESIDENT**

Thank you very much. Everything in the introduction was correct, except just one thing: that I'm a statesman. This is wrong, I'm just one ordinary Rotarian.

I'm very happy, indeed, and feel it a great honor, to be invited to say a few words at this very important Senate session being held here. I have been in your seats for more than 40 years – not 4 terms. I have served as a member of the Parliament of Thailand for 40 years.

Therefore, by being here, it's like coming back home. I could feel the sense of being a Parliamentarian right here, Mr. President. But I'm here, Mr. President, not to talk about politics. I'm so happy to be able to retire from politics after over 45 years of being a politician.

I'm here today, Mr. President and ladies and gentlemen of the Senate, to say how thankful, how grateful we are in Rotary that the Rotarians and the people of Utah, especially the L.D.S. Foundation, have helped a great deal towards the eradication of polio from the face of the earth.

You would not believe that in this one project alone, Rotarians worldwide have contributed more than \$500 million since the beginning of our campaign to try to eradicate polio from the face of the earth.

L.D.S. Foundation and the Rotarians of Utah have all contributed so much by buying the few drops of vaccine for billions and billions of children around the world. So I'm here to thank you all personally as a legislature, as Parliamentarians and as Rotarians.

Thank you from the bottom of my heart for being so generous in contributing towards that campaign to eradicate polio.

I'm happy to report to you that in 1988 there were 400,000 cases of active polio in 126 countries. But with all the help, including your government, we have now only about 1500 cases left. From 126 countries, only 6 countries are left with polio.

So with your contribution, your support, your encouragement, I am quite sure that the world will be free from polio very soon.

Thank you very much, Mr. President and ladies and gentlemen of the Senate, for giving me this opportunity to say a few words. By the way, I was at one time a democrat, which is not dominated by the Senate here. Thank you very much.



**STANDING COMMITTEE REPORTS**

Mr. President:

January 21, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 78, REPEAL OF TRADING STAMPS REGULATION**, by Senator S. Jenkins; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 83, OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS**, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 88, SECURITY PERSONNEL LICENSING ACT AMENDMENTS**, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 92, LAND SURVEYOR AMENDMENTS**, by Senator H. Stephenson, et al, with the following amendments:

1. Page 1, Line 20:  
After “(d)” reinstate “(i)”
2. Page 1, Line 22:  
After “board;” reinstate “or”
3. Page 1, Lines 23–25  
Reinstate lines 23–25
4. Page 2, Line 45:  
After “(3)” delete “(a)”
5. Page 2, Line 46:  
Reinstate “(a)” and delete “(i)”
6. Page 2, Line 47:  
Reinstate “7(b)” and delete “(ii)”
7. Page 2, Line 48:  
Reinstate “(c)” and delete “(iii)”
8. Page 2, Line 49:  
Reinstate “(d)” and delete “(iv)(A)” and insert “(i)”
9. Page 2, Line 54:  
Delete “(B)” and insert “(ii)”

10. Page 3, Line 60:  
Delete “(v)” and insert “(e)”
11. Page 3, Line 62:  
Delete “(vi)” and insert “(f)”
12. Page 3, Lines 64 – 72:  
Delete lines 64 through 72; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 94**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, by Senator J. Valentine.

Parley Hellewell, Chair; and

Mr. President: January 21, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 33**, FEES FOR SHERIFF, by Senator M. Dmitrich.

Carlene M. Walker, Chair; and

Mr. President: January 21, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 35**, REDEVELOPMENT OF SUPERFUND SITES, by Senator D. C. Buttars; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 36**, MINERAL LEASE FUND AMENDMENTS, by Senator B. Evans.

Beverly Evans, Chair; and

Mr. President: January 21, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 11**, CHILD CARE AMENDMENTS, by Senator B. Evans, with the following amendments:

1. Page 9, Line 264:  
After l(4) k” insert:  
“(a) There shall be deposited into the fund money from numerous sources, including, grants, private foundations, and individual donors.  
(b)””

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 78, S.B. 83, S.B. 88, S.B. 92**, as amended, **S.B. 94, S.B. 33, S.B. 35, S.B. 36**, and **S.B. 11**, as amended, were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS****PAYMENT OF WAGES AMENDMENTS****S.B. 120***Scott K. Jenkins*

THIS ACT MODIFIES PROVISIONS IN THE LABOR IN GENERAL TITLE RELATED TO PROHIBITED RETALIATION. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE AMENDMENTS****S.B. 121***Peter C. Knudson*

THIS ACT MODIFIES THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AND THE JUDICIAL CODE. THE ACT AMENDS PROVISIONS RELATING TO THE RIGHT TO ACCESS AND COPY PATIENT MEDICAL RECORDS. THE ACT AMENDS STATE LAWS TO BRING THEM INTO COMPLIANCE WITH FEDERAL PATIENT PRIVACY LAWS ENACTED IN THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**UTAH ANTIDISCRIMINATION ACT AMENDMENTS****S.B. 122***Scott K. Jenkins*

THIS ACT MODIFIES THE UTAH ANTIDISCRIMINATION ACT TO REDUCE THE MEMBERSHIP OF THE ANTIDISCRIMINATION AND LABOR ADVISORY COMMITTEE; TO AMEND WHAT CONSTITUTES DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES; AND TO AMEND PROVISIONS RELATED TO THE PROCEDURE FOR ASSURED PERSONS TO FILE CLAIMS. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**INHERENT RISK OF LIVESTOCK ACTIVITIES****S.B. 123***Beverly Ann Evans*

THIS ACT ADDS LIVESTOCK ACTIVITIES AND PROFESSIONALS TO THE PROVISIONS OF TITLE 78 PROVIDING LIMITATIONS ON THE LIABILITY OF EQUINE ACTIVITIES AND PROFESSIONALS, was read for the first time and referred to the Rules Committee.

## CAPITOL ARTS PLACEMENT COMMISSION

**S.B. 124**

*Karen Hale*

THIS ACT MODIFIES PROVISIONS OF THE STATE COMMISSIONS AND COUNCILS CODE RELATED TO THE STATE CAPITOL PRESERVATION BOARD. THE ACT CHANGES THE NAME OF THE STATE CAPITOL ART PLACEMENT COMMISSION TO THE ART PLACEMENT SUBCOMMITTEE OF THE STATE CAPITOL PRESERVATION BOARD, AND MODIFIES THE DUTIES OF THAT SUBCOMMITTEE. THE ACT DEFINES CERTAIN TERMS. THE ACT MAKES TECHNICAL REVISIONS, was read for the first time and referred to the Rules Committee.

## RESOLUTION ON MUNICIPAL WATER RIGHTS

**S.J.R. 5**

*Scott K. Jenkins*

THIS JOINT RESOLUTION PROPOSES TO AMEND THE UTAH CONSTITUTION TO REPEAL A PROVISION PROHIBITING MUNICIPAL CORPORATIONS FROM DISPOSING OF WATERWORKS, WATER RIGHTS, OR SOURCES OF WATER SUPPLY AND REQUIRING MUNICIPAL CORPORATIONS TO PRESERVE, MAINTAIN, AND OPERATE ITS WATERWORKS, WATER RIGHTS, AND SOURCES OF WATER SUPPLY FOR SUPPLYING ITS INHABITANTS WITH WATER. THIS JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

## THIRD READING CALENDAR

**S.B. 17, SALES AND USE TAX – EXEMPTION FOR SEMICONDUCTOR FABRICATING OR PROCESSING MATERIALS**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Arent	Hale	Hickman	Hillyard
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**Absent or not voting were:** Senators

Allen	Davis	Eastman	Wright
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**S.B. 17** was transmitted to the House.

\* \* \*

On motion of Senator Buttars, the circle was removed from **S.B. 13**, DUI PLEA RESTRICTIONS, and it was before the Senate. Senator explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Davis	Eastman
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**S.B. 13** was transmitted to the House.

**SECOND READING CALENDAR**

**S.B. 18**, LIEUTENANT GOVERNOR CERTIFICATION OF SPECIAL DISTRICT AND LOCAL DISTRICT ANNEXATIONS, WITHDRAWALS, AND DISSOLUTIONS, was read the second time. Senator Gladwell explained the bill.

Senator Gladwell proposed the following amendment:

1. Page 1, Line 15:  
After line 15 insert:  
“17A-1-102, as enacted by Chapter 337, Laws of Utah 1998”
2. Page 1, Line 25:  
After line 25 insert:

“Section 1. Section 17A–1–102 is amended to read:

17A–1–102 Notice to State Tax Commission — Tax rate on new property included in the special district.

(1) [(a)] Except as provided in Subsection [(1)(b),] (5):

(a) the legislative body of each county, city, or town that creates a special district on or after May 4, 1998, shall, within 60 days of the special district’s creation, file a written notice of the creation with the State Tax Commission[.]; and

(b) [Notwithstanding Subsection (1)(a),] the board of each special district created on or after May 4, 1998, shall, within 60 days of the special district’s creation, file a written notice of the creation with the State Tax Commission, if the special district was created by other than a county, city, or town.

(2) [The] Except as provided in Subsection (5), the board of each special district whose boundaries change through annexation, consolidation, or any other means, shall, within 60 days of the change, file a written notice of the change with the State Tax Commission.

(3) Each written notice required under Subsection (1) or (2) shall:

(a) be accompanied by:

(i) a copy of the ordinance, resolution, or other document that effectuated the creation of the special district or the boundary change; and

(ii) a map or plat that delineates a metes and bounds description of the area affected and evidence that the information has been recorded by the county recorder; and

(b) contain a certification by the legislative body of the county, city, or town or the special district board, as the case may be, that all necessary legal requirements relating to the creation or boundary change have been completed.

(4) Property included in a newly created special district or added to a special district through a boundary change shall carry the tax rate imposed by the special district if the notice required under Subsection (1) is filed with the State Tax Commission no later than December 31 of the year during which the creation or boundary change occurs.

(5) Subsections (1), (2), and (3) do not apply to:

(a) special service districts created under Chapter 2, Part 13, Utah Special Service Act; and

(b) any of the types of independent special districts listed under Subsection 17A–2–101(1).”

Renumber remaining sections accordingly.

Senator Gladwell’s 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

Arent	Bell	Blackham	Bramble
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Allen	Buttars	Davis	Dmitrich
Eastman			

\* \* \*

**S.B. 24, LOCAL HUMAN SERVICES AUTHORITIES AMENDMENTS,** was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 7:  
After line 7 insert “The act contains a coordination clause.”
2. Page 25, Line 754:  
After line 754 insert:  
“Section 10. Coordination clause.  
If this bill and H.B. 165, Revisor’s Statute, both pass, it is the intent of the Legislature that the amendments in this bill to Section 17–43–304, as renumbered from Section 17A–3–606, supercede the amendments to Section 17A–3–606 in H.B. 165.”

Senator Jenkin’s 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Davis	Eastman	Mayne
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\* \* \*

**S.B. 25, COMMITMENT AND CUSTODY OF ADULTS AND MINORS AMENDMENTS**, was read the second time. Senator Jenkins explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Davis	Eastman	Mayne
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\* \* \*

**S.R. 2, SENATE RULES RESOLUTION – PLEDGE OF ALLEGIANCE**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			





Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Eastman	B. Evans	Gladwell
Mayne			

\* \* \*

**S.B. 83, OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS**, was read the second time. Senator Hillyard explained the bill. Senators Thomas and Wright commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Eastman	B. Evans	J. Evans
Gladwell	Hickman		

\* \* \*

**S.B. 88, SECURITY PERSONNEL LICENSING ACT AMENDMENTS**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 92, LAND SURVEYOR AMENDMENTS**, was read the second time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 94, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS**, was read the second time. Senator Valentine explained the bill.

Senators Valentine and Bramble declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Gladwell	Hickman	Steele
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\* \* \*

**S.B. 33, FEES FOR SHERIFF**, was read the second time. Senator Dmitrich explained the bill. Senators Hillyard, Hatch, J. Evans, and B. Evans commented.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

**S.B. 35, REDEVELOPMENT OF SUPERFUND SITES**, was read the second time. Senator Buttars explained the bill.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 36, MINERAL LEASE FUND AMENDMENTS**, was read the second time. Senator B. Evans explained the bill. Senators Allen, Hickman, Valentine, and Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

On motion of Senator Waddoups and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 23, 2003.

# FOURTH DAY

## MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

**Prayer** – Dr. Joseph McConkie, Professor of Religion at Brigham Young University and member of Sunset Heights Stake Presidency

**Pledge of Allegiance** – Senator Greg Bell

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

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 22, 2003

The House passed **H.B. 4**, VIATICAL SETTLEMENTS, by Representative B. Parker, and it is transmitted for consideration; and

The House passed **H.B. 180**, TRAUMA REGISTRY DATA, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 4** and **H.B. 180** were read the first time and referred to the Rules Committee.

#### RULES COMMITTEE REPORTS

To the Members of the Senate: January 22, 2003

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

#### **Business and Labor**

**S.B. 39**                      Amendments to the Utah Antidiscrimination Act  
(E. Mayne)

**S.B. 47**                      Labor Commission – Appeals Board (J. Valentine)

**S.B. 104**                     Disclosure of Vehicle Information for Product Recall  
(D. Eastman)

#### **Government Operations and Political Subdivisions**

**S.B. 97**                      County Annexation Amendments (C. Walker)

**S.B. 100** Indian Affairs Amendments (B. Evans)

**Health and Human Services**

**S.B. 95** State Emergency Medical Services Amendments  
(J. Valentine)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 93** Reappointment of County Justice Court Judges (T. Hatch)  
**S.B. 103** Concealed Weapon Permit Holder Amendments  
(C. Bramble)

**Natural Resources, Agriculture, and Environment**

**S.B. 84** Real Property Voluntary Environmental Restrictive  
Covenants (B. Wright)  
**S.B. 85** Underground Storage Tank Amendment (B. Wright)  
**S.C.R. 1** Resolution Urging Light Pollution Prevention (R. Allen)

**Retirement and Independent Entities**

**S.B. 81** Public Safety Retirement Amendments (M. Dmitrich)

**Revenue and Taxation**

**S.B. 46** Residential Property Tax Exemptions (E. Mayne)  
**S.B. 102** Property Tax Appeal Provisions (C. Bramble)

**Transportation and Public Utilities and Technology**

**S.J.R. 4** Resolution Urging That a Public Hearing Be Held on the  
Structure of the Public Service Commission (E. Mayne)  
Lyle Hillyard  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 22, 2003

The Rules Committee recommends the assignment of the following resolution to the Second Reading Calendar:

**S.R. 3** Senate Rules Resolution – Report of Committee Vote  
(L. Hillyard)

Lyle Hillyard  
Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: January 23, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 14**, GOVERNOR’S OFFICE OF PLANNING AND BUDGET RECODIFICATION AND REVISIONS, by Senator R. Allen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 20**, FACILITATION OF E-GOVERNMENT, by Senator D. Steele, with the following amendments:

1. Page 2, Line 52:  
Delete “7, 10,” and insert “10”
2. Page 2, Line 53:  
After “document” insert “. as defined by the Judicial Council”
3. Page 2, Line 57:  
After line 57 insert “or”
4. Page 2, Line 58:  
Delete “or”
5. Page 3, Line 59:  
Delete “(iii)” and insert “(f) a renewal of a registration of”
6. Page 3, Line 60:  
Delete “(f)” and insert “(g)”
7. Page 3, Line 86:  
Bracket “through (3)” and insert “and (2)”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 79**, DISABLED PARKING FINE, by Senator D. C. Buttars.

Carlene M. Walker, Chair; and  
January 21, 2003

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on **S.B. 80**, ADVERSE BENEFIT DETERMINATION AMENDMENTS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator D. C. Buttars.

James Evans, Chair

On motion of Senator Buttars, the committee reports were adopted. **S.B. 14**, **S.B. 20**, as amended, **S.B. 79**, **S.B. 80**, and **1st Sub. S.B. 89** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### ACCESS TO UNINSURED MOTORIST INFORMATION

**S.B. 52**

*David H. Steele*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY AMENDING THE UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM. THIS ACT ALLOWS THE DATABASE INFORMATION TO BE USED BY FINANCIAL INSTITUTIONS TO FACILITATE PROTECTION OF A FINANCIAL INSTITUTION'S BONA FIDE SECURITY INTERESTS IN A MOTOR VEHICLE. THIS ACT ALLOWS DATABASE INFORMATION TO BE MADE ACCESSIBLE THROUGH THE INTERNET OR TO BE MADE AVAILABLE THROUGH OTHER ELECTRONIC MEDIUM IF THE DEPARTMENT OF PUBLIC SAFETY DETERMINES THAT SUFFICIENT SECURITY IS PROVIDED TO ENSURE COMPLIANCE WITH DISCLOSURE RESTRICTIONS. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### AMENDMENTS TO CONTROLLED SUBSTANCE ACT

**S.B. 53**

*Peter C. Knudson*

THIS ACT MODIFIES THE CONTROLLED SUBSTANCE ACT BY PROHIBITING THE REFILL OF A SCHEDULE II CONTROLLED



SUBSTANCE, ADDS DICHLORALPHENAZONE UNDER SCHEDULE IV, RESCHEDULES BUPRENORPHINE TO SCHEDULE III, AND PROVIDES THAT GAMMA HYDROXY BUTYRATE (GHB) THAT IS USED IN AN FDA-APPROVED FORMULATION IS IN SCHEDULE III, was read for the first time and referred to the Rules Committee.

### **UTAH FIREWORKS ACT AMENDMENTS**

#### **S.B. 76**

*Dan R. Eastman*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE TO ALLOW THE UTAH FIRE PREVENTION BOARD TO MODIFY OR DELETE THE TIMES FOR SALE AND DISCHARGE OF FIREWORKS FOR REASONS OF SEVERE DROUGHT OR OTHER NATURAL EMERGENCY. THE ACT RAISES THE FEE FOR A STATE LICENSE FOR DISPLAY OR SPECIAL EFFECTS OPERATORS FROM \$10 TO \$30. THE ACT ALSO RAISES THE FEE FOR AN IMPORTER OR WHOLESALER OF PYROTECHNIC DEVICES FROM \$250 TO \$500 AND REQUIRES THAT HALF OF THE MONEY BE USED BY THE STATE FIRE MARSHALL DIVISION TO ESTABLISH A PUBLIC FIREWORKS EDUCATION PROGRAM. THIS ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

### **RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS**

#### **S.B. 125**

*Curtis S. Bramble*

THIS ACT MODIFIES MOTOR VEHICLES CODE BY PROHIBITING A PASSENGER UNDER THE AGE OF 18 FROM RIDING IN THE BACK OF A PICKUP TRUCK AND PROVIDING ENFORCEMENT OF THIS PROVISION ONLY AS A SECONDARY ACTION. THIS ACT ADDS EXCEPTIONS FOR RIDING IN A CAMPER AND FOR A PASSENGER ENGAGED IN AN AGRICULTURAL OPERATION. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **WORKERS' COMPENSATION AMENDMENTS**

#### **S.B. 126**

*Ed P. Mayne*

THIS ACT MODIFIES THE WORKERS' COMPENSATION ACT INCLUDING TECHNICAL CHANGES. THE ACT ADDRESSES PENALTIES FOR FAILURE TO MAKE REPORTS RELATED TO INDUSTRIAL ACCIDENTS. THE ACT PROVIDES FOR SURVIVAL OF WORKERS' COMPENSATION CLAIMS IN CASE OF DEATH, was read for the first time and referred to the Rules Committee.

**RESOLUTION CAPPING PROPERTY TAX  
FOR CERTAIN RESIDENTS**

**S.J.R. 6**

*D. Chris Buttars*

THIS JOINT RESOLUTION OF THE LEGISLATURE PROPOSES TO AMEND THE UTAH CONSTITUTION TO PREVENT STATE AND LOCAL TAXING AUTHORITIES FROM LEVYING OR COLLECTING MORE PROPERTY TAX FROM CERTAIN OWNERS OF PRIMARY RESIDENCES THAN WAS COLLECTED DURING THE PREVIOUS YEAR. THIS JOINT RESOLUTION DIRECTS THE LIEUTENANT GOVERNOR TO SUBMIT THIS PROPOSAL TO VOTERS AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**SENATE RULES RESOLUTION –  
QUORUM IN SENATE COMMITTEE**

**S.R. 4**

*Lyle W. Hillyard*

THIS RESOLUTION MODIFIES SENATE RULES GOVERNING QUORUMS BY EXEMPTING CERTAIN MEMBERS OF MAJORITY AND MINORITY LEADERSHIP FROM BEING COUNTED IN DETERMINING A QUORUM IN CERTAIN CIRCUMSTANCES. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Stephenson, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Stephenson, the circle was removed from **S.B. 92**, LAND SURVEYOR AMENDMENTS, and it was before the Senate.

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

**LAND SURVEYOR AMENDMENTS**

**1st Sub. S.B. 92**

*Howard Stephenson*

THIS ACT MODIFIES THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT BY SUNSETTING THE OPTION OF

PERSONS SEEKING LICENSURE AS PROFESSIONAL LAND SURVEYORS TO SUBSTITUTE A PROGRAM OF QUALIFYING EXPERIENCE FOR THE EDUCATIONAL REQUIREMENT. THE ACT ALSO MAKES TECHNICAL CHANGES.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Eastman, the circle was removed from **S.B. 88**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, and it was before the Senate.

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

**SECURITY PERSONNEL LICENSING ACT AMENDMENTS**

**1st Sub. S.B. 88**

*Dan Eastman*

THIS ACT MODIFIES THE SECURITY PERSONNEL LICENSING ACT BY CREATING A SECURITY PERSONNEL LICENSING, EDUCATION, AND ENFORCEMENT DEDICATED CREDIT TO EDUCATE AND TRAIN LICENSEES AND THE GENERAL PUBLIC AND TO HELP ENFORCE THE PROVISIONS OF THE LICENSING ACT. THE ACT GIVES THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS OF THE LICENSING ACT AND ASSESS FINES FOR CITED OFFENSES. THE ACT EXPANDS THE DEFINITION OF UNLAWFUL CONDUCT USED IN THE LICENSING ACT.

On motion of Senator Eastman, the bill was circled.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 18**, LIEUTENANT GOVERNOR CERTIFICATION OF SPECIAL DISTRICT AND LOCAL DISTRICT ANNEXATIONS, WITHDRAWALS AND DISSOLUTIONS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Knudson
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**S.B. 18** was transmitted to the House.

\* \* \*

**S.B. 24, LOCAL HUMAN SERVICES AUTHORITIES AMENDMENTS,** was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Hickman
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**S.B. 24** was transmitted to the House.

\* \* \*

**S.B. 25, COMMITMENT AND CUSTODY OF ADULTS AND MINORS AMENDMENTS,** was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Knudson
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**S.B. 25** was transmitted to the House.

\* \* \*

**S.R. 2**, SENATE RULES RESOLUTION – PLEDGE OF ALLEGIANCE, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Knudson
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**S.R. 2** was signed by the President in open session. The resolution will be enrolled and sent to the Lt. Governor.

\* \* \*

**S.B. 78**, REPEAL OF TRADING STAMPS REGULATION, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch
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**S.B. 78** was transmitted to the House.

\* \* \*

**S.B. 83**, OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS, 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

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Steele
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**S.B. 83** was transmitted to the House.

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**S.B. 94**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, was read the third time and explained by Senator Valentine. Senator Bell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Steele
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**S.B. 94** was transmitted to the House.

\* \* \*

Senator Valentine assumed the chair as President Pro Tem

\* \* \*

**S.B. 36, MINERAL LEASE FUND AMENDMENTS,** was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Bramble	Steele	Wright
Mansell			

**S.B. 36** was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Pro Tem Valentine presiding.

### SECOND READING CALENDAR

**S.B. 11, CHILD CARE AMENDMENTS**, was read the second time. Senator Bev Evans explained the bill.

Senator Bev Evans proposed the following amendment:

1. Page 9, Line 263:  
Senate Committee Amendments  
dated 1-22-03:  
After line 264 insert:  
“(c) Monies collected by the nonprofit corporation or foundation may be deposited in the Child Care Fund.  
(d) A nonprofit foundation controlled by the director of the office and the committee shall submit to the Division of Finance, within 60 days after the close of the foundation’s fiscal year, a financial report summarizing the foundation’s financial position and results of operations of the most recent fiscal year.”

Senator Evan’s amendment passed on a voice vote.

Senator Jenkins commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Voting in the negative were:** Senators

Buttars                      Jenkins

**Absent or not voting were:** Senators

Blackham	Steele	Wright	Mansell
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\* \* \*

President Mansell resumed the Chair.



\* \* \*

On motion of Senator Eastman, the circle was removed from **1st Sub. S.B. 88**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, and it was before the Senate. Senator Eastman explained the bill. Senator Valentine commented.

Senator Eastman proposed the following amendment:

- 1. Page 1, Line 20:  
After "Section" delete "53" and insert "58"
- 2. Page 1, Line 30:  
After "Section" delete "53" and insert "58"

Senator Eastman's 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Gladwell	Steele	Wright
Mansell			

\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 92**, LAND SURVEYOR AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. Senators Hickman, Knudson, Bev Evans, Allen, Hillyard, Hellewell, and Hatch commented.

On motion of Senator Stephenson, the bill was circled.

**STANDING COMMITTEE REPORTS**

Mr. President: January 23, 2003

The Business and Labor Committee recommends **S.B. 6**, RETAILER REQUIREMENTS IN PRINTING FINANCIAL TRANSACTION CARD

RECEIPT, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 6**, RETAILER REQUIREMENTS IN PRINTING FINANCIAL TRANSACTION CARD RECEIPT; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 42**, FRAUDULENT USE OF CREDIT CARD NUMBER, by Senator C. Walker; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 96**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT AMENDMENTS, by Senator P. Julander.

Parley Hellewell, Chair; and

Mr. President: January 23, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 82**, AUTHORIZED OVERSPENDING LIMIT IN FEDERAL MEDICAID BUDGET, by Senator B. Evans.

The Health and Human Services Committee reports a favorable recommendation on **S.B. 90**, PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER, by Senator P. Julander.

James Evans, Chair; and

Mr. President: January 22, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, by Senator L. Blackham, with the following amendments:

1. Page 1, Line 8:  
After "requirements." insert "The act modifies provisions related to powers and duties of interlocal entities."
2. Page 1, Line 14:  
After line 14 insert:  
"11-13-204, as enacted by Chapter 286, Laws of Utah 2002"
3. Page 4, Line 99:  
After line 99 insert:  
"Section 2. Section 11-13-204 is amended to read:  
11-13-204 Powers and duties of interlocal entities — Additional powers of energy services interlocal entities — Length of term of agreement and interlocal entity — Notice to State Tax Commission.

- (1) (a) An interlocal entity:
    - (i) may:
      - (A) adopt, amend, and repeal rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its business;
      - (B) sue and be sued;
      - (C) have an official seal and alter that seal at will;
      - (D) make and execute contracts and other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions;
      - (E) acquire real or personal property, or an undivided, fractional, or other interest in real or personal property, necessary or convenient for the purposes contemplated in the agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
      - (F) directly or by contract with another:
        - (I) own and acquire facilities and improvements or an undivided, fractional, or other interest in facilities and improvements;
        - (II) construct, operate, maintain, and repair facilities and improvements; and
        - (III) provide the services contemplated in the agreement creating the interlocal entity;
      - (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other obligations and secure their payment by an assignment, pledge, or other conveyance of all or any part of the revenues and receipts from the facilities, improvements, or services that the interlocal entity provides;
      - (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or other obligations issued by the interlocal entity; and
      - (I) sell or contract for the sale of the services, output, product, or other benefits provided by the interlocal entity to:
        - (I) public agencies inside or outside the state; and
        - (II) with respect to any excess services, output, product, or benefits, any person on terms that the interlocal entity considers to be in the best interest of the public agencies that are parties to the agreement creating the interlocal entity; and
    - (ii) may not levy, assess, or collect ad valorem property taxes.
  - (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to the extent provided by the documents under which the assignment, pledge, or other conveyance is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes payable to the state or its political subdivisions.
- (2) An energy services interlocal entity:

- (a) except with respect to any ownership interest it has in facilities providing additional project capacity, is not subject to:
- (i) Part 3, Project Entity Provisions; or
  - (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax Act; and
- (b) may:
- (i) own, acquire, and, by itself or by contract with another, construct, operate, and maintain a facility or improvement for the generation, transmission, and transportation of electric energy or related fuel supplies;
  - (ii) enter into a contract to obtain a supply of electric power and energy and ancillary services, transmission, and transportation services, and supplies of natural gas and fuels necessary for the operation of generation facilities;
  - (iii) enter into a contract with public agencies, investor-owned or cooperative utilities, and others, whether located in or out of the state, for the sale of [the] wholesale services provided by the energy services interlocal entity; and
  - (iv) adopt and implement risk management policies and strategies and enter into transactions and agreements to manage the risks associated with the purchase and sale of energy [in competitive markets], including forward purchase and sale contracts, hedging, tolling and swap agreements, and other instruments.
- (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or an amendment to that agreement may provide that the agreement may continue and the interlocal entity may remain in existence until the latest to occur of:
- (a) 50 years after the date of the agreement or amendment;
  - (b) five years after the interlocal entity has fully paid or otherwise discharged all of its indebtedness;
  - (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed or transferred all of its interest in its facilities and improvements; or
  - (d) five years after the facilities and improvements of the interlocal entity are no longer useful in providing the service, output, product, or other benefit of the facilities and improvements, as determined under the agreement governing the sale of the service, output, product, or other benefit.
- (4) (a) The governing body of each interlocal entity created under Section 11-13-203 on or after May 4, 1998, shall, within 30 days of the creation, file a written notice of the creation with the State Tax

Commission.

(b) Each written notice required under Subsection (4)(a) shall:

(i) be accompanied by:

(A) a copy of the agreement creating the interlocal entity; and

(B) if less than all of the territory of any Utah public agency that is a party to the agreement is included within the interlocal entity, a plat that delineates a metes and bounds description of the area affected or a map of the area affected and evidence that the information has been recorded by the recorder of the county in which the Utah public agency is located; and

(ii) contain a certification by the governing body that all necessary legal requirements relating to the creation have been completed.

(5) Nothing in this Section 11-13-204 shall be construed as expanding the rights of any municipality or interlocal entity to sell or provide retail service.”

Renumber remaining sections accordingly; and

The Revenue and Taxation Committee recommends **S.B. 23, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS**, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 23, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS**; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 43, PROVIDING INFORMATION RELATING TO TAX CREDITS AND TAX FILING DUE DATES**, by Senator D. Steele.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. S.B. 6, S.B. 42, S.B. 96, S.B.82, S.B. 90, S.B. 21**, as amended, **1st Sub. S.B. 23**, and **S.B. 43** were placed on Second Reading Calendar.

\* \* \*

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

## AFTERNOON SESSION

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 2003

The House passed **H.B. 21**, STATE BUILDING OWNERSHIP AUTHORITY RECODIFICATION AND REVISION, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 26**, STATE GENERAL OBLIGATION BOND ACT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 181**, SECURITY REQUIREMENTS IN USE OF SOCIAL SECURITY NUMBERS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 182**, AIR CONSERVATION ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 21**, **H.B. 26**, **H.B. 181**, and **H.B. 182** were read the first time and referred to the Rules Committee.

### RULES COMMITTEE REPORTS

To the Members of the Senate: January 23, 2003

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

#### Business and Labor

- H.B. 16** Equal Employment Opportunity – Technical Changes  
(E. Anderson)
- H.B. 38** Division of Corporations Amendment (J. Gowans)

#### Education

- S.B. 51** Planetarium Amendments (G. Davis)
- S.B. 105** Pledge of Allegiance in Public Schools (D. C. Butters)

#### Government Operations and Political Subdivisions

- H.B. 25** Extension of Timing for Creating a Local District  
(D. Hogue)

- H.B. 30** Public Transit Districts Annexation Amendments  
(D. Cox)
- H.C.R. 1** Resolution Urging Reworking of Census Data Collection  
Procedures (M. Stephens)

**Health and Human Services**

- H.B. 43** Reauthorization of Funding of State and County Health  
and Human Services Task Force (J. Seitz)
- H.B. 44** Substance Abuse and Mental Health Amendments  
(L. Pace)
- H.B. 180** Trauma Registry Data (S. Allen)

**Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 8** Sentencing in Capital Cases Amendments (D. Gladwell)
- S.B. 108** Dangerous Weapons Amendments (M. Waddoups)
- S.J.R. 3** Resolution Providing for Contested Judicial Elections  
(D. Thomas)
- H.B. 4** Viatical Settlements (B. Parker)
- H.B. 33** Responsibilities of Legislative General Counsel  
(G. Curtis)

**Natural Resources, Agriculture, and Environment**

- H.B. 24** Hazardous Waste Facilities Management Amendments  
(D. Cox)

**Revenue and Taxation**

- S.B. 34** Tuition Tax Credits (D. C. Buttars)
- S.B. 98** Taxation of Medically Implanted Devices and Prosthetics  
(D. C. Buttars)
- S.B. 110** Individual Income Tax – State Earned Income Tax Credit  
(T. Hatch)
- S.B. 118** Individual Income Tax – Adoption Expenses (C. Walker)

**Transportation and Public Utilities and Technology**

- H.B. 23** Public Airport and Aeronautics Amendments (J. Murray)  
Lyle Hillyard  
Rules Committee Chair

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

## RULES COMMITTEE REPORTS

To the Members of the Senate:

January 23, 2003

The Rules Committee recommends the assignment of the following bills and resolutions to the Second Reading Calendar:

- |                 |   |
|-----------------|---|
| <b>H.B. 7</b>   | Special Group License Plate Revisions (D. Hogue)                      |
| <b>H.B. 165</b> | Revisor's Statute (M. Dillree)  |
| <b>H.J.R. 5</b> | Joint Rules Resolution – Amendments to Certain Processes (M. Dillree) |
| <b>H.J.R. 6</b> | Joint Rules Resolution – Legislative Expenses (M. Dillree)            |
| <b>H.J.R. 8</b> | Joint Rules Resolution – Report of Committee Vote (M. Dillree)        |
| <b>H.J.R. 9</b> | Interim Rules Resolution – Report of Committee Vote (M. Dillree)      |

Lyle Hillyard  
Rules Committee Chair

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

## INTRODUCTION OF BILLS

### LEGISLATIVE ACCESS TO CERTAIN INFORMATION

**S.B. 29** *Mike Dmitrich*

THIS ACT AMENDS PROVISIONS IN THE REVENUE AND TAXATION CODE AND JUDICIAL CODE TO ALLOW FOR AUDIT BY THE OFFICE OF LEGISLATIVE AUDITOR GENERAL, was read for the first time and referred to the Rules Committee.

### REPEAL OF MOBILE HOME PARK RESIDENCY ACT

**S.B. 54** *Ed P. Mayne*

THIS ACT REPEALS THE MOBILE HOME PARK RESIDENCY ACT AND MODIFIES OTHER CODE PROVISIONS TO REMOVE REFERENCES TO THE MOBILE HOME PARK RESIDENCY ACT, was read for the first time and referred to the Rules Committee.

## PROVISIONAL BALLOT AMENDMENTS

**S.B. 55** *Dan R. Eastman*

THIS ACT MODIFIES THE ELECTION CODE BY CHANGING THE REQUIREMENTS FOR PREPARING, VOTING, COUNTING, AND



OTHERWISE ADMINISTERING PROVISIONAL BALLOTS. THE ACT ALSO REQUIRES COUNTY CLERKS TO IMPLEMENT A SYSTEM TO INFORM VOTERS WHO HAVE CAST A PROVISIONAL BALLOT WHETHER OR NOT THEIR VOTE WAS COUNTED. THIS ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 92, LAND SURVEYOR AMENDMENTS**, and it was before the Senate. Senator Stephenson explained the bill. Senator Mayne commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Hatch                      Wright

**Absent or not voting were:** Senators

Blackham                      Hellewell

\* \* \*

On motion of Senator Buttars, the circle was removed from **S.B. 35, REDEVELOPMENT OF SUPERFUND SITES**, and it was before the Senate. Senator Buttars explained the bill. Senators Steele, Thomas, Knudson, Stephenson, Walker, and Davis commented.

Senator Steele proposed the following amendment:

1. Page 9, Line 262–264:  
Delete lines 262, 263, and 264

Senator Steele’s motion to amend failed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Eastman	Steele	Stephenson	Wright
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**Absent or not voting were:** Senators

Blackham	Hellewell
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\* \* \*

On motion of Senator Hickman, the 24-hour rule was waived for consideration of bills on the Second Reading Calendar for the remainder of the day.

\* \* \*

**S.R. 3, SENATE RULES RESOLUTION – REPORT OF COMMITTEE VOTE,** was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hellewell	Walker
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\* \* \*

**S.B. 14, GOVERNOR’S OFFICE OF PLANNING AND BUDGET RECODIFICATION AND REVISIONS**, was read the second time. Senator Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hellewell	Mayne
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\* \* \*

**S.B. 20, FACILITATION OF E–GOVERNMENT**, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hellewell	Hickman	Mayne
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\* \* \*

**S.B. 79, DISABLED PARKING FINES**, was read the second time. Senator Buttars explained the bill.

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

**DISABLED PARKING FINE**

**1st Sub. S.B. 79**

*Chris Buttars*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY INCREASING THE FINE FOR PARKING IN A DISABILITY PARKING ZONE FROM \$100 TO \$200 AND FOR PARKING IN A SCHOOL BUS PARKING ZONE FROM \$50 TO \$100. THIS ACT MODIFIES THE JUDICIAL CODE BY REQUIRING DISTRICT COURTS AND JUSTICE COURTS TO ALLOCATE 50% OF THE FINE COLLECTED FOR A DISABILITY PARKING ZONE VIOLATION IN THE OUT AND ABOUT HOMEBOUND TRANSPORTATION ASSISTANCE FUND AND TO ALLOCATE THE REMAINING 50% OF THE FINE AS CURRENTLY REQUIRED.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 80, ADVERSE BENEFIT DETERMINATION AMENDMENTS**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Hellewell
Hickman	Mayne		

**CORRECTED COMMITTEE REPORT**

Mr. President: January 23, 2003

The Health and Human Services Committee recommends **S.B. 89, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS**, by Senator D.

C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS.

James Evans, Chair

On motion of Senator Valentine, the committee report was adopted. **1st Sub. S.B. 89** was placed on Second Reading Calendar.

\* \* \*

**1st Sub. S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senators Davis and Julander commented.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**1st Sub. S.B. 6**, RETAILER REQUIREMENTS IN PRINTING FINANCIAL TRANSACTION, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hellewell	Julander	Mayne
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\* \* \*

**S.B. 42**, FRAUDULENT USE OF CREDIT CARD NUMBER, was read the second time. Senator Walker explained the bill. Senators Mansell, Hickman, Bell, Allen, and J. Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Hellewell	Mayne
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\* \* \*

**S.B. 96**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT, was read the second time.

On motion of Senator Julander, the bill was circled.

\* \* \*

**S.B. 82**, AUTHORIZED OVERSPENDING LIMIT IN FEDERAL MEDICAID BUDGET, was read the second time. Senator B. Evans explained the bill. Senators Valentine, Thomas, Jenkins and Allen commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Bell	Stephenson
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**Absent or not voting was:** Senator

Blackham

\* \* \*

**S.B. 90**, PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER, was read the second time. Senator Julander explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Stephenson
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\* \* \*

**S.B. 21, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT,** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. S.B. 23, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS,** was read the second time. Senator Bramble explained the bill. Senator Hickman commented.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Friday, January 24, 2003.

# FIFTH DAY

## MORNING SESSION

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

**Prayer** – Reverend Roger H. Anderson, Senior Pastor at Our Saviour’s Lutheran Church

**Pledge of Allegiance** – Senator Scott Jenkins

**Roll Call** – All Senators present, except Senators Davis, Wright, and Blackham, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### INTRODUCTION OF BILLS

#### WAIVER OF GOVERNMENTAL IMMUNITY BY GOVERNMENTAL ENTITIES

**S.B. 56**

*James M. Evans*

THIS ACT MODIFIES THE GOVERNMENTAL IMMUNITY ACT TO PROVIDE FOR A WAIVER OF IMMUNITY BY STATE AND LOCAL ENTITIES IN THE CASE OF CERTAIN MISREPRESENTATIONS OR WITHHOLDINGS OF INFORMATION BY AN OFFICER OR EMPLOYEE. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

#### CHARTER SCHOOL AMENDMENTS

**S.B. 57**

*Howard A. Stephenson*

THIS ACT MODIFIES THE UTAH CHARTER SCHOOLS ACT BY EXPANDING THE NUMBER OF CHARTER SCHOOLS THAT THE STATE BOARD OF EDUCATION MAY SPONSOR, REMOVING ENROLLMENT LIMITATIONS ON CHARTER SCHOOLS SPONSORED BY LOCAL SCHOOL BOARDS, AND SPECIFYING REQUIREMENTS FOR CHARTER SCHOOLS. THIS ACT MODIFIES PROCEDURES FOR SEEKING CHARTER SCHOOL SPONSORSHIP, THE REQUIRED CONTENTS OF A CHARTER, AND REASONS FOR TERMINATING A CHARTER. THIS ACT ELIMINATES A REPORTING REQUIREMENT AND IMPOSES A



REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS ON CHARTER SCHOOL EMPLOYEES AND CERTAIN VOLUNTEERS. THIS ACT PROVIDES THAT CERTAIN CHARTER SCHOOLS SPONSORED BY LOCAL SCHOOL BOARDS SHALL RECEIVE FUNDING THROUGH THE SCHOOL DISTRICT AND MAKES TECHNICAL AMENDMENTS. THIS ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

### **APPEARANCE OF DRIVER LICENSE AMENDMENTS**

**S.B. 127**

*John L. Valentine*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE BY AMENDING THE FORMAT FOR DRIVER LICENSE CERTIFICATES AND IDENTIFICATION CARDS ISSUED BY THE DRIVER LICENSE DIVISION. THIS ACT REQUIRES DRIVER LICENSE CERTIFICATES ISSUED TO AN APPLICANT UNDER 21 YEARS OF AGE AND ALL IDENTIFICATION CARDS TO BE IN A PORTRAIT-STYLE FORMAT. THIS ACT REQUIRES DRIVER LICENSE CERTIFICATES AND IDENTIFICATION CARDS ISSUED TO AN APPLICANT UNDER 21 YEARS OF AGE TO PLAINLY PRINT THE DATE THE APPLICANT TURNS 21 YEARS OF AGE AND THE DATE THE APPLICANT TURNS 19 YEARS OF AGE, was read for the first time and referred to the Rules Committee.

### **PROTECTIVE ORDER AMENDMENTS**

**S.B. 128**

*Lyle W. Hillyard*

THIS ACT ENACTS A NEW CHAPTER IN THE JUDICIAL CODE REGARDING CHILD PROTECTIVE ORDERS. IT PROVIDES FOR THE FILING OF A PETITION, NOTICE TO THE PARTIES, APPOINTMENT OF A GUARDIAN AD LITEM, AND HEARINGS. PROVISION IS ALSO MADE FOR THE REVIEW OR EXPIRATION OF THE ORDER. THE ACT ALSO REQUIRES THAT THE ORDER BE ENTERED INTO THE STATEWIDE DOMESTIC VIOLENCE NETWORK, was read for the first time and referred to the Rules Committee.

### **STATE AND LOCAL AGENCIES CRITERIA IN AWARDING BIDS**

**S.B. 129**

*James M. Evans*

THIS ACT MODIFIES PROVISIONS RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS. THE ACT REQUIRES STATE AND LOCAL AGENCIES TO REQUIRE CONTRACTORS ON PUBLIC WORKS

PROJECTS TO CONSIDER IMPLEMENTING AN APPRENTICESHIP PROGRAM AND PROVIDING OR MAKING AVAILABLE HEALTH INSURANCE COVERAGE FOR WORKERS. THE ACT AUTHORIZES STATE AND LOCAL AGENCIES TO GIVE PREFERENCE, IN THE AWARDING OF CONTRACTS, TO CONTRACTORS WHO IMPLEMENT AN APPRENTICESHIP PROGRAM AND PROVIDE OR MAKE AVAILABLE HEALTH INSURANCE. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### THIRD READING CALENDAR

**S.B. 11, CHILD CARE AMENDMENTS**, was read the third time and explained by Senator B. Evans. Senator Buttars commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Buttars	Jenkins	Stephenson
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**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**S.B. 11** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 88, SECURITY PERSONNEL LICENSING ACT AMENDMENTS**, was read the third time and explained by Senator Eastman. Senator Jenkins commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**1st Sub. S.B. 88** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 92, LAND SURVEYOR AMENDMENTS,** was read the third time and explained by Senator Stephenson.

Senator Bev Evans proposed the following amendment:

1. Page 2, Line 50:

After “equivalent land surveying program,” insert “such as a program offered by the Utah College of Applied Technology as approved by the State Board of Regents,”

Senator Evan’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Hickman	Wright
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**1st Sub. S.B. 92,** as amended, was transmitted to the House.

\* \* \*

**S.B. 35, REDEVELOPMENT OF SUPERFUND SITES,** was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.R. 3, SENATE RULES RESOLUTION – REPORT OF COMMITTEE VOTE**, was read the third time and explained by Senator Hillyard. Senator Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Hickman	Wright
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**S.R. 3** was signed by the President in open session. The resolution will be enrolled and sent to the Lt. Governor.

\* \* \*

**S.B. 14, GOVERNOR'S OFFICE OF PLANNING AND BUDGET RECODIFICATION AND REVISIONS**, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Hickman	Wright
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**S.B. 14** was transmitted to the House.

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**S.B. 20**, FACILITATION OF E-GOVERNMENT, 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

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Hickman
Wright			

**S.B. 20**, as amended, was transmitted to the House.

\* \* \*

**S.B. 80**, ADVERSE BENEFIT DETERMINATION AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**S.B. 80** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 6, RETAILER REQUIREMENTS IN PRINTING FINANCIAL TRANSACTION CARD RECEIPT**, was read the third time and explained by Senator Walker. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**1st Sub. S.B. 6** was transmitted to the House.

\* \* \*

**S.B. 42, FRAUDULENT USE OF CREDIT CARD NUMBER**, was read the third time and explained by Senator Walker. Senator Gladwell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**S.B. 42** was transmitted to the House.

\* \* \*

**S.B. 82, AUTHORIZED OVERSPENDING LIMIT IN FEDERAL MEDICAID BUDGET,** was read the third time and explained by Senator Bev Evans.

Senator Evans proposed the following amendment:

- 1. Page 1, Line 21:  
 After line 21 insert:  
“(3) Any deficit spending under Subsection (1) shall be deducted from the base budget in the subsequent fiscal year.”

Senator Evan’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**S.B. 82,** as amended, was transmitted to the House.

\* \* \*

Senator Knudson assumed the chair as President Pro Tem

\* \* \*

**S.B. 90, PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER,** was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Blackham	Davis	Wright	Mansell
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**S.B. 90** was transmitted to the House.

## SECOND READING CALENDAR

**S.B. 43**, PROVIDING INFORMATION RELATING TO TAX CREDITS AND TAX FILING DUE DATES, was read the second time. Senator Steele explained the bill. Senator Bramble commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Eastman
Wright	Mansell		

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 23**, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS, and it was before the Senate. Senator Bramble explained the bill. Senator Thomas commented. The bill passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Eastman
Gladwell	Wright	Mansell	

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **S.B. 33, FEES FOR SHERIFF**, and it was before the Senate.

Senator Dmitrich proposed the following amendment:

1. Page 1, Line 23:  
Delete “\$75” and insert “\$50”
2. Page 2, Line 33:  
Delete “\$75” and insert “\$50”
3. Page 2, Line 38:  
Delete “\$3” and insert “to a maximum of 100 miles, \$1.50”
4. Page 2, Line 40:  
Delete “\$3” and insert “to a maximum of 100 miles, \$1.50”
5. Page 2, Line 57:  
Delete “\$3” and insert “\$1.50”
6. Page 2, Line 58:  
After “served” insert “, to a maximum of 100 miles.”
7. Page 3, Line 60:  
Delete “\$3” and insert “\$1.50”
8. Page 3, Line 61:  
After “served” insert “, to a maximum of 100 miles.”

- 9. Page 3, Line 67:  
Delete “\$3” and insert “\$1.50”
- 10. Page 3, Line 68:  
After “Hospital” insert “, to a maximum of 100 miles”

Senator Dmitrich’s motion to amend passed on a voice vote.

Senator James Evans proposed the following amendment:

- 1. Page 2, Line 31:  
Delete “\$15” and insert “\$10”
- 2. Page 2, Line 35:  
Delete “\$50” and insert “\$35”
- 3. Page 2, Line 46:  
Delete “\$15” and insert “\$10”

Senator Evan’s motion to amend passed on a voice vote.

Senator Dmitrich explained the bill. Senators James Evans and Hatch commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Walker

**Voting in the negative were:** Senators

Hillyard	Stephenson	Waddoups
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**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Eastman
Wright	Mansell		

\* \* \*

**H.B. 7, SPECIAL GROUP LICENSE PLATE REVISIONS**, was read the second time. Senator Steele explained the bill. Senators Hickman and Walker commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Eastman
Wright	Mansell		

\* \* \*

**H.B. 165, REVISOR’S STATUTE** was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 23:  
After line 23, insert:  
“16–6a–1002, as enacted by Chapter 300, Laws of Utah 2000”
  
2. Page 30, Line 917:  
After line 917, insert:  
“Section 11. Section 16–6a–1002 is amended to read:  
16–6a–1002 Amendment of articles of incorporation by board of directors or incorporators.  
(1) Unless otherwise provided in the articles of incorporation, the board of directors may adopt, without member approval, one or more amendments to the articles of incorporation to:  
(a) delete the names and addresses of the initial directors;  
(b) delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the division;  
(c) change the corporate name by:  
(i) substituting the word “corporation,” “incorporated,” “company,” “limited,” or an abbreviation of any such word for a similar word or abbreviation in the name; or  
(ii) adding, deleting, or changing a geographical attribution; or  
(d) make any other change expressly permitted by this chapter to be made without member action.

(2) The board of directors may adopt, without member action, one or more amendments to the articles of incorporation to change the corporate name, if necessary, in connection with the reinstatement of a nonprofit corporation pursuant to Section 16–6a–1412.

(3) (a) Subject to any approval required pursuant to Section [16–6a–1012] 16–6a–1013, if a nonprofit corporation has no members, no members entitled to vote on amendments, or no members yet admitted to membership, one or more amendments to the nonprofit corporation’s articles of incorporation may be adopted by:

- (i) its incorporators until directors have been chosen; or
- (ii) its directors after the directors have been chosen.

(b) A nonprofit corporation described in Subsection (3)(a) shall provide notice of any meeting at which an amendment is to be voted upon.

(c) The notice required by Subsection (3)(b) shall:

- (i) be in accordance with Section 16–6a–814;
- (ii) state that the purpose, or one of the purposes, of the meeting is to consider a proposed amendment to the articles of incorporation; and
- (iii) (A) contain or be accompanied by a copy or summary of the amendment; or  
(B) state the general nature of the amendment.

(d) An amendment described in Subsection (3)(a) shall be approved:

- (i) by a majority of the incorporators, until directors have been chosen; or
- (ii) after directors are chosen by a majority of the directors in office at the time the amendment is adopted.”

Renumber remaining sections accordingly.

Senator Hillyard’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Eastman
Wright	Mansell		

\* \* \*

**H.J.R. 5, JOINT RULES RESOLUTION – AMENDMENTS TO CERTAIN PROCESSES**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker			

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Eastman
Gladwell	Valentine	Wright	Mansell

\* \* \*

**H.J.R. 6, JOINT RULES RESOLUTION – LEGISLATIVE EXPENSES**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.****Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Dmitrich
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker		

**Absent or not voting were:** Senators

Arent	Blackham	Buttars	Davis
Eastman	Gladwell	Hickman	Steele
Valentine	Wright	Mansell	

\* \* \*

**H.J.R. 8, JOINT RULES RESOLUTION – REPORT OF COMMITTEE VOTE**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker		

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Hickman
Valentine	Wright	Mansell	

\* \* \*

**H.J.R. 9, INTERIM RULES RESOLUTION – REPORT OF COMMITTEE VOTE**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Gladwell
Hickman	Steele	Valentine	Wright
Mansell			

\* \* \*

On motion of Senator Waddoups and at 11:30 a.m., the Senate adjourned until 10:00 a.m., Monday, January 27, 2003.

# EIGHTH DAY

## MORNING SESSION

The Senate was called to order at 10:15 a.m., with President Pro Tem Michael G. Waddoups presiding.

**Prayer** – Father Michael Mayor, Rector, All Saints Episcopal Church

**Pledge of Allegiance** – Senator Patrice Arent

**Roll Call** – All Senators present except President Mansell, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 24, 2003

The House passed, as substituted, **1st Sub. H.B. 12**, UTAH OPTOMETRY PRACTICE ACT AMENDMENTS, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed **H.B. 35**, CONSOLIDATION OF CHILD WELFARE REPORTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 51**, HISTORIC PRESERVATION IN GENERAL PLANS, by Representative R. Becker, and it is transmitted for consideration; and

The House passed **H.B. 61**, CANDIDATES NOT AFFILIATED WITH A PARTY, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 64**, PUBLIC WATER SYSTEMS AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 168**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative R. Becker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 187**, CAMPAIGN CONTRIBUTION RESTRICTIONS, by Representative N. Hansen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 12**, **H.B. 35**, **H.B. 51**, **H.B. 61**, **H.B. 64**, **H.B. 168**, and **H.B. 187** were read the first time and referred to the Rules Committee.

### RULES COMMITTEE REPORTS

To the Members of the Senate: January 24, 2003

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

#### **Business and Labor**

**S.B. 77**                      Independent Escrow Agents Amendments (T. Hatch)

#### **Education**

**S.B. 32**                      Driver Education Courses (C. Walker)

#### **Government Operations and Political Subdivisions**

**S.B. 28**                      Initiative Amendments (J. Hickman)

**S.B. 45**                      Lobbyist Reporting Requirements (P. Arent)

**H.B. 21**                      State Building Ownership Authority Recodification and Revision (N. Hansen)

**H.B. 26**                      State General Obligation Bond Act (R. Bigelow)

**H.B. 181**                     Security Requirements in Use of Social Security Numbers (S. Allen)

#### **Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 27**                      Involuntary Commitment Amendments (L. Blackham)

#### **Natural Resources, Agriculture, and Environment**

**H.B. 182**                     Air Conservation Act Amendments (M. Morley)

Lyle Hillyard

Rules Committee Chair

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

### RULES COMMITTEE REPORTS

To the Members of the Senate: January 24, 2003

The Rules Committee recommends the assignment of the following resolution to the Second Reading Calendar:

**S.R. 4**                      Senate Rules Resolution – Quorum in Senate Committee (L. Hillyard)

Lyle Hillyard

Rules Committee Chair

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



**STANDING COMMITTEE REPORTS**

Mr. President:

January 24, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, by Senator C. Walker; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 26**, SUNSET ACT REAUTHORIZATIONS, by Senator P. Arent, with the following amendments:

1. Page 4, Line 101:  
After “1,” delete “2003” and insert “2008”; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 41**, CLANDESTINE LAB RACKETEERING AMENDMENT, by Senator P. Arent; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Lines 34–35:  
After “or repair” delete “in connection with any real or personal property.” and insert “: (a) in connection with any real property; or (b) that provides a benefit to any real property.”
2. Page 2, Line 45:  
After “contract;” delete “and”
3. Page 2, Line 47:  
After “contract” delete “.” and insert “; and (c) written in clear and understandable language printed in an easy-to-read type size and style.”
4. Page 2, Lines 50–51:  
Delete lines 50–51 and insert:  
“If a seller does not comply with Section 15–10–201 with respect to a service contract containing an automatic renewal provision: (1) the automatic renewal provision is void and unconscionable as a matter of public policy; and

(2) the service contract shall automatically renew on a month-to-month basis.”

Gregory S. Bell, Chair

Mr. President:

January 24, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 16**, MASTER STATE HIGHWAYS AMENDMENTS, by Senator D. Steele; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 19**, VEHICLE HISTORY INFORMATION, by Senator D. Eastman, with the following amendments:

1. Page 1, Line 7:  
After line 7 insert “This act allows the department to establish a fee for each vehicle accident history request.”
2. Page 2, Line 54:  
After “(i)” insert “any vehicle identifying information that is electronically available, including”
3. Page 2, Line 58:  
After line 58 insert  
“(e) The department may establish a fee under Section 63–38–3.2 for the cost of producing and providing vehicle accident history information under Subsection (3)(d).”; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.J.R. 4**, RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION, by Senator E. Mayne.

David. H. Steele, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 7**, **S.B. 26**, as amended, **S.B. 41**, **S.B. 86**, as amended, **S.B. 16**, **S.B. 19**, as amended, and **S.J.R. 4** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### YOUTH CORRECTIONS – DIVISION NAME AMENDMENT

**S.B. 58**

*Parley G. Hellewell*

THIS ACT MODIFIES THE CODE BY CHANGING THE NAME OF THE DIVISION OF YOUTH CORRECTIONS TO THE DIVISION OF YOUTH

SERVICES. THIS ACT TAKES EFFECT ON JULY 1, 2003, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO UNSOLICITED COMMERCIAL  
AND SEXUALLY EXPLICIT EMAIL ACT**

**S.B. 59**

*Patrice M. Arent*

THIS ACT MODIFIES THE UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT BY PROVIDING ADDITIONAL DEFINITIONS, PLACING THE BURDEN TO PROVE A PREEXISTING BUSINESS OR PERSONAL RELATIONSHIP ON THE SENDER OF AN EMAIL, ALLOWING CLASS ACTIONS, ELIMINATING THE REQUIREMENT FOR THE SENDER OF A SEXUALLY EXPLICIT EMAIL TO PROVIDE A TOLL-FREE TELEPHONE NUMBER, CHANGING THE DAMAGES FOR A VIOLATION, AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**HEALTH CARE – UNIFORM DATA FORMATTING STANDARDS**

**S.B. 60**

*Gregory S. Bell*

THIS ACT AMENDS THE INSURANCE CODE. THE ACT AMENDS PROVISIONS RELATED TO HEALTH INSURANCE. THE ACT AUTHORIZES THE COMMISSIONER TO ESTABLISH UNIFORM DATA FORMATTING STANDARDS TO BE USED BY HEALTH INSURERS AND HEALTH CARE PROVIDERS IN ELECTRONIC TRANSMISSIONS AND IN NONELECTRONIC TRANSMISSIONS. THE ACT GIVES THE COMMISSIONER RULEMAKING AUTHORITY, was read for the first time and referred to the Rules Committee.

**REGULATIONS OF CHECK CASHERS**

**S.B. 130**

*Ed P. Mayne*

THIS ACT MODIFIES THE CHECK CASHING REGISTRATION ACT BY REQUIRING DEFERRED DEPOSIT LENDERS TO ALLOW BORROWERS TO MAKE PARTIAL PAYMENTS OR TO RESCIND THE LOAN BY THE NEXT BUSINESS DAY, APPLYING CERTAIN PROVISIONS TO DEFERRED DEPOSIT LOANS EXTENDED THROUGH THE INTERNET, AND REQUIRING ADDITIONAL DISCLOSURES. THE ACT PROHIBITS A DEFERRED DEPOSIT LENDER FROM THREATENING TO USE OR USING THE CRIMINAL PROCESS TO COLLECT A LOAN, AND REQUIRES THE DEPARTMENT OF FINANCIAL INSTITUTIONS TO EXAMINE EVERY

CHECK CASHER AT LEAST ONCE EVERY YEAR. THE ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**INDIVIDUAL INCOME TAX – SUBTRACTIONS  
FROM FEDERAL TAXABLE INCOME**

**S.B. 131**

*Curtis S. Bramble*

THIS ACT AMENDS THE INDIVIDUAL INCOME TAX ACT TO PROVIDE A SUBTRACTION FROM FEDERAL TAXABLE INCOME FOR CERTAIN NET CAPITAL GAINS THAT ARE INVESTED IN QUALIFYING STOCK ISSUED BY A UTAH SMALL BUSINESS CORPORATION. THIS ACT PROVIDES DEFINITIONS AND MAKES TECHNICAL CHANGES. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003, was read for the first time and referred to the Rules Committee.

**CHILD SUPPORT AND PATERNITY AMENDMENTS**

**S.B. 132**

*Lyle W. Hillyard*

THIS ACT MODIFIES PROVISIONS RELATING TO PATERNITY AND CHILD SUPPORT. IT PROVIDES DEFINITIONS FOR “DECLARANT FATHER” AND “PRESUMPTIVE FATHER” AND ALLOWS FOR A DECLARATION OF PATERNITY BY A DECLARANT FATHER EVEN IF A PRESUMPTIVE FATHER EXISTS, ALLOWS FOR REGISTRATION OF THE DECLARATION, AND PROVIDES FOR THE MODIFICATION OF A DIVORCE DECREE OR CHILD SUPPORT ORDER AFTER PATERNITY IS DETERMINED. THE ACT MODIFIES PROVISIONS FOR REIMBURSEMENT BY A CHILD’S PARENTS IF THE CHILD IS REMOVED FROM A HOME AND THE JUVENILE COURT FINDS THAT THE ALLEGATIONS WERE INSUFFICIENT. THIS ACT ALSO MODIFIES CHILD SUPPORT AND PARENT–TIME PROVISIONS BY CLARIFYING PROVISIONS RELATING TO DEVIATIONS FROM THE CHILD SUPPORT GUIDELINES, AND ALLOWING FOR REDUCTIONS IN CHILD SUPPORT FOR EXTENDED PARENT–TIME, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 43**, PROVIDING INFORMATION RELATING TO TAX CREDITS AND TAX FILING DUE DATES, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Hale	Julander	Mansell
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**S.B. 43** was transmitted to the House.

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**1st Sub. S.B. 23, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hale	Mansell
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**1st Sub. S.B. 23** was transmitted to the House.

\* \* \*

On motion of Senator Buttars, the circle was removed from **S.B. 35, REDEVELOPMENT OF SUPERFUND SITES,** and it was before the Senate. Senator Buttars explained the bill. Senator Steele commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hatch	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Thomas	Waddoups	Walker

**Voting in the negative were:** Senators

Bell	Gladwell	Jenkins	Steele
Stephenson	Valentine	Wright	

**Absent or not voting were:** Senators

Hale	Mansell
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**S.B. 35** was transmitted to the House.

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**S.B. 33, FEES FOR SHERIFF**, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Walker
Wright			

**Voting in the negative were:** Senators

Blackham	Buttars	Hillyard	Jenkins
Stephenson	Waddoups		

**Absent or not voting were:** Senators

Hale	Mansell
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**S.B. 33** was transmitted to the House.

\* \* \*

**H.B. 7, SPECIAL GROUP LICENSE PLATE REVISIONS**, 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Hale	Mayne	Mansell
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**H.B. 7** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 165**, REVISORS STATUTE, 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Hale	Hatch	Mayne
Mansell			

**H.B. 165**, as amended, was returned to the House.

\* \* \*

**H.J.R. 5**, JOINT RULES RESOLUTION – AMENDMENTS TO CERTAIN PROCESSES, 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Hale	Mayne	Steele
Mansell			

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

\* \* \*

**H.J.R. 6, JOINT RESOLUTION – LEGISLATIVE EXPENSES**, 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

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Buttars	Hale	Mayne
Mansell			

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

\* \* \*

**H.J.R. 8, JOINT RULES RESOLUTION – REPORT OF COMMITTEE VOTE**, was read the third time and explained by Senator Hillyard. Senators



Steele, Bell, Valentine, Walker and Julander commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Hale	Mayne	Mansell
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**H.J.R. 8** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R. 9**, INTERIM RULES RESOLUTION – REPORT OF COMMITTEE VOTE, 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

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Mayne
Mansell			

**H.J.R. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 27, 2003

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

**Business and Labor**

- S.B. 101** Procurement Code Requirements of Health Care Benefits  
(E. Mayne)
- S.B. 111** Process Servers (M. Waddoups)
- S.B. 114** Journal of Notary Public Acts (P. Knudson)
- S.B. 119** Motor Vehicle Insurance – Personal Injury Protection  
(M. Dmitrich)

**Education**

- S.B. 124** Capitol Arts Placement Commission (K. Hale)
- H.B. 51** Historic Preservation in General Plans (R. Becker)

**Government Operations and Political Subdivisions**

- S.B. 50** Municipal and County Land Use and Development  
Amendments (M. Waddoups)
- S.B. 54** Repeal of Mobile Home Park Residency Act (E. Mayne)
- S.B. 112** Government Records Protections for Federal Mission of  
National Guard (P. Knudson)
- H.B. 61** Candidates Not Affiliated with a Party (M. Noel)
- H.B. 168** Filling Midterm Vacancies in the Legislature (R. Becker)
- H.B. 187** Campaign Contribution Restrictions (N. Hansen)

**Health and Human Services**

- S.B. 58** Youth Corrections – Division Name Amendment  
(P. Hellewell)
- 1st Sub. H.B. 12** Utah Optometry Practice Act Amendments (K. Bryson)
- H.B. 35** Consolidation of Child Welfare Reports (G. Hughes)

**Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 48** Forced Entry to Make Arrest (D. Thomas)
- S.B. 106** Highway Patrol Use of Unmarked Vehicles (C. Bramble)
- S.B. 116** Dna – Amendment Regarding Warrants (L. Hillyard)
- S.B. 117** Aggravated Robbery Amendments (L. Hillyard)

**Natural Resources, Agriculture, and Environment**

- S.B. 107** Certification of Mines (M. Dmitrich)

**S.J.R. 5** Resolution on Municipal Water Rights (S. Jenkins)

**Revenue and Taxation**

**S.B. 22** Telecommunications Related Taxes, Fees, and Charges  
(C. Bramble)

**Transportation and Public Utilities and Technology**

**S.B. 49** Driver License and Identification Card Amendments  
(P. Hellewell)

**S.B. 99** Seat Belt Enforcement (K. Hale)

**Workforce Services and Community and Economic Development**

**S.B. 122** Utah Antidiscrimination Act Amendments (S. Jenkins)  
Lyle Hillyard  
Rules Committee Chair

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

\* \* \*

On motion of Senator Buttars, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 79**, **DISABLED PARKING FINE**, and it was before the Senate. Senator Buttars explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Voting in the negative was:** Senator  
Blackham

**Absent or not voting were:** Senators

Bramble	Hale	Mayne	Mansell
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\* \* \*

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. Senators Davis and Julander commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Voting in the negative were:** Senators

Arent	Davis	Dmitrich	Hale
Julander			

**Absent or not voting were:** Senators

Bramble	Mayne	Valentine	Mansell
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\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, and it was before the Senate. Senator Blackham explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Bramble	Buttars	J. Evans	Hillyard
Mayne	Mansell		

\* \* \*

On motion of Senator Hickman, under suspension of rules, the 24-hour rule was waived for consideration of bills on the Second Reading Calendar for the remainder of today.

\* \* \*

**S.R. 4, SENATE RULES RESOLUTION – QUORUM IN SENATE COMMITTEE,** was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 7, AUTOMOBILE HOMICIDE AMENDMENTS,** was read the second time. Senator Walker explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jenkins
Mayne	Mansell		

\* \* \*

**S.B. 26, SUNSET ACT REAUTHORIZATIONS,** was read the second time. Senator Arent explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch

Hellewell	Hickman	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Mayne
Mansell			

\* \* \*

**S.B. 41, CLANDESTINE LAB RACKETEERING AMENDMENT,** was read the second time. Senator Arent explained the bill. Senators Hickman and James Evans commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Hillyard	Mayne	Mansell
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\* \* \*

**S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS,** was read the second time.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 16, MASTER STATE HIGHWAYS AMENDMENTS,** was read the second time. Senator Steele explained the bill. Senator Thomas 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Hillyard	Mayne	Mansell
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\* \* \*

**S.B. 19, VEHICLE HISTORY INFORMATION**, was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Hillyard	Mayne	Mansell
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\* \* \*

**S.J.R. 4, RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION**, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

On motion of Senator Valentine and at 11:35 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 28, 2003.

# NINTH DAY

## MORNING SESSION

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

**Prayer** – Dr. Steven O. Laing, State Superintendent of Public Instruction and Chief Executive Officer of the State Board of Education

**Pledge of Allegiance** – Senator Lyle Hillyard

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

### ADVISE AND CONSENT

### COMMUNICATIONS FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: January 6, 2003

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

W. Val Oveson appointed to replace Phil Windley as the Chief Information Officer. Section 63D–1–301, Utah Code Annotated 1953, as amended.

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

**Michael O. Leavitt**  
Governor

### COMMITTEE REPORT

Mr. President: January 24, 2003

The Government Operations and Political Subdivisions Confirmation Committee held a hearing on Friday, January 24, 2003 to consider Governor Leavitt's appointment of W. Val Oveson as Chief Information Officer of the State.

By motion, the Committee recommends the Senate approve confirmation of Mr. Oveson as State Chief Information Officer

Carlene M. Walker, Chair

Senator Hillyard moved to consent to the appointment as read by Sandy D. Tenney. Senators Walker, Hellewell, Steele, Knudson, and Mayne commented. The motion passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Gladwell	Hickman
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### COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, W. Val Oveson spoke in Committee of the Whole.

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 27, 2003

The House passed, as amended, **H.B. 28**, OIL AND GAS SEVERANCE TAX AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 29**, FEES AND TAXES ON OIL AND GAS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 36**, ACCESSIBLE HOUSING, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed **H.B. 41**, LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH AUTHORITIES, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed **H.B. 47**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 55**, TOW TRUCK REQUIREMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 73**, WITHHOLDING EXEMPTION FOR CERTAIN NONRESIDENT SHAREHOLDERS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 74**, UNAUTHORIZED ENTRY ON SCHOOL BUS PROHIBITED, by Representative N. Hendrickson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 28**, **H.B. 29**, **H.B. 36**, **H.B. 41**, **H.B. 47**, **H.B. 55**, **H.B. 73**, and **H.B. 74** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

January 27, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 40**, PAY PLAN – SALARY SURVEY AMENDMENTS, by Senator M. Dmitrich, with the following amendments:

1. Page 1, line 9:  
After “effect” delete “January 1, 2004”  
Insert “July 1, 2003”
2. Page 2, line 34:  
After “effect on” delete “January 1, 2004”  
Insert “July 1, 2003”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 97**, COUNTY ANNEXATION AMENDMENTS, by Senator C. Walker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 100**, INDIAN AFFAIRS AMENDMENTS, by Senator B. Evans; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 25**, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT, by Representative D. Hogue; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 30**, PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS, by Representative D. Cox; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.C.R. 1**, RESOLUTION URGING

REWORKING OF CENSUS DATA COLLECTION PROCEDURES, by Representative M. Stephens.

Carlene M. Walker, Chair

Mr. President:

January 27, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 46**, RESIDENTIAL PROPERTY TAX EXEMPTIONS, by Senator E. Mayne; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 102**, PROPERTY TAX APPEAL PROVISIONS, by Senator C. Bramble, with the following amendments:

1. Page 2, Line 31:  
After "Professional" insert "Appraisal"
2. Page 2, Line 33–35:  
Delete lines 33–35 and insert:  
"(B) the person complies with one of the following:  
(I) prior to or at the time the person represents or assists a taxpayer in a real property tax appeal at the county board of equalization, the person completes and files with the county board of equalization a registration form as described in Subsection (3); or  
(II) prior to or at the time the person represents or assists a taxpayer in a real property tax appeal at the commission, the person completes and files with the county board of equalization or the commission a registration form as described in Subsection (3)."
3. Page 2, Lines 47–48:  
Delete lines 47–48
4. Page 4, Line 116:  
After "with any" insert "property"; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 110**, INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT, by Senator T. Hatch; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 118**, INDIVIDUAL INCOME TAX – ADOPTION EXPENSES, by Senator C. Walker.

Curtis S. Bramble, Chair

Mr. President:

January 27, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 12**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Senator B. Evans, with the following amendments:

1. Page 7, Lines 205–206:  
After “9–2–1207.” delete the rest of line 205 and line 206 and insert “Annual Board Policy Considerations.”
2. Page 7, Line 207:  
After “(1)” bracket and delete “For purposes of this part, the” and insert “The”
3. Page 7, Line 209:  
After “area” bracket and delete “.” and insert “.”
4. Page 7, Line 210:  
Bracket and delete “(a)”
5. Page 7, Line 211:  
After “area” bracket and delete “; and” and insert “.”
6. Page 7, Line 212:  
Bracket and delete “(b)” and insert “(3) In evaluating the economic impact of applications for assistance.” and after “board” bracket and delete “may” and insert “shall”
7. Page 8, Line 214:  
Delete “(3)” and insert “(4)”
8. Page 8, Line 215:  
After “granted” insert “that reflect a fair social rate of return to the state comparable to prevailing market-based rates such as the prime rate, U.S. Government T-bill rate, or bond coupon rate paid by the state, adjusted by social indicators such as the rate of unemployment”

David L. Thomas, Chair

On motion of Senator Valentine, the committee reports were adopted. **SB. 40** as amended, **S.B. 97**, **S.B. 100**, **H.B. 25**, **H.B. 30**, **H.C.R. 1**, **S.B. 46**, **S.B. 102**, as

amended, **S.B. 110**, **S.B. 118**, and **S.B. 12**, as amended, were placed on Second Reading Calendar.

## **INTRODUCTION OF BILLS**

### **REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE**

**S.B. 133**

*Leonard M. Blackham*

THIS ACT MODIFIES THE PUBLIC UTILITIES TITLE TO REAUTHORIZE THE ENERGY POLICY TASK FORCE AND MAKE TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### **PROMOTION OF PREVENTATIVE HEALTH CARE**

**S.B. 134**

*Paula F. Julander*

THIS ACT AMENDS PROVISIONS RELATED TO HEALTH INSURANCE. THE ACT REQUIRES HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE CONTRACTS TO PROVIDE COVERAGE FOR PREVENTATIVE HEALTH CARE SERVICES. THE ACT REQUIRES COVERAGE FOR THE COST OF BONE DENSITY MEASUREMENT AND PRESCRIPTIVE OSTEOPOROSIS TREATMENT, PROSTATE CANCER SCREENING, BREAST CANCER SCREENING, CERVICAL CANCER SCREENING, AND PRESCRIPTIVE CONTRACEPTIVES. THIS ACT PROVIDES A RELIGIOUS EXEMPTION FOR COVERAGE OF PRESCRIPTIVE CONTRACEPTIVES, was read for the first time and referred to the Rules Committee.

### **RESOLUTION REGARDING CLINICAL TRIALS FOR WOMEN'S HEALTH CARE**

**S.C.R. 2**

*Paula F. Julander*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGES THE FOOD AND DRUG ADMINISTRATION TO STRICTLY ENFORCE REQUIREMENTS THAT CLINICAL STUDY SPONSORS PERFORM SUBGROUP ANALYSIS OF THEIR STUDIES TO ENSURE THAT THE HEALTH CONCERNS OF WOMEN ARE APPROPRIATELY ADDRESSED IN CLINICAL TRIAL RESULTS, was read for the first time and referred to the Rules Committee.

**RESOLUTION DESIGNATING  
LEGISLATORSBACK TO SCHOOL WEEK**

**S.C.R. 3**

*Howard A. Stephenson*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR EXPRESSES SUPPORT FOR CIVIC EDUCATION AND DESIGNATES SEPTEMBER 22–26, 2003 AS LEGISLATORS BACK TO SCHOOL WEEK, was read for the first time and referred to the Rules Committee.

**RESOLUTION SUPPORTING A FREE TRADE AGREEMENT**

**S.J.R. 7**

*Peter C. Knudson*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES THE BUSH ADMINISTRATION TO SUPPORT A FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF CHINA ON TAIWAN AND THE UNITED STATES, was read for the first time and referred to the Rules Committee.

**RESOLUTION RECOGNIZING LIBERTY DAY**

**S.J.R. 8**

*Ed P. Mayne*

THIS JOINT RESOLUTION OF THE LEGISLATURE DESIGNATES MARCH 16, 2003 AS LIBERTY DAY IN THE STATE OF UTAH. THE RESOLUTION URGES THE CITIZENS OF UTAH TO REFLECT ON THE FREEDOMS GRANTED TO THEM IN THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**1st Sub. S.B. 79**, DISABLED PARKING FINE, was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Bramble, the Senate voted to reconsider its action on **1st Sub. S.B. 23** for the purpose of amending.

**1st Sub. S.B. 23** was placed on the Third Reading Calendar.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**1st Sub. S.B. 89, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS**, was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 79, DISABLED PARKING FINE**, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Line 10:  
After line 10, insert ""This act takes effect July 1, 2003."
2. Page 3, Line 70:  
After "paid" insert ", minus the court costs."
3. Page 3, Line 71:  
Delete "minus the court costs"
4. Page 4, Line 96:  
After "paid" insert ", minus the court costs."
5. Page 4, Line 97:  
Delete "minus the court costs"

Senator Buttars's motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	

**Voting in the negative were:** Senators

Stephenson	Mansell
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**Absent or not voting were:** Senators

Blackham

Gladwell

Hatch

Wright

**1st Sub. S.B. 79**, as amended, was transmitted to the House.

\* \* \*

**S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, was read the third time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 2, Line 54:  
Delete "ingested" and insert "introduced into the body"
2. Page 1, Line 11:  
After line 11 insert:  
"41-6-44.6, as last amended by Chapter 8, Laws of Utah 2002"
3. Page 1, Line 13:  
After line 13 insert:  
"Section 1. Section 41-6-44.6 is amended to read:  
41-6-44.6 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.  
(1) As used in this section:  
(a) "Controlled substance" means any substance scheduled under Section 58-37-4.  
(b) "Practitioner" has the same meaning as provided in Section 58-37-2.  
(c) "Prescribe" has the same meaning as provided in Section 58-37-2.  
(d) "Prescription" has the same meaning as provided in Section 58-37-2.  
(2) In cases not amounting to a violation of Section 41-6-44, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.  
(3) It is an affirmative defense to prosecution under this section that the



controlled substance was involuntarily [ingested] introduced into the body by the accused or prescribed by a practitioner for use by the accused.

(4) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer’s presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall:

(a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);

(b) revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection 41–6–44(1), if the violation is committed within a period of ten years after the date of the prior violation; and

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53–3–223 or 53–3–231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(7) If a person fails to complete all court ordered screening and assessment, educational series, and substance abuse treatment, or fails to pay all fines and fees, including fees for restitution and treatment costs, the court shall notify the Driver License Division of a failure to comply. Upon receiving the notification, the division shall suspend the person’s driving privilege in accordance with Subsections 53–3–221(2) and (3).

(8) The court shall order supervised probation in accordance with Subsection 41–6–44(14) for a person convicted under Subsection (2).”  
Renumber remaining sections accordingly.

Senator Walker’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch

Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	B. Evans	Knudson	Wright
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**S.B. 7**, as amended, was transmitted to the House.

\* \* \*

**S.B. 26**, SUNSET ACT REAUTHORIZATIONS, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	B. Evans	Hatch	Wright
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**S.B. 26** was transmitted to the House.

\* \* \*

**S.B. 41**, CLANDESTINE LAB RACKETEERING AMENDMENT, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard

Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Hickman	Knudson	Wright
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**S.B. 41** was transmitted to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 21, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT**, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Knudson	Stephenson	Wright
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**S.B. 21**, as amended, was transmitted to the House.

\* \* \*

**S.B. 16, MASTER STATE HIGHWAYS AMENDMENTS**, was read the third time, explained by Senator Steele, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Knudson	Stephenson
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Senator Thomas declared a conflict of interest.

**S.B. 16** was transmitted to the House.

\* \* \*

**S.B. 19, VEHICLE HISTORY INFORMATION**, was read the third time and explained by Senator Eastman. Senator Waddoups commented.

Senator Eastman proposed the following amendment:

1. Page 1, Lines 7a–7b  
Senate Committee Amendments  
1–27–2003:  
Delete “EACH” and insert “BULK” and delete “REQUEST ” and insert “REQUESTS”
2. Page 2, Lines 58a–58b  
Senate Committee Amendments  
1–27–2003:  
After “63–38–3.2” insert “based on the fair market value of the information” and delete “the cost of producing and” and after “providing” insert “bulk”

Senator Eastman’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Hatch                      Hickman

**S.B. 19**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Waddoups, the circle was removed from **S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, and it was before the Senate. Senator Waddoups explained the bill. Senators Buttars and Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham                      Gladwell                      Mayne                      Valentine

\* \* \*

On motion of Senator Julander, the circle was removed from **S.B. 96**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT, and it was before the Senate. Senator Julander explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 44:  
 After line 44 insert:  
“(3)(a) The division may provide the home address or home telephone number of a licensee on a list prepared under Subsection (1) upon the request of an individual who provides proper identification and the

reason for the request, in writing, to the division.

(b) A request under Subsection (3)(a) is limited to providing information on only one licensee per request.

(c) The division shall provide, by rule, what constitutes proper identification under Subsection (3)(a).”

Senator Bramble’s motion to amend passed on a voice vote.

Senator Hellewell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

\* \* \*

On motion of Senator Mayne, the circle was removed from **S.J.R. 4, RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION**, and it was before the Senate. Senator Mayne explained the bill. Senator Blackham commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Davis
Dmitrich	J. Evans	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Walker	Mansell	

**Voting in the negative were:** Senators

Bell	Blackham	Eastman	B. Evans
Jenkins	Wright		

**Absent or not voting were:** Senators

Buttars	Gladwell	Hickman	Waddoups
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\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.R. 4, SENATE RULES RESOLUTION – QUORUM IN SENATE COMMITTEE**, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Buttars	Gladwell	Hickman
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\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 23, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 39, Line 1195:  
Delete "Subsection (3)(d)(iv) applies" insert "The rate imposed on an access line under this section shall be determined in accordance with Subsection (3)(d)(iv)"
2. Page 39, Line 1196:  
After "city" insert "s"
3. Pages 39–40, Lines 1201–1206:  
Delete lines 1201–1206 and insert:

“(iv) The rate imposed on an access line under this section shall be the lower of:

(A) the rate imposed by the county, city, or town in which the access line is located under Subsection (3)(d)(ii); or

(B) the rate imposed by the county, city, or town in which it is located.”

Senator Bramble’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hatch	Hickman
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**1st Sub. S.B. 23**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, the 24-hour rule was waived for bills on the Second Reading Calendar for the remainder of the day.

## SECOND READING CALENDAR

**S.B. 40, PAY PLAN – SALARY SURVEY AMENDMENTS**, was read the second time. Senator Dmitrich explained the bill. Senators Buttars, Walker, Gladwell and Eastman commented. The bill passed on the following roll call:

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



**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Hickman	Hillyard	Steele
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\* \* \*

**S.B. 97, COUNTY ANNEXATION AMENDMENTS,** was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Hillyard	Steele
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\* \* \*

**S.B. 100, INDIAN AFFAIRS AMENDMENTS,** was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	



**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 28, 2003

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

**Business and Labor**

**S.B. 113** Midwife Certification Act (T. Hatch)

**Education**

**H.B. 74** Unauthorized Entry on School Bus Prohibited  
(N. Hendrickson)

**Government Operations and Political Subdivisions**

**S.B. 29** Legislative Access to Certain Information (M. Dmitrich)

**Health and Human Services**

**S.B. 121** Federal Health Insurance Portability and Accountability  
Act Compliance Amendments (P. Knudson)

**H.B. 36** Accessible Housing (S. Mascaro)

**H.B. 41** Legislative Budgeting for Cola for Local Health  
Authorities (J. Seitz)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 115** Theft Detection Shielding Devices Amendments  
(J. Hickman)

**Revenue and Taxation**

**S.J.R. 7** Resolution Supporting a Free Trade Agreement  
(P. Knudson)

**H.B. 28** Oil and Gas Severance Tax Amendments (G. Snow)

**H.B. 29** Fees and Taxes on Oil and Gas (G. Snow)

**H.B. 73** Withholding Exemption for Certain Nonresident  
Shareholders (G. Snow)

**Transportation and Public Utilities and Technology**

**H.B. 47** Fire Prevention Amendments (J. Murray)

**H.B. 55** Tow Truck Requirements (J. Gowans)

Lyle Hillyard  
Rules Committee Chair

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

On motion of Senator Hillyard, **1st Sub. H.B. 12** was moved from the Health and Human Services Standing Committee to the Business and Labor Standing Committee.

**SECOND READING CALENDAR**

**S.B. 46, RESIDENTIAL PROPERTY TAX EXEMPTIONS**, was read the second time.

On motion of Senator Mayne, the bill was circled.

\* \* \*

**S.B. 102, PROPERTY TAX APPEAL PROVISIONS**, was read the second time. Senator Bramble explained the bill. Senators Mansell, Hickman, Valentine, James Evans, Stephenson, and Hatch commented.

Senator Stephenson proposed the following amendment:

- 1. Page 2, Line 41:  
Before “the” insert “double”
- 2. Page 3, Line 77:  
Before “the” insert “double”

Senator Stephenson’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator Hatch

**Absent or not voting were:** Senators

Arent

Blackham

Julander

Thomas

\* \* \*

On motion of Senator Waddoups and at 3:15 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 29, 2003.

# TENTH DAY

## MORNING SESSION

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

**Prayer** – Elder John Yardley, Member of the Quorum of Seventy, Church of Jesus Christ of Latter-day Saints

**Pledge of Allegiance** – Bob Gardner

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2003

The House passed **H.B. 22**, PROPERTY TAX RELIEF, by Representative W. Harper, et al, and it is transmitted for consideration; and

The House passed **H.B. 32**, VEHICLE IMPOUND FEE FOR DRIVING UNDER THE INFLUENCE CASES, by Representative J. Murray, and it is transmitted for consideration; and

The House passed **H.B. 68**, SAFETY INSPECTION REQUIREMENT FOR SALVAGE VEHICLES, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 76**, TRUANCY AMENDMENTS, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed **H.B. 173**, MOTOR VEHICLE OPERATOR FLEEING A PEACE OFFICER, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 174**, UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 197**, LICENSE PLATE FOR BOYS AND GIRLS CLUBS, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 22**, **H.B. 32**, **H.B. 68**, **H.B. 76**, **H.B. 173**, **H.B. 174**, and **H.B. 197** were read the first time and referred to the Rules Committee.

## STANDING COMMITTEE REPORTS

Mr. President: January 28, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 10**, PRENEED FUNERAL ARRANGEMENT AMENDMENTS, by Senator P. Arent; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 47**, LABOR COMMISSION – APPEALS BOARD, by Senator J. Valentine, with the following amendments:

1. Page 3, Line 62:  
After “assign an individual” insert “who meets the qualifications of Section 34A-1-205”
2. Page 3, Line 67:  
After “individual” insert “who meets the qualifications of Section 34A-1-205”; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 104**, DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL, by Senator D. Eastman.

Parley Hellewell, Chair

Mr. President: January 28, 2003

The Education Committee reports a favorable recommendation on **S.B. 51**, PLANETARIUM AMENDMENTS, by Senator G. Davis; and

The Education Committee reports a favorable recommendation on **S.B. 105**, PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS, by Senator D. C. Buttars.

Bill Wright, Chair

Mr. President: January 28, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 95**, STATE EMERGENCY MEDICAL SERVICES AMENDMENTS, by Senator J. Valentine; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 43**, REAUTHORIZATION OF FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES TASK FORCE, by Representative J. Seitz; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, by Representative L. Pace; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 180**, TRAUMA REGISTRY DATA, by Representative S. Allen.

James Evans, Chair

Mr. President: January 28, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 93**, REAPPOINTMENT OF COUNTY JUSTICE COURT JUDGES, by Senator T. Hatch, be replaced and favorably recommends **1st Sub. S.B. 93**, JUSTICE COURT JUDGES AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 4**, VIATICAL SETTLEMENTS, by Representative B. Parker, with the following amendments:

1. Page 5, Line 134:  
Delete “This section does not prevent” and insert “An insurance policy transferred pursuant to Chapter 36, Viatical Settlements Act, is not subject to Subsection (5)(b) and nothing else in this section shall prevent”

Gregory S. Bell, Chair

Mr. President: January 28, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS, by Senator P. Knudson, with the following amendments:

1. Page 1, Line 17:  
Delete “12” and insert “13”
2. Page 1, Line 24:  
After “Towns;” delete “and”
3. Page 1, Line 26:  
After “Quality” insert “; and  
(g) the director of the Division of Oil, Gas and Mining created under Section 40–6–15, or the director’s designee” and



The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 84**, REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS, by Senator B. Wright, with the following amendments:

1. Page 2, Line 50:

After "recorded by" insert "the owner of the real property in" and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 85**, UNDERGROUND STORAGE TANK AMENDMENT, by Senator B. Wright, with the following amendments:

1. Page 1, Line 8:

After "year." insert "The act has a July 1, 2003 effective date."

2. Page 3, Line 63:

After line 63 insert

"Section 2. Effective Date."

"This act takes effect on July 1, 2003."

Beverly Ann Evans, Chair

Mr. President:

January 28, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 49**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, by Senator P. Hellewell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 99**, SEAT BELT ENFORCEMENT, by Senator K. Hale; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 23**, PUBLIC AIRPORT AND AERONAUTICS AMENDMENTS, by Representative J. Murray.

David H. Steele, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 10**, **S.B. 47**, as amended, **S.B. 104**, **S.B. 51**, **S.B. 105**, **S.B. 95**, **H.B. 43**, **H.B. 44**, **H.B. 180**, **1st Sub. S.B. 93**, **H.B. 4**, as amended, **S.B. 37**, as amended, **S.B. 84**, as amended, **S.B. 85**, as amended, **S.B. 49**, **S.B. 99**, and **H.B. 23** were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS****PUBLIC UTILITY RELATED AMENDMENTS****S.B. 61***John L. Valentine*

THIS ACT MODIFIES THE PUBLIC UTILITY TITLE TO CLARIFY USE OF A TEST PERIOD IN DETERMINING JUST AND REASONABLE RATES, TO ADDRESS SETTLEMENTS, AND TO ADDRESS THE AFFECT OF DECISIONS OF THE PUBLIC SERVICE COMMISSION. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**CRIMINAL BACKGROUND CHECKS BY POLITICAL  
SUBDIVISIONS OPERATING WATER SYSTEMS****S.B. 75***Carlene M. Walker*

THIS ACT ENACTS PROVISIONS AUTHORIZING POLITICAL SUBDIVISIONS OF THE STATE THAT OPERATE A PUBLIC WATER SYSTEM TO REQUIRE PROSPECTIVE AND CURRENT EMPLOYEES AND CONTRACTORS AND THOSE SEEKING ACCESS TO PUBLIC WATER SYSTEM FACILITIES TO SUBMIT TO A CRIMINAL BACKGROUND CHECK. THE ACT PROVIDES FOR NOTICE TO A PERSON WHOSE EMPLOYMENT IS DENIED OR TERMINATED AND FOR REVIEW OF THE DENIAL OR TERMINATION. THE ACT ALSO MAKES CONFORMING AND TECHNICAL CHANGES AND PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**REDEVELOPMENT AGENCIES –  
EXEMPTION FOR SCHOOL PROPERTY TAXES****S.B. 135***Leonard M. Blackham*

THIS ACT MODIFIES THE REDEVELOPMENT AGENCIES ACT TO EXEMPT SOME OF THE SCHOOL DISTRICT PORTION OF TAX INCREMENT FROM BEING PAID TO OR USED BY AN AGENCY, was read for the first time and referred to the Rules Committee.

**GUILTY AND MENTALLY ILL SENTENCING AMENDMENTS****S.B. 136***David L. Gladwell*

THIS ACT MODIFIES THE CODE OF CRIMINAL PROCEDURE BY PROVIDING THAT IN SPECIFIED CIRCUMSTANCES A DEFENDANT

FOUND TO BE GUILTY AND MENTALLY ILL MAY BE SENTENCED TO A COUNTY JAIL. THIS ACT ALSO CLARIFIES EXISTING LANGUAGE REGARDING PROCEDURE, was read for the first time and referred to the Rules Committee.

**RESOLUTION HONORING LIFE FLIGHT**

**S.C.R. 4**

*Paula F. Julander*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR RECOGNIZES THE SACRIFICE OF THOSE AIR AMBULANCE CREWS WHO HAVE RECENTLY, AND IN THE PAST, LOST THEIR LIVES IN THE SERVICE OF THEIR FELLOW CITIZENS AND EXPRESSES SYMPATHY TO THE FAMILIES AND ASSOCIATES OF THE CREWS OF BOTH LIFE FLIGHT AND AIRMED WHO HAVE DIED IN THE PERFORMANCE OF THEIR DUTIES, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS**, 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

Allen	Arent	Bramble	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bell	Blackham	Buttars	Davis
Hillyard			

**S.B. 86**, as amended, was transmitted to the House.

\* \* \*

**S.B. 96, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT**, was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Wright
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**S.B. 96**, as amended, was transmitted to the House.

\* \* \*

**S.J.R. 4**, RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION, was read the third time and explained by Senator Mayne. Senators Hillyard, Stephenson, and Knudson commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Bell	Gladwell	Hickman	Hillyard
Jenkins	Valentine	Wright	

**Absent or not voting were:** Senators

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

\* \* \*

**S.R. 4**, SENATE RULES RESOLUTION – QUORUM IN SENATE COMMITTEE, was read the third time and explained by Senator Hillyard.

Senators Allen and Steele commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Hickman
Wright			

**S.R. 4** was signed by the President in open session. The bill will be enrolled and sent to the Lt. Governor.

\* \* \*

**S.B. 40, PAY PLAN – SALARY SURVEY 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

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Hellewell
Hickman	Wright		

**S.B. 40**, as amended, was transmitted to the House.

\* \* \*

**S.B. 97, COUNTY ANNEXATION AMENDMENTS**, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Hellewell
Hillyard	Stephenson		

**S.B. 97** was transmitted to the House.

\* \* \*

**S.B. 100**, INDIAN AFFAIRS AMENDMENTS, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Hellewell
Hillyard	Stephenson		

**S.B. 100** was transmitted to the House.

\* \* \*

**S.B. 102**, PROPERTY TAX APPEAL PROVISIONS, was read the third time.

On motion of Senator Bramble, the bill was circled.

## SECOND READING CALENDAR

**S.B. 110**, INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 1, Line 6:  
After “allow” delete the remainder of Line 6
2. Page 1, Line 7:  
Delete “adjusted gross income of \$25,000 or less” and insert “certain taxpayers”
3. Page 2, Line 28:  
Delete “\$25,000” and insert “: (i) \$12,500 for a taxpayer other than a:  
(A) husband and wife filing a single return jointly; or  
(B) head of household; or  
(ii) \$25,000 for a:  
(A) husband and wife filing a single return jointly; or  
(B) head of household.”

Senator Hatch’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Hellewell	Hillyard
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\* \* \*

**S.B. 118, INDIVIDUAL INCOME TAX – ADOPTION EXPENSES,** was read the second time. Senator Walker explained the bill. Senator Bramble commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Hellewell	Steele
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\* \* \*

**S.B. 12, INDUSTRIAL ASSISTANCE FUND AMENDMENTS**, was read the second time. Senator Bev Evans explained the bill. Senator Allen commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Hellewell
Steele	Stephenson		

\* \* \*

**H.B. 25, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 30, PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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



**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hellewell	Steele
Stephenson			

\* \* \*

**H.C.R. 1, RESOLUTION URGING REWORKING OF CENSUS DATE COLLECTION PROCEDURES,** was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Julander	Steele	Stephenson
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\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 25, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT,** and it was before the Senate. Senator Gladwell explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the 24-hour rule was waived for bills on the Second Reading Calendar for the remainder of the day.

\* \* \*

**S.B. 10, PRENEED FUNERAL ARRANGEMENT AMENDMENTS,** was read the second time. Senator Arent explained the bill. Senators Knudson and Bramble commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**S.B. 47, LABOR COMMISSION – APPEALS BOARD,** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 104, DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	Buttars
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\* \* \*

**S.B. 51, PLANETARIUM AMENDMENTS,** was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 105, PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS,** was read the second time. Senator Buttars explained the bill. Senators Thomas, Waddoups, Wright, Hellewell, Allen, Julander, Valentine and Stephenson commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Allen	Dmitrich
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**Absent or not voting was:** Senator

Hillyard

\* \* \*

On motion of Senator Davis, the circle was removed from **S.B. 51**, PLANETARIUM AMENDMENTS, and it was before the Senate. Senator Davis explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator  
Jenkins

**Absent or not voting were:** Senators

Hellewell	Hillyard
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\* \* \*

**S.B. 95**, STATE EMERGENCY MEDICAL SERVICES AMENDMENTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 43**, REAUTHORIZATION OF FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES TASK FORCE, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
Bramble                      Hillyard

On motion of Senator Hickman, **H.B. 43** was tabled on Third Reading Table..

\* \* \*

**H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

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

\* \* \*

On motion of Senator Waddoups and at 11:40 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 30, 2003.

# ELEVENTH DAY

## MORNING SESSION

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

**Prayer** – Bishop Mark Barlow, Bishop of the Westland 9th Ward of the Church of Jesus Christ of Latter-day Saints

**Pledge of Allegiance** – Senator David Gladwell

**Roll Call** – All Senators present except Senator Knudson, excused

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2003

The House passed, **S.B. 24**, LOCAL HUMAN SERVICES AUTHORITIES AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 36**, MINERAL LEASE FUND AMENDMENTS, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 2**, RESOLUTION REAPPOINTING GENERAL COUNSEL, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 24**, **S.B. 36**, 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: January 29, 2003

The House concurred in the Senate amendments and passed **H.B. 165**, REVISOR'S STATUTE, by Representative M. Dillree, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 165** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.



**Government Operations and Political Subdivisions**

**H.B. 62** Emergency Response Costs (B. Goodfellow)

**Judiciary, Law Enforcement, and Criminal Justice**

**H.B. 9** Competency to Stand Trial Amendments (S. Daniels)

**H.B. 70** Assault Amendments (M. Thompson)

**H.B. 172** Background Investigations of Peace Officer Candidates  
(L. Pace)

**H.B. 173** Motor Vehicle Operator Fleeing a Peace Officer  
(T. McCartney)

**Revenue and Taxation**

**H.B. 22** Property Tax Relief (W. Harper)

**H.B. 27** Budget Reserve Account Amendments (C. Buttar)

**Transportation and Public Utilities and Technology**

**S.B. 125** Restrictions on Passengers in Pickup Trucks (C. Bramble)

**S.J.R. 8** Resolution Recognizing Liberty Day (E. Mayne)

**H.B. 32** Vehicle Impound Fee for Driving Under the Influence  
Cases (J. Murray)

**H.B. 68** Safety Inspection Requirement for Salvage Vehicles  
(G. Curtis)

**H.B. 164** James V. Hansen Highway Designation (D. Aagard)

**H.B. 197** License Plate for Boys and Girls Clubs (C. Bennion)

**Workforce Services and Community and Economic Development**

**S.B. 128** Protective Order Amendments (L. Hillyard)

Lyle Hillyard

Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President:

January 29, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 28**, INITIATIVE AMENDMENTS, by Senator J. Hickman; and



The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 45**, LOBBYIST REPORTING REQUIREMENTS, by Senator P. Arent, with the following amendment:

1. Page 7, Line 204:

After line 204 insert:

“(d) In preparing each financial report, all expenditures shall be reported as of two days before the required filing date of the report.”;  
and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 21**, STATE BUILDING OWNERSHIP AUTHORITY RECODIFICATION AND REVISION, by Representative N. Hansen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 26**, STATE GENERAL OBLIGATION BOND ACT, by Representative R. Bigelow; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 181**, SECURITY REQUIREMENTS IN USE OF SOCIAL SECURITY NUMBERS, by Representative S. Allen, with the following amendment:

1. Page 2, Line 55:

After “is a” delete “valid” and insert “reasonable”

Carlene M. Walker, Chair

Mr. President:

January 29, 2003

The Revenue and Taxation Committee recommends **S.B. 34**, TUITION TAX CREDITS, by Senator D. C. Buttars, et al, be replaced and favorably recommends **1st Sub. S.B. 34**, TUITION TAX CREDITS.

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 28**, **S.B. 45**, as amended, **H.B. 21**, **H.B. 26**, **H.B. 181**, as amended, and **1st Sub. S.B. 34** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### UTAH HOME INSPECTION STANDARD OF PRACTICE

**S.B. 62**

*Paula F. Julander*

THIS ACT MODIFIES THE REAL ESTATE CODE BY CLARIFYING THE PRACTICE OF HOME INSPECTIONS; SETTING FORTH GUIDELINES

AND DEFINITIONS; LISTING EXCLUSIONS; SPECIFYING REQUIREMENTS FOR A WRITTEN HOME INSPECTION REPORT; IDENTIFYING PROHIBITED PRACTICES; MAKING HOME INSPECTION SERVICE PROVIDERS LIABLE FOR INSPECTIONS NOT PERFORMED IN COMPLIANCE WITH THIS CHAPTER; AND LIMITING THE TIME WITHIN WHICH A CLIENT MAY FILE A GRIEVANCE AGAINST AN INSPECTOR, was read for the first time and referred to the Rules Committee.

### **CORE CURRICULUM AMENDMENTS**

**S.B. 63***Bill Wright*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY REQUIRING THE CORE CURRICULUM TO INCLUDE PHONICS, SPELLING, AND BASIC COMPUTATIONAL SKILLS, was read for the first time and referred to the Rules Committee.

### **ALTERNATIVE TEACHER LICENSING**

**S.B. 64***Bill Wright*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY ALLOWING TEACHER LICENSES TO BE AWARDED BASED ON THE DEMONSTRATED COMPETENCE OF THE TEACHER. THIS ACT ALLOWS LOCAL SCHOOL BOARDS TO ENTER INTO INDIVIDUAL CONTRACTS OF EMPLOYMENT WITH CANDIDATES FOR, AND TEACHERS HOLDING, A DISTRICT-SPECIFIC LICENSE AND PROVIDES THAT THOSE CANDIDATES AND TEACHERS ARE INELIGIBLE FOR CAREER EMPLOYEE STATUS, was read for the first time and referred to the Rules Committee.

### **RECLAMATION SURETY FOR MINING OPERATIONS**

**S.B. 65***Mike Dmitrich*

THIS ACT MODIFIES THE MINES AND MINING CODE TO PROVIDE THAT A RECLAMATION SURETY BE POSTED FOR ALL SMALL MINING OPERATIONS AND EXPLORATION PROJECTS. THIS ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

### **AMENDMENTS TO INTERLOCAL COOPERATION ACT**

**S.B. 74***David L. Gladwell*

THIS ACT MODIFIES THE INTERLOCAL COOPERATION ACT TO SPECIFY MATTERS THAT CAN BE THE SUBJECT OF AN INTERLOCAL

AGREEMENT BETWEEN TWO OR MORE PUBLIC AGENCIES. THE ACT MODIFIES PROVISIONS RELATING TO THE APPROVAL OF INTERLOCAL AGREEMENTS AND IMPOSES ADDITIONAL REQUIREMENTS ON INTERLOCAL AGREEMENTS THAT ARE REQUIRED TO BE APPROVED BY A PUBLIC AGENCY’S LEGISLATIVE BODY. THE ACT PROVIDES FOR THE POWERS, IMMUNITIES, AND PRIVILEGES OF LAW ENFORCEMENT OFFICERS PERFORMING DUTIES UNDER AN INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES. THE ACT EXPANDS THE ENTITIES WITH WHICH A POLITICAL SUBDIVISION MAY SHARE ITS REVENUES. THE ACT ENACTS PROVISIONS RELATING TO THE STATUS OF EMPLOYEES OF PUBLIC AGENCIES WHO PERFORM DUTIES UNDER AN INTERLOCAL AGREEMENT WITH ANOTHER PUBLIC AGENCY. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**REGULATION OF COERCIVE RESTRAINT PRACTICES**

**S.B. 137**

*Parley G. Hellewell*

THIS ACT MODIFIES THE MENTAL HEALTH PROFESSIONAL LICENSING ACT. THE ACT RESTRICTS THE USE, PRACTICE, OR APPLICATION OF RESTRAINT TO CERTAIN CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 110, INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT**, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hillyard
Jenkins	Julander	Mayne	Steele
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Arent	Blackham	Eastman	Hale
Hickman	Knudson	Stephenson	Valentine

**S.B. 110**, as amended, was transmitted to the House.

\* \* \*

**S.B. 118**, INDIVIDUAL INCOME TAX – ADOPTION EXPENSES, was read the third time and explained by Senator Walker. Senator Mayne commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hatch	Hillyard	Jenkins
Julander	Mayne	Steele	Thomas
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Arent	Blackham	Eastman	Hale
Hellewell	Hickman	Knudson	Stephenson
Valentine	Wright		

**S.B. 118** was transmitted to the House.

\* \* \*

**S.B. 12**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hellewell	Hickman
Knudson	Stephenson	Valentine	

**S.B. 12**, as amended, was transmitted to the House.

\* \* \*

**H.B. 30**, PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Jenkins	Julander	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hale	Hellewell	Hickman
Hillyard	Knudson	Stephenson	

**H.B. 30** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.C.R. 1**, RESOLUTION URGING REWORKING OF CENSUS DATE COLLECTION PROCEDURES, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hale	Hellewell	Hickman
Knudson	Stephenson		

**H.C.R. 1** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 25**, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hale	Hellewell	Hickman
Knudson	Stephenson		

**H.B. 25** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**S.B. 10**, PRENEED FUNERAL ARRANGEMENT AMENDMENTS, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hale	Hellewell	Hickman
Knudson	Stephenson		

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

\* \* \*

**S.B. 104, DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Arent	Blackham	Hale	Hellewell
Hickman	Knudson		

**S.B. 104** was transmitted to the House.

\* \* \*

**S.B. 105, PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS**, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Davis	Dmitrich
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**Absent or not voting were:** Senators

Arent	Hellewell	Knudson
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**S.B. 105** was transmitted to the House.

\* \* \*

**S.B. 51, PLANETARIUM AMENDMENTS**, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hellewell	Knudson
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**S.B. 51** was transmitted to the House.

\* \* \*

**H.B. 44, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS**, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hellewell	Knudson
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**H.B. 44** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.



**SECOND READING CALENDAR**

**H.B. 180**, TRAUMA REGISTRY DATE, was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**1st Sub. S.B. 93**, REAPPOINTMENT OF COUNTY JUSTICE COURT JUDGES, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Davis	Eastman	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Buttars	Dmitrich	B. Evans
Hellewell	Knudson		

\* \* \*

**H.B. 4**, VIATICAL SETTLEMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Allen	Dmitrich	B. Evans	Hellewell
Knudson			

\* \* \*

On motion of Senator Valentine, the circle was removed from **S.B. 47**, LABOR COMMISSION – APPEALS BOARD, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Davis	Eastman	J. Evans	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Bramble	Dmitrich	B. Evans
Gladwell	Hellewell	Knudson	

\* \* \*

**S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS, was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**S.B. 84**, REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Dmitrich	B. Evans	Gladwell
Hellewell	Knudson		

\* \* \*

**S.B. 85, UNDERGROUND STORAGE TANK AMENDMENT**, was read the second time. Senator Wright explained the bill. Senator Buttars commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

Arent	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hickman
Julander	Mayne	Thomas	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Bell	Hillyard	Steele	Stephenson
Valentine			

**Absent or not voting were:** Senators

Allen	B. Evans	Hellewell	Jenkins
Knudson			

\* \* \*

**S.B. 49, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS**, was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**S.B. 99, SEAT BELT ENFORCEMENT**, was read the second time.

On motion of Senator Hale, the bill was circled.

\* \* \*

**H.B. 23, PUBLIC AIRPORT AND AERONAUTICS AMENDMENTS**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	B. Evans	Hellewell	Knudson
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\* \* \*

On motion of Senator Waddoups, and at 11:25 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Mansell presiding.

### COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, David Ayazi, U. S. State Department, introduced a delegation from Afghanistan. A member of the delegation spoke in Committee of the Whole.

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2003  
 The House passed, **S.B. 18**, LIEUTENANT GOVERNOR CERTIFICATION OF SPECIAL DISTRICT AND LOCAL DISTRICT ANNEXATIONS, WITHDRAWALS, AND DISSOLUTIONS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 18** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: January 30, 2003  
 The House passed, as substituted and amended, **1st Sub. H.B. 5**, PROHIBITION OF COERCIVE RESTRAINT PRACTICES, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 176**, TERMINATION OF PARENTAL RIGHTS, by Representative M. Thompson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 5** and **H.B. 176** were read the first time and referred to the Rules Committee.

## **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 30, 2003

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

### **Business and Labor**

**S.B. 120** Payment of Wages Amendments (S. Jenkins)

### **Education**

**S.B. 109** Education Assistance for National Guard Members  
(P. Knudson)

### **Government Operations and Political Subdivisions**

**S.B. 56** Waiver of Governmental Immunity by Governmental  
Entities (J. Evans)

**S.B. 129** State and Local Agencies Criteria in Awarding Bids  
(J. Evans)

**H.B. 82** Initiatives – One Subject Requirement (J. M. Philpot)

### **Health and Human Services**

**S.B. 53** Amendments to Controlled Substance Act (P. Knudson)

**S.B. 134** Promotion of Preventative Health Care (P. Julander)

**S.C.R. 2** Resolution Regarding Clinical Trials for Women's Health  
Care (P. Julander)

### **Judiciary, Law Enforcement, and Criminal Justice**

**H.B. 64** Public Water Systems Amendments (R. Barrus)

### **Revenue and Taxation**

**S.B. 131** Individual Income Tax – Subtractions from Federal  
Taxable Income (C. Bramble)

**Transportation and Public Utilities and Technology**

**S.B. 52** Access to Uninsured Motorist Information (D. Steele)

Lyle Hillyard  
Rules Committee Chair

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

**INTRODUCTION OF BILLS**

**ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT**

**S.B. 66** *Michael G. Waddoups*

THIS ACT MODIFIES THE ALCOHOLIC BEVERAGE TITLE AND THE REVENUE AND TAXATION TITLE TO INCREASE THE BEER TAX RATE AND TO CREATE THE ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT. THIS ACT MAKES TECHNICAL CHANGES. THIS ACT TAKES EFFECT JULY 1, 2003, was read for the first time and referred to the Rules Committee.

**PERSONAL USE OF CAMPAIGN FUNDS**

**S.B. 73** *Karen Hale*

THIS ACT MODIFIES THE ELECTION CODE TO ADDRESS THE USE AND DISPOSITION OF CAMPAIGN FUNDS, PROVIDES A CIVIL PENALTY FOR CERTAIN VIOLATIONS, AND MAKES TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**MEDICAL MALPRACTICE AMENDMENTS**

**S.B. 138** *Leonard M. Blackham*

THIS ACT AMENDS THE UTAH HEALTH CARE MALPRACTICE ACT AND THE HEALTH CARE PROVIDERS IMMUNITY FROM LIABILITY ACT. THE ACT AMENDS PROVISIONS RELATED TO ARBITRATION AGREEMENTS BETWEEN A HEALTH CARE PROVIDER AND A PATIENT. THE ACT ALLOWS A PROVIDER AND PATIENT TO NEGOTIATE AN ARBITRATION AGREEMENT IN NONEMERGENCY SITUATIONS. THE ACT AMENDS PROVISIONS RELATED TO IMMUNITY FROM LIABILITY FOR CERTAIN CHARITY CARE, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the 24-hour rule was waived for consideration of bills on the Second Reading Calendar for the remainder of the day.

**SECOND READING CALENDAR**

**S.B. 28, INITIATIVE AMENDMENTS**, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 45, LOBBYIST REPORTING REQUIREMENTS**, was read the second time. Senator Arent explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hillyard	Julander	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Hatch	Hellewell	Hickman	Jenkins
Knudson			

\* \* \*

**H.B. 21, STATE BUILDING OWNERSHIP AUTHORITY RECODIFICATION AND REVISION**, was read the second time. Senator Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hillyard	Julander	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Hellewell	Hickman	Jenkins
Knudson			

\* \* \*

**H.B. 26**, STATE GENERAL OBLIGATION BOND ACT, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hillyard	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hellewell	Hickman	Jenkins	Knudson
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\* \* \*

**H.B. 181**, SECURITY REQUIREMENTS IN USE OF SOCIAL SECURITY NUMBERS, was read the second time. Senator Walker explained the bill. Senator Bramble commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hellewell	Jenkins	Julander	Knudson
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\* \* \*

**1st Sub. S.B. 34**, TUITION TAX CREDITS, was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to waive the 24-hour rule for consideration of bills on the Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.B. 25**, COMMITMENT AND CUSTODY OF ADULTS AND MINORS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hellewell	Knudson
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**S.B. 25**, as amended, was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Waddoups and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Friday, January 31, 2003.

# TWELFTH DAY

## MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

**Prayer** – Emma Lou Thayne, poet and author

**Pledge of Allegiance** – Senator Curtis Bramble

**Roll Call** – All Senators present except Senators Knudson and Gladwell, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 30, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 78**, LIEN RECOVERY FUND – RATE OF INTEREST, by Representative G. Snow, and it is transmitted for consideration; and

The House passed **H.J.R. 2**, RESOLUTION REQUESTING STATE AGENCIES TO KEEP LEGISLATORS INFORMED, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 7**, RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 78**, **H.J.R. 2**, and **1st Sub. H.J.R. 7** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President:

January 30, 2003

The Business and Labor Committee recommends **S.B. 91**, FUNERAL SERVICES AMENDMENTS, by Senator D. Gladwell, be replaced and favorably recommends **2nd Sub. S.B. 91**, FUNERAL SERVICES AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 111**, PROCESS SERVERS, by Senator M. Waddoups, with the following amendment:

Page 1, Line 25:

Delete "bench" and insert "arrest"

Parley Hellewell, Chair

Mr. President: January 30, 2003

The Education Committee recommends **S.B. 124**, CAPITOL ARTS PLACEMENT COMMISSION, by Senator K. Hale, be replaced and favorably recommends **1st Sub. S.B. 124**, CAPITOL ARTS PLACEMENT COMMISSION; and

The Education Committee reports a favorable recommendation on **H.B. 51**, HISTORIC PRESERVATION IN GENERAL PLANS, by Representative R. Becker.

Bill Wright, Chair

Mr. President: January 30, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 58**, YOUTH CORRECTIONS – DIVISION NAME AMENDMENT, by Senator P. Hellewell; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 35**, CONSOLIDATION OF CHILD WELFARE REPORTS, by Representative G. Hughes; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 36**, ACCESSIBLE HOUSING, by Representative S. Mascaro; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 41**, LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH AUTHORITIES, by Representative J. Seitz.

James Evans, Chair

Mr. President: January 30, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 48**, FORCED ENTRY TO MAKE ARREST, by Senator D. Thomas; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 103**, CONCEALED WEAPON PERMIT HOLDER AMENDMENTS, by Senator C. Bramble; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, by Senator C. Bramble; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 115**, THEFT DETECTION SHIELDING DEVICES AMENDMENTS, by Senator J. Hickman; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 116**, DNA – AMENDMENT REGARDING WARRANTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 117**, AGGRAVATED ROBBERY AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 33**, RESPONSIBILITIES OF LEGISLATIVE GENERAL COUNSEL, by Representative G. Curtis.

Greg Bell, Chair

Mr. President: January 30, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 107**, CERTIFICATION OF MINES, by Senator M. Dmitrich; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 24**, HAZARDOUS WASTE FACILITIES MANAGEMENT AMENDMENTS, by Representative D. Cox; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 182**, AIR CONSERVATION ACT AMENDMENTS, by Representative M. Morley.

Beverly Ann Evans, Chair

Mr. President: January 30, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 125**, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS, by Senator C. Bramble; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.J.R. 8**, RESOLUTION RECOGNIZING LIBERTY DAY, by Senator E. Mayne; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 32**, VEHICLE IMPOUND FEE FOR DRIVING UNDER THE INFLUENCE CASES, by Representative J. Murray; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 47**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 55**, TOW TRUCK REQUIREMENTS, by Representative J. Gowans.

David H. Steele, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 91, S.B. 111**, as amended, **1st Sub. S.B. 124, H.B. 51, S.B. 58, H.B. 35, H.B. 36, H.B. 41, S.B. 48, S.B. 103, S.B. 106, S.B. 115, S.B. 116, S.B. 117, H.B. 33, S.B. 107, H.B. 24, H.B. 182, S.B. 125, S.J.R. 8, H.B. 32, H.B. 47, and H.B. 55** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### REVISIONS TO BOARDS AND COMMISSIONS

**S.B. 67**

*Howard A. Stephenson*

THIS ACT MODIFIES CERTAIN STATE BOARDS AND COMMISSIONS. THE ACT REPEALS CERTAIN BOARDS AND MODIFIES THE APPOINTMENT REQUIREMENTS OR THE DUTIES AND RESPONSIBILITIES OF OTHER BOARDS. THIS ACT REQUIRES THE OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE TO STUDY THE POSSIBLE REPEAL OF, COMBINATION OF, OR MODIFICATIONS TO CERTAIN LICENSING BOARDS AND WHETHER OR NOT CERTAIN OCCUPATIONS SHOULD BE LICENSED BY THE STATE. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

### VOTER IDENTIFICATION REQUIREMENTS

**S.B. 68**

*Dan R. Eastman*

THIS ACT MODIFIES THE ELECTION CODE BY CHANGING REQUIREMENTS FOR VOTER IDENTIFICATION IN VOTING

PROCEDURES, DISPOSITION OF ABSENTEE BALLOTS, AND OTHER ELECTION PROCESSES, was read for the first time and referred to the Rules Committee.

### **VOTED LEEWAY AMENDMENTS**

**S.B. 139**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE AND THE PROPERTY TAX ACT TO ALLOW SCHOOL DISTRICTS TO BUDGET AN INCREASED AMOUNT OF REVENUE DERIVED FROM A VOTED LEEWAY, EXCLUSIVE OF REVENUE FROM NEW GROWTH, WITHOUT HAVING TO COMPLY WITH CERTAIN ADVERTISEMENT REQUIREMENTS. THIS ACT MODIFIES THE CERTIFIED TAX RATE FOR VOTED LEEWAYS IMPOSED BY SCHOOL DISTRICTS. THIS ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

### **PRESCRIPTION DRUG ASSISTANCE PROGRAM**

**S.B. 140**

*James M. Evans*

THIS ACT AMENDS THE HEALTH CODE. THE ACT CREATES A PRESCRIPTION DRUG ASSISTANCE PROGRAM WITHIN THE DEPARTMENT OF HEALTH AND REQUIRES REPORTING TO THE LEGISLATURE, was read for the first time and referred to the Rules Committee.

### **LOCAL GOVERNMENT CAPITAL PROJECTS**

**S.B. 141**

*Howard A. Stephenson*

THIS ACT MODIFIES PROVISIONS RELATING TO CERTAIN CAPITAL PROJECTS OF CERTAIN LOCAL GOVERNMENT ENTITIES. THE ACT REQUIRES THAT COUNTIES, MUNICIPALITIES, SPECIAL DISTRICTS, AND LOCAL DISTRICTS REQUEST BIDS FOR CERTAIN CAPITAL PROJECTS AND ESTABLISHES A BID PROCESS, INCLUDING THE AMOUNT OF THE PROJECT FOR WHICH A BID IS REQUIRED. THE ACT PROVIDES FOR THE AMOUNT OF THE COST OF A PROJECT REQUIRED TO BE SUBMITTED TO BIDS TO BE ADJUSTED FOR INFLATION. THE ACT PROVIDES FOR ATTORNEY'S FEES AND COSTS TO BE AWARDED TO A SUCCESSFUL PARTY AGAINST THE LOCAL GOVERNMENT ENTITY IN A CIVIL ACTION FOR A VIOLATION OF THE REQUIREMENTS. THE ACT ALSO MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**AGRICULTURAL COOPERATIVES AMENDMENTS****S.B. 142***Leonard M. Blackham*

THIS ACT MODIFIES THE AGRICULTURAL COOPERATIVE ASSOCIATIONS ACT TO PROVIDE FOR ONE-MEMBER ASSOCIATIONS AND ALLOWS FOR PROPORTIONATE VOTING IN COOPERATIVE ASSOCIATIONS BASED ON PATRONAGE. THIS ACT ALLOWS FOR DIVIDENDS EXCEEDING 8% PER ANNUM ON PREFERRED, NONVOTING STOCK. THIS ACT PROVIDES FOR THE JUDICIAL DISSOLUTION OF COOPERATIVE ASSOCIATIONS IN CERTAIN CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

**MOTOR VEHICLE DISCLOSURE  
REQUIREMENTS –PURCHASER’S RIGHTS****S.B. 143***Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY AMENDING DEALER FINANCIAL ARRANGEMENTS AND DISCLOSURE PROVISIONS FOR DEALER FINANCED MOTOR VEHICLE PURCHASES. THIS ACT PROVIDES THAT IF A DEALER WAS UNABLE TO ARRANGE THE FINANCING TERMS MADE IN THE DISCLOSURE FOR THE PURCHASE OF A MOTOR VEHICLE AND HAS NOTIFIED THE PURCHASER, THE PURCHASER HAS 14 DAYS FROM THE DATE OF SALE TO RESCIND THE SALE. IF THE PURCHASER FAILS TO RESCIND THE SALE, THE DEALER IS NOT SUBJECT TO FINANCING THE VEHICLE PURCHASE PURSUANT TO THE TERMS MADE IN THE DISCLOSURE AND THE PURCHASER IS SOLELY RESPONSIBLE FOR ALL FINANCING ARRANGEMENTS. THIS ACT REQUIRES THE DEALER TO NOTIFY PURCHASERS OF THESE REQUIREMENTS IN THE DISCLOSURES. THIS ACT MAKES TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS****S.B. 144***Peter C. Knudson*

THIS ACT AMENDS THE INSURANCE CODE. THE ACT AMENDS PROVISIONS RELATED TO HEALTH CARE PROVIDER CLAIMS PRACTICES. THE ACT AMENDS THE DEFINITION OF PROVIDER TO INCLUDE A HEALTH CARE FACILITY TO WHOM AN INSURER HAS AN

INDIRECT OBLIGATION TO PAY. THE ACT AMENDS THE PERIOD OF TIME IN WHICH AN INSURER MAY RECOVER AN AMOUNT IMPROPERLY PAID TO A PROVIDER. THE ACT LIMITS THE ABILITY OF AN INSURER TO RECOUP IMPROPERLY PAID CLAIMS FROM FUTURE CLAIM PAYMENTS. THIS ACT MAKES TECHNICAL AMENDMENTS TO THE CALCULATIONS OF PENALTIES FOR FAILURE TO TIMELY PAY A CLAIM, was read for the first time and referred to the Rules Committee.

### SENATE RULES RESOLUTION – WITNESS OATHS

**S.R. 5**

*Lyle W. Hillyard*

THIS RESOLUTION MODIFIES SENATE RULES GOVERNING COMMITTEE RESPONSIBILITIES AND PUBLIC HEARINGS BY ALLOWING THE COMMITTEE CHAIR OR A MAJORITY OF THE COMMITTEE TO REQUIRE A WITNESS TO SWEAR OR AFFIRM AN OATH TO TELL THE TRUTH. THIS RESOLUTION TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Buttars, under suspension of the rules, the Senate voted to move to the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 34**, TUITION TAX CREDITS, and it was before the Senate.

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

### TUITION TAX CREDITS

**2nd Sub. S.B. 34**

*D. Chris Buttars*

This act modifies Corporate Franchise and Income Taxes and the Individual Income Tax ACT TO PROVIDE FOR NONREFUNDABLE TAX CREDITS FOR CONTRIBUTIONS MADE TO A SCHOLARSHIP GRANTING ORGANIZATION TO BE USED FOR TUITION GRANTS FOR A QUALIFYING STUDENT TO ATTEND A PRIVATE SCHOOL, OR NONREFUNDABLE TAX CREDITS FOR AMOUNTS PAID FOR TUITION TO A PRIVATE SCHOOL ON BEHALF OF A QUALIFYING STUDENT. THIS ACT APPROPRIATES \$1,000,000 FROM THE GENERAL FUND, FOR



FISCAL YEAR 2003–04 ONLY, TO THE STATE BOARD OF EDUCATION FOR DISTRIBUTION TO SCHOOL DISTRICTS WITH DECLINING ENROLLMENT THAT ARE IMPACTED BY THIS ACT. THE ACT PROVIDES DEFINITIONS AND ESTABLISHES PROCEDURES AND REQUIREMENTS FOR ADMINISTERING THE TAX CREDITS. THE ACT ESTABLISHES DUTIES OF SCHOLARSHIP GRANTING ORGANIZATIONS AND PROVIDES PENALTIES. THE ACT AUTHORIZES THE STATE TAX COMMISSION TO MAKE RULES. THIS ACT AUTHORIZES THE DIVISION OF CONSUMER PROTECTION TO ENFORCE CERTAIN PRIVATE SCHOOL REQUIREMENTS. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003.

Senator Buttars proposed the following amendment:

1. Page 3, Line 77:  
Delete "21" and insert "22"
2. Page 3, Line 80:  
After "private school" delete "on" and insert "between July 1, 2002 and"
3. Page 5, Line 122:  
Delete "30%" and insert "50%"

Senator Buttars's motion to amend passed on a voice vote.

Senator Buttars explained the bill. Senators Dmitrich, Blackham, Steele, Hickman, Waddoups, Bramble, Hale, and James Evans, commented.

On motion of Senator Buttars, **2nd Sub. S.B. 34**, TUITION TAX AMENDMENTS, will be considered Monday, February 3, 2003 at 10:30 a.m.

\* \* \*

On motion of Senator Davis, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Davis, the circle was removed from **S.B. 9**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

- 1. Page 16, Line 490:  
After “Other” insert “higher”

Senator Davis’s motion to amend passed on a voice vote.

Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Hale	Hellewell
Hillyard	Jenkins	Julander	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

B. Evans	Gladwell	Hatch	Hickman
Knudson			

**S.B. 9**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 93, JUSTICE COURT JUDGES AMENDMENTS**, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**H.B. 4, VIATICAL SETTLEMENTS**, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Hale	Hellewell
Hillyard	Jenkins	Julander	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

B. Evans	Gladwell	Hatch	Hickman
Knudson	Valentine		

**H.B. 4**, as amended, was returned to the House.

\* \* \*

**S.B. 47**, LABOR COMMISSION – APPEALS BOARD, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 84**, REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
J. Evans	Hale	Hellewell	Hillyard
Jenkins	Julander	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Dmitrich	B. Evans	Gladwell	Hatch
Hickman	Knudson	Steele	Valentine

**S.B. 84**, as amended, was transmitted to the House.

\* \* \*

**S.B. 85**, UNDERGROUND STORAGE TANK AMENDMENT, was read the third time, explained by Senator Wright, and passed on the following roll call:

**Yeas, 20; Nays, 1; Absent, 8.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman

J. Evans	Hale	Hellewell	Jenkins
Julander	Mayne	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator Hillyard

**Absent or not voting were:** Senators

Dmitrich	B. Evans	Gladwell	Hatch
Hickman	Knudson	Steele	Valentine

**S.B. 85**, as amended, was transmitted to the House.

\* \* \*

**H.B. 23**, PUBLIC AIRPORT AND AERONAUTICS AMENDMENTS, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 45**, LOBBYIST REPORTING REQUIREMENTS, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Hellewell	Hillyard
Jenkins	Julander	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	B. Evans	Gladwell	Hatch
Hickman	Knudson	Steele	Valentine

**S.B. 45**, as amended, was transmitted to the House.

\* \* \*

**H.B. 21**, STATE BUILDING OWNERSHIP AUTHORITY RECODIFICATION AND REVISION, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

**Voting in the affirmative were: Senators**

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Hellewell	Hillyard
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were: Senators**

Blackham	B. Evans	Gladwell	Hatch
Hickman	Jenkins	Julander	Knudson
Steele	Valentine		

**H.B. 21** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 26, STATE GENERAL OBLIGATION BOND ACT**, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 181, SECURITY REQUIREMENTS IN USE OF SOCIAL SECURITY NUMBERS**, was read the third time and explained by Senator Walker. Senator Bell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were: Senators**

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were: Senators**

Blackham	Davis	Gladwell	Hatch
Knudson	Steele		

**H.B. 181**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Valentine, the circle was removed from **S.B. 47**, LABOR COMMISSION – APPEALS BOARD, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Line 62  
Senate Committee Amendments  
1-29-2003:  
Delete “**WHO MEETS THE QUALIFICATIONS OF SECTION 34A-1-205**”
2. Page 3, Line 63  
Senate Committee Amendments  
1-29-2003:  
Bracket “and”
3. Page 3, Line 66  
Senate Committee Amendments  
1-29-2003:  
After “case” insert “: and (iii) is representative of the following group that was represented by the member that may not hear the case under Subsection (5)(b):  
(A) employers;  
(B) employees; or  
(C) the public”
4. Page 3, Lines 67-67a  
Senate Committee Amendments  
1-29-2003:  
Delete “**WHO MEETS THE QUALIFICATIONS OF SECTION 34A-1-205**”
5. Page 3, Line 70  
Senate Committee Amendments  
1-29-2003:  
Delete “**and**”
6. Page 3, Line 72  
Senate Committee Amendments

1-29-2003:

After “(ii)” insert “; and (iii) the individual appointed is representative of the following group that was represented by the member for which there is a vacancy:

(A) employers;

(B) employees; or

(C) the public”

Senator Valentine’s motion to amend 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Gladwell	Hatch	Knudson
Steele			

**S.B. 47**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Bev Evans, the circle was removed from **H.B. 26**, STATE GENERAL OBLIGATION BOND ACT. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Gladwell	Hatch	Knudson
Steele			

**H.B. 26** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Hellewell, the circle was removed from **S.B. 49**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, and it was before the Senate. Senator Hellewell explained the bill. Senators Valentine and Wright commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	J. Evans	Gladwell	Hatch
Knudson	Steele		

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to waive the 24-hour rule for consideration of bills on the Second Reading Calendar for the remainder of the day.

\* \* \*

**2nd Sub. S.B. 91**, FUNERAL SERVICES AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 111**, PROCESS SERVERS, was read the second time.



On motion of Senator Waddoups, the bill was circled.

\* \* \*

**1st Sub. S.B. 124, CAPITOL ARTS PLACEMENT COMMISSION**, was read the second time. Senator Hale explained the bill. Senator Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Eastman	B. Evans	J. Evans
Hale	Hellewell	Hickman	Jenkins
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Gladwell
Hatch	Hillyard	Julander	Knudson
Steele			

\* \* \*

**S.B. 58, YOUTH CORRECTIONS – DIVISION NAME AMENDMENT**, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 48, FORCED ENTRY TO MAKE ARREST**, was read the second time. Senator Thomas explained the bill. Senators Walker and Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hickman	Jenkins
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Gladwell	Hatch
Hellewell	Hillyard	Julander	Knudson
Steele	Wright		

\* \* \*

**S.B. 103**, CONCEALED WEAPON PERMIT HOLDER AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hellewell	Hickman	Jenkins
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Arent	Blackham	Buttars	Gladwell
Hatch	Hillyard	Julander	Knudson
Wright			

\* \* \*

**S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, was read the second time. Senator Bramble explained the bill. Senators Hickman, Hillyard, Waddoups, and Wright commented.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Waddoups and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 3, 2003.

# FIFTEENTH DAY

## MORNING SESSION

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

**Prayer** – Cantor Laurence Loeb, Congregation Kol Ami

**Pledge of Allegiance** – Senator Ed Mayne

**Roll Call** – All Senators present except President Mansell, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2003

The Speaker of the House has signed **S.B. 25**, COMMITMENT AND CUSTODY OF ADULTS AND MINORS AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 78**, REPEAL OF TRADING STAMPS REGULATION, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 25** and **S.B. 78** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\*\*\*

Mr. President: January 31, 2003

The House passed, as substituted, **1st Sub. H.B. 31**, WORKFORCE SERVICES OVERPAYMENT AMENDMENTS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 34**, AMENDMENTS TO CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 39**, REPEAL OF EDUCATION REPORTS AND DUTIES, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed **H.B. 42**, WATER USER NOTIFICATION AMENDMENTS, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 79**, REGULATION OF AMATEUR RADIO ANTENNAS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 175**, MANAGEMENT OF NOTARIES PUBLIC BY LIEUTENANT GOVERNOR, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 178**, FIREARMS AMENDMENTS, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed **H.B. 188**, STATE PARK FEE AMENDMENTS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 203**, RESIDENTIAL MORTGAGE REGULATORY COMMISSION, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, COUNTY RESPONSIBILITY FOR VOTING PRECINCTS AND POLLING PLACES, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 6**, RESOLUTION URGING APPROVAL PROCESS REQUIRED BEFORE FEDERAL WILD AND SCENIC RIVER DESIGNATION, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.J.R. 10**, RESOLUTION ENCOURAGING SHARING EXHIBITS WITH HISTORY MUSEUM, by Representative D. Clark, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 31**, **1st Sub. H.B. 34**, **1st Sub. H.B. 39**, **H.B. 42**, **H.B. 79**, **1st Sub. H.B. 175**, **H.B. 178**, **H.B. 188**, **H.B. 203**, **H.B. 206**, **H.C.R. 6**, and **H.J.R. 10** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

January 31, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 29**, LEGISLATIVE ACCESS TO CERTAIN INFORMATION, by Senator M. Dmitrich, with the following amendments:

1. Page 1, Line 1:  
After “LEGISLATIVE” insert “AUDITOR AND STATE AUDITOR”
2. Page 1, Line 6:  
After “Taxation Code” delete “and” insert “to allow for audit by the Office of Legislative Auditor General and the State Auditor’s Office and amends the”
3. Page 1, Line 7:  
After “Auditor General.” insert “This act provides an immediate effective date.”
4. Page 2, Line 38:  
After “Auditor General” insert “or the State Auditor’s Office”
5. Page 8, Line 231:  
After line 231 insert:  
“Section 3. Effective date.  
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.” and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 112**, GOVERNMENT RECORDS PROTECTIONS FOR FEDERAL MISSION OF NATIONAL GUARD, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 61**, CANDIDATES NOT AFFILIATED WITH A PARTY, by Representative M. Noel; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 168**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative R. Becker.

Carlene M. Walker, Chair

Mr. President:

January 31, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.J.R. 7**, RESOLUTION SUPPORTING A FREE TRADE AGREEMENT, by Senator P. Knudson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 22**, PROPERTY TAX RELIEF, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 27**, BUDGET RESERVE ACCOUNT AMENDMENTS, by Representative C. Buttars; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 28**, OIL AND GAS SEVERANCE TAX AMENDMENTS, by Representative G. Snow; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 29**, FEES AND TAXES ON OIL AND GAS, by Representative G. Snow; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 73**, WITHHOLDING EXEMPTION FOR CERTAIN NONRESIDENT SHAREHOLDERS, by Representative G. Snow; and

Curtis S. Bramble, Chair

Mr. President:

January 31, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 122**, UTAH ANTIDISCRIMINATION ACT AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 4, Line 120:  
After “ability” reinstate “,” and insert “with or without reasonable accommodation”
2. Page 9, Line 250:  
After “who” insert “, with or without reasonable accommodation.”
3. Page 9, Lines 251–252:  
Delete “with or without reasonable accommodation”; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 128**, PROTECTIVE ORDER AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 25, Line 758:  
Delete “file” and insert “make”

- 2. Page 26, Line 786:  
Delete “file” and insert “make”

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 29**, as amended, **S.B. 112**, **H.B. 61**, **H.B. 168**, **S.J.R. 7**, **H.B. 22**, **H.B. 27**, **H.B. 28**, **H.B. 29**, **H.B. 73**, **S.B. 122**, as amended, and **S.B. 128**, as amended, were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

**SUPPLEMENTAL APPROPRIATIONS ACT**

**S.B. 1** *Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**GENERAL OBLIGATION BOND AND  
CAPITAL FACILITIES AUTHORIZATIONS**

**S.B. 2** *Beverly Ann Evans*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SUPPLEMENTAL APPROPRIATIONS ACT II**

**S.B. 3** *Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS**

**S.B. 30** *Howard A. Stephenson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**PROPERTY FORFEITURE AMENDMENTS**

**S.B. 31** *John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**S.B. 69***Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CLASS ACTIONS FOR MATTERS OVER  
WHICH STATE TAX COMMISSION HAS JURISDICTION****S.B. 70***Howard A. Stephenson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**ROLLBACK TAX AND ONE-TIME IN LIEU FEE AMENDMENTS****S.B. 71***Peter C. Knudson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL  
DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES****S.B. 72***David L. Thomas*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**APPLICATION OF UTAH PUBLIC OFFICERS'  
AND EMPLOYEES' ETHICS ACT****S.B. 145***Ed P. Mayne*

THIS ACT MODIFIES PROVISIONS RELATED TO PUBLIC OFFICERS AND EMPLOYEES BY REMOVING AN EXCEPTION IN THE UTAH PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT REGARDING PARTICIPATION IN TRANSACTIONS AS TO WHICH THE EMPLOYEE HAS AN INTEREST, was read for the first time and referred to the Rules Committee.

**WASTE FEE AMENDMENTS****S.B. 146***Bill Wright*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.



**STREAMLINED SALES TAX PROJECT AMENDMENTS**

**S.B. 147**

*Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**PROPERTY TAX – FARMLAND ASSESSMENT ACT**

**S.B. 148**

*Thomas V. Hatch*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**BONDING LAW AMENDMENTS –  
STATE FINANCING CONSOLIDATION ACT**

**S.B. 149**

*Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UNIFORM TRUST ACT**

**S.B. 150**

*Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS RELATED TO INFORMATION TECHNOLOGY**

**S.B. 151**

*David H. Steele*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UTAH PROCUREMENT CODE AMENDMENTS**

**S.B. 152**

*David H. Steele*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**ALCOHOLIC BEVERAGE AMENDMENTS**

**S.B. 153**

*John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**PUBLIC EDUCATION AMENDMENTS****S.B. 154***Thomas V. Hatch*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**PROFESSIONAL EMPLOYER ORGANIZATIONS****S.B. 155***Ed P. Mayne*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SAFETY REQUIREMENTS FOR PUBLIC WATER SYSTEMS****S.B. 156***Ed P. Mayne*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS****S.B. 157***Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**DIVISION OF CHILD AND FAMILY SERVICES  
MANAGEMENT INFORMATION SYSTEM AMENDMENTS****S.B. 158***D. Chris Buttars*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO INSURANCE LAW****S.B. 159***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**INSURANCE RELATED AMENDMENTS****S.B. 160***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**INSURANCE LAW AMENDMENTS**

**S.B. 161**

*John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**MEDICAL BENEFITS RECOVERY ACT AMENDMENTS**

**S.B. 162**

*David H. Steele*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**DRIVER LICENSE SUSPENSION REQUIREMENTS**

**S.B. 163**

*Ron Allen*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**COUNTY AMENDMENTS**

**S.B. 164**

*David L. Gladwell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**GUBERNATORIAL NOMINEE AMENDMENTS**

**S.B. 165**

*Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**COMMUNITY AND ECONOMIC DEVELOPMENT AMENDMENTS**

**S.B. 166**

*Carlene M. Walker*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SCOPE OF DENTAL PRACTICE**

**S.B. 167**

*Peter C. Knudson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**HIGHER EDUCATION TASK FORCE****S.B. 168***David L. Gladwell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TRANSFER OF STATE IRON COUNTY  
CORRECTION FACILITY TO COUNTY****S.B. 169***Thomas V. Hatch*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**WORKERS' COMPENSATION FUND AMENDMENTS****S.B. 170***Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**ENVIRONMENTAL WASTE – TAXATION  
AND PERPETUAL CARE FUND****S.B. 171***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**HAZARDOUS WASTE REGULATION AND  
TAX POLICY TASK FORCE****S.B. 172***Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**DEPARTMENT OF AGRICULTURE AND FOOD LICENSING FEE****S.B. 173***Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**LIEN OF LICENSED HEALTH CARE PROVIDERS**

**S.B. 174**

*D. Chris Buttars*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS**

**S.B. 175**

*Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**EDUCATION SUPPORT LICENSE PLATE**

**S.B. 176**

*James M. Evans*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**DEBT CANCELLATION AGREEMENT INSURANCE LAW**

**S.B. 177**

*John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**INSURANCE COMMISSION REVISIONS**

**S.B. 178**

*John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**NOTICE OF CLAIM OF GOVERNMENTAL IMMUNITY**

**S.B. 179**

*David L. Gladwell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**EMERGENCY MEDICAL SERVICES**

**S.B. 180**

*Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**APPOINTMENT OF ATTORNEY TO ADVISE  
COUNTY EXECUTIVE AND COUNTY LEGISLATIVE BODY**

**S.B. 181**

*Carlene M. Walker*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**INDIVIDUAL INCOME TAX – CONTRIBUTION  
TO BOYS AND GIRLS CLUBS OF AMERICA**

**S.B. 182**

*D. Chris Buttars*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**FUNDING FOR CHILDRENS HEALTH  
INSURANCE PROGRAM – DENTAL**

**S.B. 183**

*Peter C. Knudson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS**

**S.B. 184**

*Carlene M. Walker*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SCHOOL PERSONNEL – PROCEDURAL RIGHTS**

**S.B. 185**

*D. Chris Buttars*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UNINSURED AND UNDERINSURED MOTORIST COVERAGE**

**S.B. 186**

*Dan R. Eastman*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**EMINENT DOMAIN AMENDMENTS**

**S.B. 187**

*Parley G. Hellewell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**FUEL TAX CREDIT**

**S.B. 188**

*Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**VETERANS AFFAIRS COMMITTEE AMENDMENTS**

**S.B. 189**

*Gene Davis*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**EXPANSION OF USES OF PUBLICLY FUNDED SHOOTING RANGES**

**S.B. 190**

*Bill Wright*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**COUNTY OVERSIGHT OF LOCAL  
MENTAL HEALTH AUTHORITIES**

**S.B. 191**

*Carlene M. Walker*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CORPORATE AND INDIVIDUAL INCOME TAX AMENDMENTS**

**S.B. 192**

*Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CAMPAIGN REPORTING REQUIREMENTS AMENDMENTS**

**S.B. 193**

*Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**COMMERCE AND TRADE – TELEPHONE  
AND FACSIMILE SOLICITATION ACT**

**S.B. 194**

*David L. Thomas*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**OBSTRUCTION OF JUSTICE AND TAMPERING WITH EVIDENCE**

**S.B. 195**

*David L. Thomas*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**ELECTION LAW – DISCLOSURE REQUIREMENTS**

**S.B. 196**

*Beverly Ann Evans*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**HUNTING WILDLIFE RESTRICTIONS**

**S.B. 197**

*Beverly Ann Evans*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS**

**S.B. 198**

*John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**LIMITATIONS ON INFORMAL JUDICIAL REPRIMANDS**

**S.B. 199**

*David L. Thomas*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**STATE AUDITOR – EXPANSION OF DUTIES**

**S.B. 200**

*Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.



**SUSPENSION OF CERTAIN STATUTORY MANDATES**

**S.B. 201**

*Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**PEACE OFFICER AMENDMENT**

**S.B. 202**

*Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CONDOMINIUM LAW AMENDMENTS**

**S.B. 203**

*Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME**

**S.B. 204**

*Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TOBACCO MARKETING PRACTICES RESTRICTIONS**

**S.B. 205**

*Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**VEHICLE SALE AND SECURITY INTEREST AMENDMENTS**

**S.B. 206**

*David H. Steele*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**IDENTITY FRAUD AMENDMENTS**

**S.B. 207**

*Peter C. Knudson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**WARRANT FOR REMOVAL OF CHILD FROM HOME****S.B. 208***Bill Wright*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**REGISTRATION FOR ATV'S AND NON-AUTOMOBILES****S.B. 209***Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SURCHARGE ON MOVING TRAFFIC VIOLATIONS****S.B. 210***Mike Dmitrich*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CONSUMER SALES PRACTICES ACT AMENDMENTS****S.B. 211***Patrice M. Arent*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**MINERS HEALTH AND SAFETY****S.B. 212***Ed P. Mayne*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX EXEMPTIONS****S.B. 213***Ed P. Mayne*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS****S.B. 214***Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**MOTOR VEHICLE – MINIMUM COVERAGE FOR SELF INSURED**

**S.B. 215**

*Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**MOTOR CARRIER FEE AMENDMENTS**

**S.B. 216**

*John W. Hickman*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**MOTOR VEHICLE – TITLE REQUIREMENTS**

**S.B. 217**

*Gregory S. Bell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES**

**S.B. 218**

*Gregory S. Bell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**GOVERNMENTAL IMMUNITY ACT AMENDMENTS**

**S.B. 219**

*Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UTAH LABOR CODE AMENDMENTS**

**S.B. 220**

*Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**UTAH NATIONAL PARKS LICENSE PLATES**

**S.B. 221**

*Thomas V. Hatch*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**STATE PROPERTY AMENDMENTS****S.B. 222***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**REVISIONS TO PARENT TIME****S.B. 223***Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**USE OF TRANSPORTATION FUND****S.B. 224***Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CAPS FOR GOVERNMENTAL IMMUNITY****S.B. 225***Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TAX COMMISSION AMENDMENTS****S.B. 226***Howard A. Stephenson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**FEE INCREASE****S.B. 227***Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TASK FORCE ON ALTERNATIVE TO INCARCERATION****S.B. 228***D. Chris Buttars*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TAX AMENDMENTS**

**S.B. 229**

*John W. Hickman*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**PAYMENT OF FIRE SUPPRESSION COSTS  
ON SCHOOL AND INSTITUTIONAL TRUST LANDS**

**S.B. 230**

*Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CREDIT UNION AMENDMENTS**

**S.B. 231**

*David H. Steele*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**HEALTH INSURANCE SUBROGATION AMENDMENTS**

**S.B. 232**

*Gregory S. Bell*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**BUDGETARY PROCEDURES AMENDMENTS**

**S.B. 233**

*Leonard M. Blackham*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**APPLIED TECHNOLOGY EDUCATION**

**S.B. 234**

*Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**GENERAL GOVERNMENT OPERATIONS**

**S.B. 235**

*Karen Hale*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**REVISIONS TO GENERAL GOVERNMENT****S.B. 236***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**GOVERNMENT RECORDS ACCESS MANAGEMENT ACT****S.B. 237***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO PUBLIC EDUCATION****S.B. 238***John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TRANSPORTATION AMENDMENTS****S.B. 239***Dan R. Eastman*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TERM LIMIT REVISIONS****S.B. 240***Curtis S. Bramble*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**REVIEW OF PARENT TIME,  
CUSTODY, AND CHILD SUPPORT LAWS****S.B. 241***James M. Evans*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO CONSTRUCTION CONTRACTS****S.B. 242***Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**TOURISM – ECONOMIC STIMULUS PACKAGE****S.B. 243***Scott K. Jenkins*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO LENDING LAW****S.B. 244***Gene Davis*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CHANGES TO GENERAL GOVERNMENT****S.B. 245***Gene Davis*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**AMENDMENTS TO MUNICIPAL GOVERNMENT****S.B. 246***Thomas V. Hatch*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**COUNTY GOVERNMENT AMENDMENTS****S.B. 247***Thomas V. Hatch*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**BOTTLE AND CAN DEPOSIT REQUIREMENTS****S.B. 248***Gene Davis*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**ADMINISTRATIVE FINES – CLEAN UP AMENDMENTS****S.B. 249***Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**CONCURRENT RESOLUTION ON RADIOACTIVE WASTE****S.C.R. 5***Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**RESOLUTION MEMORIALIZING FRANK E. MOSS****S.C.R. 6***Patrice M. Arent*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**JOINT RESOLUTION ON RADIOACTIVE WASTE****S.J.R. 9***Michael G. Waddoups*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**HEALTH RESOLUTION****S.J.R. 10***Peter C. Knudson*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

**SENATE RULES RESOLUTION –  
SENATE CONFIRMATION PROCESS****S.R. 6***Lyle W. Hillyard*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.



### TIME CERTAIN CALENDAR

**2nd Sub. S.B. 34**, TUITION TAX CREDITS, was before the Senate and explained by Senator Buttars. Senators Arent, Steele, Hale, Allen, Hatch, Davis, Julander, Eastman, Dmitrich, Blackham, Mayne, and Bev Evans commented. Senator Knudson brought a point of order (with regard to one Senator asking a question of another) to the attention of the body. The bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
B. Evans	Hale	Julander	Mayne
Steele			

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

### RULES COMMITTEE REPORTS

To the Members of the Senate: February 3, 2003

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

**Business and Labor**

**S.B. 137** Regulation of Coercive Restraint Practices (P. Hellewell)  
**1st Sub. H.B. 5** Prohibition of Coercive Restraint Practices  
(M. Thompson)

**1st Sub. H.B. 78** Lien Recovery Fund – Rate of Interest (G. Snow)  
**H.B. 166** Payday Lending (T. McCartney)  
**H.B. 79** Regulation of Amateur Radio Antennas (N. Hendrickson)  
**H.B. 203** Residential Mortgage Regulatory Commission (G. Snow)

**Education**

**S.B. 57** Charter School Amendments (H. Stephenson)

- S.B. 76** Utah Fireworks Act Amendments (D. Eastman)  
**1st Sub. H.B. 39** Repeal of Education Reports and Duties (M. Dayton)

### **Government Operations and Political Subdivisions**

- S.B. 55** Provisional Ballot Amendments (D. Eastman)  
**S.B. 62** Utah Home Inspection Standard of Practice (P. Julander)  
**1st Sub. H.B. 175** Management of Notaries Public by Lieutenant Governor (L. Pace)  
**H.B. 206** County Responsibility for Voting Precincts and Polling Places (R. Bigelow)  
**H.J.R. 2** Resolution Requesting State Agencies to Keep Legislators Informed (D. Hogue)  
**1st Sub. H.J.R. 7** Resolution on Special Sessions of the Legislature (C. Bennion)  
**H.J.R. 10** Resolution Encouraging Sharing Exhibits with History Museum (D. Clark)

### **Health and Human Services**

- S.B. 60** Health Care – Uniform Data Formatting Standards (G. Bell)  
**1st Sub. H.B. 34** Amendments to Child Welfare Legislative Oversight Panel (M. Morley)

### **Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 44** Tort Reform Amendments (L. Blackham)  
**S.B. 59** Amendments to Unsolicited Commercial and Sexually Explicit Email Act (P. Arent)  
**S.B. 138** Medical Malpractice Amendments (L. Blackham)  
**H.B. 178** Firearms Amendments (T. McCartney)

### **Natural Resources, Agriculture, and Environment**

- S.B. 65** Reclamation Surety for Mining Operations (M. Dmitrich)  
**S.B. 75** Criminal Background Checks by Political Subdivisions Operating Water Systems (C. Walker)  
**S.B. 123** Inherent Risk of Livestock Activities (B. Evans)  
**H.B. 42** Water User Notification Amendments (M. Styler)  
**H.B. 188** State Park Fee Amendments (B. Johnson)  
**H.C.R. 6** Resolution Urging Approval Process Required Before Federal Wild and Scenic River Designation (B. Johnson)

**Revenue and Taxation**

- S.B. 74** Amendments to Interlocal Cooperation Act (D. Gladwell)
- S.B. 135** Redevelopment Agencies – Exemption for School Property Taxes (L. Blackham)

**Workforce Services and Community and Economic Development**

- H.B. 14** Tourism Promotion Programs (S. Allen)
- 1st Sub. H.B. 31** Workforce Services Overpayment Amendments (J. Alexander)

Lyle Hillyard  
Rules Committee Chair

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

**INTRODUCTION OF BILLS**

**SENATE RETENTION VOTE FOR JUDGES**

**S.B. 250** *John L. Valentine*

INTRODUCED BY SHORT TITLE, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 4, 2003.

# SIXTEENTH DAY

## MORNING SESSION

The Senate was called to order at 10:10 a.m., with President Pro Tem Peter Knudson presiding.

**Prayer** – Most Reverend George Niederauer, Roman Catholic Bishop of the Diocese of Salt Lake City

**Pledge of Allegiance** – Senator Paula Julander

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

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 2003

The House passed, as amended, **H.B. 57**, EXPANSION OF PROTECTIVE ORDER, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed **H.B. 66**, COUNTY GENERAL FUND EXPENSES, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 87**, PROPERTY TAX ASSESSMENT OF LOW-INCOME HOUSING TAX CREDITS AND LOW-INCOME HOUSING COVENANTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 169**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, by Representative D. Cox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 57**, **H.B. 66**, **H.B. 87**, and **H.B. 169** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 3, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 68**, SAFETY INSPECTION REQUIREMENT FOR SALVAGE VEHICLES, by Representative G. Curtis; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 164**, JAMES V. HANSEN HIGHWAY DESIGNATION, by Representative D. Aagard; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 197**, LICENSE PLATE FOR BOYS AND GIRLS CLUBS, by Representative C. Bennion.

David H. Steele, Chair

Mr. President:

February 3, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 8**, SENTENCING IN CAPITAL CASES AMENDMENTS, by Senator D. Gladwell, with the following amendments:

1. Page 11, Line 316:  
After "evidence that" insert "the defendant possesses the mental deficiencies listed in Subsection 77-15a-101(2) and that"

Gregory S. Bell, Chair

### REVISED COMMITTEE REPORT

Mr. President:

January 31, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 29**, LEGISLATIVE ACCESS TO CERTAIN INFORMATION, by Senator M. Dmitrich, with the following amendments:

1. Page 1, Line 1:  
After "LEGISLATIVE" insert "AUDITOR AND STATE AUDITOR"
2. Page 1, Line 6:  
After "Taxation Code" delete "and Judicial Code to allow for audit by the Office of Legislative Auditor General" and Insert "to allow for audit by the Office of Legislative Auditor General and the State Auditor's Office and amends the Judicial Code to allow for audit by the Office of the Legislative Auditor General"
3. Page 1, Line 7:  
After "Auditor General." insert "This act provides an immediate effective date."

4. Page 2, Line 38:  
After “Auditor General” insert “or the State Auditor’s Office”
5. Page 8, Line 231:  
After line 231 insert:  
“Section 3. Effective date.  
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.”; and

Carlene M. Walker, Chair

On motion of Senator Valentine, the committee reports were adopted. **H.B. 68, H.B. 164, H.B. 197, S.B. 8**, as amended, and **S.B. 29** were placed on Second Reading Calendar.

### THIRD READING CALENDAR

**S.B. 49**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, was read the third time and explained by Senator Hellewell. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Walker
Wright			

**Voting in the negative were:** Senators

Valentine	Waddoups
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**Absent or not voting were:** Senators

Bramble	Buttars	Dmitrich	Hickman
Mayne	Mansell		

**S.B. 49** was transmitted to the House.

\* \* \*

On motion of Senator Hatch, the circle was removed from **1st Sub. S.B. 93**, JUSTICE COURT JUDGES AMENDMENTS, and it was before the Senate.

Senator Hatch explained the bill. Senator Thomas commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hickman	Mansell
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**1st Sub. S.B. 93** was transmitted to the House.

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On motion of Senator Gladwell, the circle was removed from **H.B. 23**, PUBLIC AIRPORT AND AERONAUTICS AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Dmitrich	Hatch	Hickman	Mansell
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**H.B. 23** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. S.B. 124**, CAPITOL ARTS PLACEMENT COMMISSION, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Dmitrich	Hatch	Hickman	Mansell
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**1st Sub. S.B. 124** was transmitted to the House.

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**S.B. 48, FORCED ENTRY TO MAKE ARREST,** was read the third time.

On motion of Senator Thomas, the bill was circled.

\* \* \*

**S.B. 103, CONCEALED WEAPON PERMIT HOLDER AMENDMENTS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Dmitrich	Hickman	Hillyard	Mansell
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**S.B. 103** was transmitted to the House.



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**2nd Sub. S.B. 34**, TUITION TAX CREDITS, was read the third time.

On motion of Senator Buttars, the bill was circled.

### SECOND READING CALENDAR

On motion of Senator Gladwell, the circle was removed from **2nd Sub. S.B. 91**, FUNERAL SERVICES AMENDMENTS, and it was before the Senate.

Senator Gladwell proposed the following amendment:

1. Page 2, Line 47:  
Delete line 47
2. Page 18, Line 550:  
Delete line 550
3. Page 18, Line 551:  
Delete “(b)” and insert “(a)”
4. Page 19, Line 554:  
Delete “(c)” and insert “(b)”
5. Pages 19–20, Lines 582–590:  
Delete lines 582–590
6. Page 20, Lines 591–592:  
Delete lines 591–592 and insert:  
“Section 22. Section 58–9–603 is enacted to read:  
**58–9–603**, Refusal of control of disposition.”
7. Page 20, Lines 600–601:  
Delete lines 600–601 and insert:  
“Section 23. Section 58–9–604 is enacted to read:  
**58–9–604**, Control by funeral service director.”  
Re-number remaining sections accordingly.
8. Page 35, Line 1058:  
After line 1058 insert:  
“Section 36. Coordination clause.  
If this bill and S.B. 10, Preneed Funeral Arrangement Amendments, both pass, it is the intent of the Legislature that the Office of Legislative

Research and General Counsel, in preparing the Utah code database for publication, merge the language from S.B. 10, Subsection 58-58-8(7) into this bill as Subsection 58-9-701(7).”

Senator Gladwell’s motion to amend passed on a voice vote.

Senator Gladwell explained the bill. Senators Walker and Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Dmitrich	Mansell
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On motion of Senator Waddoups, the circle was removed from **S.B. 111**, PROCESS SERVICES, and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Allen	Davis	Dmitrich	J. Evans
Jenkins	Steele	Mansell	

\* \* \*

**H.B. 51, HISTORIC PRESERVATION IN GENERAL PLANS**, was read the second time. Senator Bell explained the bill. Senator Hickman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Buttars	Dmitrich	Steele	Wright
Mansell			

\* \* \*

**S.B. 115, THEFT DETECTION SHIELDING DEVICES AMENDMENTS**, was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Buttars	Dmitrich	Hatch	Wright
Mansell			

\* \* \*

**S.B. 116, DNA – AMENDMENT REGARDING WARRANTS**, was read the second time. Senator Hillyard explained the bill. Senator Gladwell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Walker	Wright

**Absent or not voting were:** Senators

Buttars	Dmitrich	Hatch	Waddoups
Mansell			

\* \* \*

**S.B. 117, AGGRAVATED ROBBERY AMENDMENTS,** was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Waddoups	Mansell
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**S.B. 107, CERTIFICATION OF MINES,** was read the second time.

On motion of Senator Allen, the bill was circled.

\* \* \*

**S.B. 125, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS,** was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.J.R. 8, RESOLUTION RECOGNIZING LIBERTY DAY**, was read the second time. Senator Mayne explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Dmitrich	Eastman	Mansell
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\* \* \*

**S.B. 29, LEGISLATIVE ACCESS TO CERTAIN INFORMATION**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 112, GOVERNMENT RECORDS PROTECTIONS FOR FEDERAL MISSION OF NATIONAL GUARD**, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.J.R. 7, RESOLUTION SUPPORTING A FREE TRADE AGREEMENT**, was read the second time.

On motion of Senator Waddoups, **S.J.R. 7, RESOLUTION SUPPORTING A FREE TRADE AGREEMENT**, will be considered February 12, 2003 at 10:40 a.m

\* \* \*

**S.B. 122, UTAH ANTIDISCRIMINATION ACT AMENDMENTS**, was read the second time.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**S.B. 128**, PROTECTIVE ORDER AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators James Evans and Thomas commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hickman	Valentine
Mansell			

\* \* \*

On motion of Senator Jenkins, the circle was removed from **S.B. 122**, UTAH ANTIDISCRIMINATION ACT AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	B. Evans
Stephenson	Valentine	Mansell	

\* \* \*

**H.B. 35**, CONSOLIDATION OF CHILD WELFARE REPORTS, was read the second time. Senator James Evans explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hickman	Jenkins
Wright	Mansell		

\* \* \*

**H.B. 36, ACCESSIBLE HOUSING,** was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hillyard	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hale	Hickman
Jenkins	Wright	Mansell	

\* \* \*

**H.B. 41, LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH AUTHORITIES,** was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Eastman	B. Evans	J. Evans

Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Buttars	Dmitrich	Mansell
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\* \* \*

**H.B. 33, RESPONSIBILITIES OF LEGISLATIVE GENERAL COUNSEL,** was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Dmitrich
Mansell			

\* \* \*

**H.B. 24, HAZARDOUS WASTE FACILITIES MANAGEMENT AMENDMENTS,** was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			



**Absent or not voting were:** Senators

Blackham

Buttars

Dmitrich

Mansell

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 7:  
After "laws." insert "This act requires a peace officer engaged in an operation involving unmarked vehicles to be in uniform."
  
2. Page 2, Line 58:  
After line 58 insert  
"(7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation."

Senator Bramble's motion to amend passed on a voice vote.

Senators Hickman and Stephenson commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

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

## **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 4, 2003

The House concurred in the Senate amendments and passed **H.B. 4**, VIATICAL SETTLEMENTS, by Representative B. Parker, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 181**, SECURITY REQUIREMENTS IN USE OF SOCIAL SECURITY NUMBERS,

by Representative S. Allen, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 4** and **H.B. 181** were signed by the President of the Senate in open session. The bills will be enrolled and returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

February 4, 2003

The House passed, as amended, **H.B. 15**, STATE ARMORY BOARD AMENDMENTS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 59**, OFF-HIGHWAY VEHICLE PROGRAM FUNDING, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 80**, SPECIAL SERVICE DISTRICT AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 90**, EQUIPMENT DEALER WARRANTY REIMBURSEMENT ACT, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 171**, PAMELA ATKINSON HOMELESS TRUST ACCOUNT, by Representative M. Stephens, et al, and it is transmitted for consideration; and

The House passed **H.B. 198**, EXPANSION OF ACCESS TO FISH AND GAME OPPORTUNITIES, by Representative S. Clark, and it is transmitted for consideration; and

The House passed **H.B. 202**, UTAH ENERGY OFFICE AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 224**, STATE RECORDS COMMITTEE – MEMBERSHIP AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 15**, **H.B. 59**, **H.B. 80**, **H.B. 90**, **H.B. 171**, **H.B. 198**, **H.B. 202**, and **H.B. 224** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 4, 2003

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

**Business and Labor**

**S.B. 145** Application of Utah Public Officers’ and Employees’ Ethics Act (E. Mayne)

**Education**

**S.C.R. 3** Resolution Designating Legislators Back to School Week (H. Stephenson)

**Government Operations and Political Subdivisions**

**H.B. 66** County General Fund Expenses (B. Dee)

**Health and Human Services**

**H.B. 176** Termination of Parental Rights (M. Thompson)

**Revenue and Taxation**

**H.B. 87** Property Tax Assessment of Low-income Housing Tax Credits and Low-income Housing Covenants (G. Snow)

**Transportation and Public Utilities and Technology**

**S.B. 127** Appearance of Driver License Amendments (J. Valentine)  
**S.B. 143** Motor Vehicle Disclosure Requirements – Purchaser’s Rights (D. Eastman)

Lyle Hillyard  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 4, 2003

The Rules Committee recommends the assignment of the following resolution to the Second Reading Calendar:

**S.R. 5** Senate Rules Resolution – Witness Oaths (L. Hillyard)

Lyle Hillyard  
Rules Committee Chair

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

**THIRD READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 34, TUITION TAX CREDITS**, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 3, Lines 77–78  
Senate 2nd Reading Amendments  
1–31–2003:  
Delete lines 77–78 and insert the following:

“(C) who will be under 19 years of age on the last day of the school year as determined by the private school or, if the individual is disabled and has not graduated from high school with a regular diploma, will be under 22 years of age on the last day of the school year as determined by the private school.”

Senator Buttars’ motion to amend passed on a voice vote.

Senators Arent, Waddoups, Hickman, Allen, Valentine, Hillyard, Knudson, Hellewell, Hale, Wright, Walker, Steele, Blackham, Mayne, Bev Evans and Julander commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 8; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Davis	B. Evans
Hale	Julander	Mayne	Steele

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

**2nd Sub. S.B. 34**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Waddoups and at 3:30 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 5, 2003.

# SEVENTEENTH DAY

## MORNING SESSION

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

**Prayer** – Fred Fergeson, President of the North Ogden Ben Lomond Stake

**Pledge of Allegiance** – Senator Gene Davis

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2003

The House passed, as amended, **H.J.R. 14**, JOINT RESOLUTION SUPPORTING ACTION PLAN FOR PUBLIC LANDS AND EDUCATION, by Representative S. Urquhart, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 14** was read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 4, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 120**, PAYMENT OF WAGES AMENDMENTS, by Senator S. Jenkins; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 130**, REGULATIONS OF CHECK CASHERS, by Senator E. Mayne, with the following amendments:

1. Page 4, Line 97:  
After "on the principal" delete "owned" and insert "owed"
2. Page 4, Line 98:  
After "at any time" insert "prior to maturity"
3. Page 4, Line 104:  
After "collect" insert "additional"

4. Page 4, Line 111:  
After “Notwithstanding” delete “Subsection (4)(c)” and insert “Subsections (4)(a) and (4)(c)”
5. Page 4, Line 112:  
After “may use the” insert “remedies and”; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 38**, DIVISION OF CORPORATIONS AMENDMENT, by Representative J. Gowans.

Parley Hellewell, Chair

Mr. President: February 4, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 53**, AMENDMENTS TO CONTROLLED SUBSTANCE ACT, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 121**, FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE AMENDMENTS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 2**, RESOLUTION REGARDING CLINICAL TRIALS FOR WOMEN’S HEALTH CARE, by Senator P. Julander; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 34**, AMENDMENTS TO CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL, by Representative M. Morley.

James Evans, Chair

Mr. President: February 4, 2003

The Education Committee reports a favorable recommendation on **S.B. 32**, DRIVER EDUCATION COURSES, by Senator C. Walker, with the following amendments:

1. Page 1, Line 12:  
Delete “allows a school district to provide” and insert “requires a school district that provides driver education to offer”
2. Page 1, Line 13:  
Delete “allows” insert “requires”

3. Page 2, Line 48:  
After “school district may” insert “consistent with Section 53A-3-410.”
4. Page 4, Line 98:  
Delete line 98 and insert  
“(1) A school district that provides driver education shall:”
5. Page 4, Line 101:  
Delete “or”
6. Page 4, Line 102:  
After line 102 insert  
“or  
(iii) other programs not involving direct classroom instruction during the regular school day, approved by the district; and”
7. Page 4, Lines 104:  
Delete “1” and insert “.”
8. Page 4, Line 105  
Delete “(c)” and insert  
“(2) A school district that provides driver education may:  
(a)”
9. Page 4, Line 107:  
Delete “(d)” and insert “(b)”
10. Page 4, Line 108:  
Delete “(e)” and insert “(c)”
11. Page 4, Line 113:  
Delete “(f)” and insert “(d)” and delete “(1)(a) through (e)” and insert  
“(2)(a) through (c)”
12. Page 4, Line 114:  
Delete “(2)” and insert “(3)”; and

The Education Committee reports a favorable recommendation on **S.B. 57**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, with the following amendments:

1. Page 2, Line 30:  
After “2003,” delete “20” and insert “24”



2. Page 2, Line 31:  
After "additional" delete "four" and insert "eight"
3. Page 4, Line 112:  
Delete "physical facility" and insert "district" and after "school" delete "will" and insert "is intended to"
4. Page 4, Line 113:  
Delete "its" and insert "physical facility's" and after "address" insert ", if known at the time the charter is signed"; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 39, REPEAL OF EDUCATION REPORTS AND DUTIES**, by Representative M. Dayton.

Bill Wright, Chair

Mr. President: February 4, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 62, EMERGENCY RESPONSE COSTS**, by Representative B. Goodfellow.

Carlene M. Walker, Chair

Mr. President: February 4, 2003

The Revenue and Taxation Committee recommends **S.B. 98, TAXATION OF MEDICALLY IMPLANTED DEVICES AND PROSTHETICS**, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 98, TAXATION OF MEDICALLY IMPLANTED DEVICES AND PROSTHETICS** with the following amendment:

1. Page 7, Line 202:  
Delete line 202; and

The Revenue and Taxation Committee recommends **S.B. 131, INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME**, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 131, INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME**.

Curtis S. Bramble, Chair

On motion of Senator Hillyard, the committee reports were adopted. **S.B. 120, S.B. 130**, as amended, **H.B. 38, S.B. 53, S.B. 121, S.C.R. 2, 1st Sub. H.B. 34**,

**S.B. 32**, as amended, **S.B. 57**, as amended, **1st Sub. H.B. 39**, **H.B. 62**, **1st Sub. S.B. 98**, as amended, and **1st Sub. S.B. 131** were placed on Second Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Thomas, the circle was removed from **S.B. 48**, **FORCED ENTRY TO MAKE ARREST**, and it was before the Senate. Senator Thomas explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Knudson	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Eastman	Gladwell	Hickman
Julander	Mayne	Stephenson	

**S.B. 48** was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 91**, **FUNERAL SERVICES AMENDMENTS**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Eastman	Hickman	Julander
Mayne			

**2nd Sub. S.B. 91** was transmitted to the House.

\* \* \*

**S.B. 111**, PROCESS SERVERS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Dmitrich	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hillyard	Jenkins
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Davis	Eastman
Hale	Hickman	Julander	Mayne

**S.B. 111** was transmitted to the House.

\* \* \*

**H.B. 51**, HISTORIC PRESERVATION IN GENERAL PLANS, was read the third time and explained by Senator Bell. President Mansell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	B. Evans	J. Evans	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Eastman
Gladwell	Hatch	Hickman	Mayne

**H.B. 51** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**S.B. 115**, THEFT DETECTION SHIELDING DEVICES AMENDMENTS, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 116**, DNA – AMENDMENT REGARDING WARRANTS, 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Eastman	Gladwell	Hickman
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**S.B. 116** was transmitted to the House.

\* \* \*

**S.B. 117**, AGGRAVATED ROBBERY 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble                      Eastman                      Hickman

**S.B. 117** was transmitted to the House.

\* \* \*

**S.J.R. 8, RESOLUTION RECOGNIZING LIBERTY DAY**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble                      Eastman                      Hickman

**S.J.R. 8** was transmitted to the House.

\* \* \*

**S.B. 128, PROTECTIVE ORDER AMENDMENTS**, was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed the following amendment:

1. Page 25, Line 759  
Senate Committee Amendments  
2-3-2003:  
At the beginning of the line, delete "formal"
2. Page 26, Line 786  
Senate Committee Amendments  
2-3-2003:  
At the end of the line, delete "formal"
3. Page 26, Line 787  
Senate Committee Amendments

2-3-2003:

After "referral," delete "as defined in Subsection 78-3a-103(1)."

4. Page 27, Line 811:

At the beginning of the line, delete "A" and insert: "With the exception of the provisions of Section 78-3a-320, a"

5. Page 29, Line 891:

After "into the" delete "disposition"

Senator Hillyard's motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hickman

**S.B. 128**, as amended, was transmitted to the House.

\* \* \*

Senator Knudson asked leave of the body to cast an aye vote on **S.B. 128**. His motion was granted.

\* \* \*

**S.B. 122**, UTAH ANTIDISCRIMINATION ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**S.B. 122**, as amended, was transmitted to the House.

\* \* \*

**H.B. 35**, CONSOLIDATION OF CHILD WELFARE REPORTS, was read the third time, explained by Senator James Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
Hickman                      Hillyard

**H.B. 35** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 36**, ACCESSIBLE HOUSING, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**H.B. 36** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 41, LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH AUTHORITIES,** was read the third time.

On motion of Senator Walker, the bill was circled.

\* \* \*

**H.B. 33, RESPONSIBILITIES OF LEGISLATIVE GENERAL COUNSEL,** was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**H.B. 33** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 24, HAZARDOUS WASTE FACILITIES MANAGEMENT AMENDMENTS,** was read the third time, explained by Senator Gladwell, and passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

B. Evans	Hickman
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**H.B. 24** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**SECOND READING CALENDAR**

**S.B. 8, SENTENCING IN CAPITAL CASES AMENDMENTS**, was read the second time. Senator Gladwell explained the bill. Senators Hillyard, Bell, Thomas, Arent, James Evans, and Mansell commented. Senator Thomas 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Hatch	Hickman	Stephenson	Wright
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\* \* \*

**S.R. 5, SENATE RULES RESOLUTION – WITNESS OATHS**, was read the second time. Senator Hillyard explained the bill. Senators Davis and Dmitrich commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Eastman	B. Evans
J. Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Davis	Dmitrich	Hale
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**Absent or not voting were:** Senators

Hatch	Stephenson
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\* \* \*

On motion of Senator Valentine, the Senate voted to allow a bill file to be opened regarding an Iranian/Iraqi resolution.

\* \* \*

On motion of Senator Waddoups and at 12:00 noon, the Senate adjourned until 10:00 a.m., Thursday, February 6, 2003.

# EIGHTEENTH DAY

## MORNING SESSION

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

**Prayer** – Corey Bell, Bishop of the Farmington 10th Ward

**Pledge of Allegiance** – Picaboo Street, Olympic Skier

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 5, 2003

The House passed, **S.B. 4**, CLEAN SPECIAL FUEL TAX CERTIFICATE – EXEMPTION, 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. 5**, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE AMENDMENTS, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 6**, RETAILER REQUIREMENTS IN PRINTING FINANCIAL TRANSACTION CARD RECEIPT, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 17**, SALES AND USE TAX – EXEMPTION FOR SEMICONDUCTOR FABRICATING OR PROCESSING MATERIALS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 20**, FACILITATION OF E-GOVERNMENT, 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, **1st Sub. S.B. 23**, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 43**, PROVIDING INFORMATION RELATING TO TAX CREDITS AND TAX FILING DUE DATES, 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. 83**, OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS, 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. 94**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 1**, JOINT RESOLUTION – RULES REVISIONS RENAMING AN APPROPRIATIONS SUBCOMMITTEE, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 4, S.B. 5, 1st Sub. S.B. 6, S.B. 17, S.B. 20, 1st Sub. S.B. 23, S.B. 43, S.B. 83, S.B. 94, and S.J.R. 1** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 5, 2003

The House passed, as amended, **S.B. 11**, CHILD CARE AMENDMENTS, by Senator B. Evans, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 13**, DUI PLEA RESTRICTIONS, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 14**, GOVERNOR'S OFFICE OF PLANNING AND BUDGET RECODIFICATION AND REVISIONS, by Senator R. Allen, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 5, 2003

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

**Business and Labor**

**S.B. 66** Alcoholic Beverage Enforcement and Treatment  
(M. Waddoups)

**Education**

**S.B. 139** Voted Leeway Amendments (L. Hillyard)  
**H.J.R. 14** Joint Resolution Supporting Action Plan for Public Lands  
and Education (S. Urquhart)

**Government Operations and Political Subdivisions**

**S.B. 68** Voter Identification Requirements (D. Eastman)  
**H.B. 224** State Records Committee – Membership Amendments  
(J. Dunnigan)

**Health and Human Services**

**S.B. 132** Child Support and Paternity Amendments (L. Hillyard)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 136** Guilty and Mentally Ill Sentencing Amendments  
(D. Gladwell)

**Natural Resources, Agriculture, and Environment**

**H.B. 198** Expansion of Access to Fish and Game Opportunities  
(S. Clark)  
**H.B. 202** Utah Energy Office Amendments (S. Urquhart)

**Revenue and Taxation**

**H.B. 80** Special Service District Amendments (E. Anderson)

**Transportation and Public Utilities and Technology**

**S.B. 61** Public Utility Related Amendments (J. Valentine)  
**H.B. 59** Off-highway Vehicle Program Funding (B. Goodfellow)

**Workforce Services and Community and Economic Development**

**S.B. 67** Revisions to Boards and Commissions (H. Stephenson)  
**H.B. 15** State Armory Board Amendments (D. Bush)

**H.B. 171** Pamela Atkinson Homeless Trust Account (M. Stephens)

Lyle Hillyard  
Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: February 5, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 65**, RECLAMATION SURETY FOR MINING OPERATIONS, by Senator M. Dmitrich, with the following amendments:

1. Page 1, Line 18:  
After “The” remove the brackets and restore the deleted language
2. Page 2, Line 31:  
After “~~of this chapter~~” restore the deleted language
3. Page 2, Line 39: After “mining” remove the brackets and restore the word “operations”
4. Page 2, Line 40:  
After “~~mining operations]~~” delete “operation impacts”
5. Page 2, Lines 52 –55:  
Remove the brackets and restore the deleted language
6. Page 2, Line 56:  
Delete “(2)” and insert “(3)”
7. Page 3, Line 71:  
After “(iv)” insert “accurate”
8. Page 4, Line 93:  
After “(5)” bracket “Approval” and insert “Except for the form and amount of surety, an approval”; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 75**, CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS OPERATING WATER SYSTEMS, by Senator C. Walker; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 123**, INHERENT RISK OF LIVESTOCK ACTIVITIES, by Senator B. Evans, be replaced and favorably recommends **1st Sub. S.B. 123**, INHERENT RISK OF LIVESTOCK ACTIVITIES; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 42**, WATER USER NOTIFICATION AMENDMENTS, by Representative M. Styler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 188**, STATE PARK FEE AMENDMENTS, by Representative B. Johnson; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 6**, RESOLUTION URGING APPROVAL PROCESS REQUIRED BEFORE FEDERAL WILD AND SCENIC RIVER DESIGNATION, by Representative B. Johnson.

Beverly Ann Evans, Chair

Mr. President: February 5, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 52**, ACCESS TO UNINSURED MOTORIST INFORMATION, by Senator D. Steele.

David H. Steele, Chair

Mr. President: February 5, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 172**, BACKGROUND INVESTIGATIONS OF PEACE OFFICER CANDIDATES, by Representative L. Pace.

Gregory S. Bell, Chair

On motion of Senator Hillyard, the committee reports were adopted. **S.B. 65**, as amended, **S.B. 75**, **1st Sub. S.B. 123**, **H.B. 42**, **H.B. 188**, **H.C.R. 6**, **S.B. 52**, and **H.B. 172** were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: February 5, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 9**, COMPETENCY TO STAND TRIAL

AMENDMENTS, by Representative S. Daniels, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Valentine, the committee report was adopted. **H.B. 9** was placed on Consent Calendar.

\* \* \*

On motion of Senator Davis, the Senate voted to allow a resolution to be drafted requesting that the U.S. Congress enact a Medicare prescription drug benefit.

### THIRD READING CALENDAR

**S.B. 8, SENTENCING IN CAPITAL CASES AMENDMENTS**, was read the third time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

On motion of Senator Hickman, the circle was removed from **S.B. 115, THEFT DETECTION SHIELDING DEVICES AMENDMENTS**, and it was before the Senate. Senator Hickman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bell	Eastman	Hellewell	Thomas
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**S.B. 115** was transmitted to the House.



\* \* \*

On motion of Senator Beverly Evans, the Senate voted to allow a bill to be drafted regarding unlawful discharge of a firearm.

\* \* \*

**S.R. 5, SENATE RULES RESOLUTION – WITNESS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

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

Arent	Hellewell	Thomas
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**S.R. 5** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Lt. Governor.

**SECOND READING CALENDAR**

On motion of Senator Knudson, the circle was removed from **H.B. 180, TRAUMA REGISTRY DATA**, and it was before the Senate. Senator Knudson explained the bill. Senators Hickman, Allen, and James Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker	Mansell		

**Voting in the negative were:** Senators

Hickman                      Wright

**Absent or not voting were:** Senators

Buttars                      Hellewell                      Hillyard                      Steele  
Waddoups

\* \* \*

On motion of Senator Valentine, the circle was removed from **S.B. 95**, STATE EMERGENCY MEDICAL SERVICES AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Julander commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen                      Arent                      Bell                      Blackham  
Bramble                      Buttars                      Davis                      Dmitrich  
Eastman                      B. Evans                      J. Evans                      Gladwell  
Hatch                      Hellewell                      Hickman                      Hillyard  
Jenkins                      Julander                      Knudson                      Mayne  
Stephenson                      Thomas                      Valentine                      Walker  
Wright                      Mansell

**Absent or not voting were:** Senators

Hale                      Steele                      Waddoups

\* \* \*

On motion of Senator Hickman, the circle was removed from **S.B. 28**, INITIATIVE AMENDMENTS, and it was before the Senate.

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

**INITIATIVE AMENDMENTS**

**1st Sub. S.B. 28**

*John W. Hickman*

THIS ACT MODIFIES THE ELECTION CODE PROVISIONS RELATING TO STATEWIDE INITIATIVES. THIS ACT MODIFIES SIGNATURE REQUIREMENTS, MODIFIES CERTAIN DISCLOSURE REQUIREMENTS, AND MODIFIES THE TIME PERIOD DURING WHICH SPONSORS MAY

GATHER SIGNATURES. THIS ACT ESTABLISHES A MORATORIUM BEFORE AN INITIATIVE THAT FAILED MAY BE RECIRCULATED. THIS ACT REQUIRES THAT THE PETITION SPONSORS HOLD PUBLIC HEARINGS ON THE PETITION IN GEOGRAPHICALLY DIVERSE AREAS OF UTAH AND ESTABLISHES NOTICE AND PROCEDURAL REQUIREMENTS FOR THOSE PUBLIC HEARINGS. THIS ACT MODIFIES POLITICAL ISSUES COMMITTEE AND CORPORATION FINANCIAL DISCLOSURE REQUIREMENTS. THIS ACT MAKES IT A CRIME FOR PERSONS TO PAY SOMEONE TO SIGN OR REMOVE THEIR SIGNATURE FROM AN INITIATIVE PETITION AND MAKES IT A CRIME FOR PERSONS TO ACCEPT PAYMENT FOR SIGNING OR REMOVING THEIR NAME FROM AN INITIATIVE PETITION. THIS ACT INCLUDES A SEVERABILITY CLAUSE. THIS ACT MAKES TECHNICAL CHANGES.

Senator Hickman explained the bill. Senators Hillyard, Thomas, Bell, Knudson, Dmitrich, Valentine, Stephenson, Gladwell, Wright, Mayne, and Blackham commented.

Senator Stephenson motioned to adopt **2nd Sub. SB 28**. After discussion and a voice vote, the motion to substitute failed.

Senator Stephenson proposed the following amendment:

- 1. Page 4, Line 96 to 98:  
Delete Lines 96 to 98

Senator Stephenson’s motion to amend failed on a voice vote. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	Eastman	B. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Davis	J. Evans
Hale	Julander	Mayne	Stephenson
Thomas			

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2003

The House passed, **S.B. 15**, WORKFORCE SERVICES AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 33**, FEES FOR SHERIFF, 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. 51**, PLANETARIUM AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 118**, INDIVIDUAL INCOME TAX – ADOPTION EXPENSES, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 15**, **S.B. 33**, **S.B. 51**, and **S.B. 118** 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, 2003

The House passed, as amended, **S.B. 100**, INDIAN AFFAIRS AMENDMENTS, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President: February 6, 2003

The House passed **H.B. 92**, SCHOOL FUNDS AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 106**, FOSTER CARE GUIDANCE THROUGH PROVIDERS CONTRACTS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed **H.B. 199**, LINE-OF-DUTY DEATH BENEFIT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 210**, SEXUAL ABUSE OF A CHILD AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 92**, **H.B. 106**, **H.B. 199** and **H.B. 210** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 6, 2003

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

**Education**

**S.B. 64** Alternative Teacher Licensing (B. Wright)

**Government Operations and Political Subdivisions**

**S.B. 141** Local Government Capital Projects (H. Stephenson)

**S.B. 165** Gubernatorial Nominee Amendments (L. Hillyard)

Lyle Hillyard  
Rules Committee Chair

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

**SECOND READING CALENDAR**

**H.B. 182**, AIR CONSERVATION ACT AMENDMENTS, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Knudson	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Eastman	Hickman	Julander	Mayne
Thomas	Valentine		

\* \* \*

**H.B. 32, VEHICLE IMPOUND FEE FOR DRIVING UNDER THE INFLUENCE CASES,** was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Julander	Mayne	Valentine
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\* \* \*

**H.B. 47, FIRE PREVENTION AMENDMENTS,** was read the second time. Senator Gladwell explained the bill. Senator Allen commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.****Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Steele	Stephenson	Thomas	Waddoups
Walker	Mansell		

**Voting in the negative were:** Senators

Jenkins                      Wright

**Absent or not voting were:** Senators

Arent                      Buttars                      Hickman                      Mayne  
Valentine

**COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, President Mercedes Bresso, President of the Provincia di Torino, Italy, spoke in Committee of the Whole. Sandy Tenney read a citation honoring the visitors from Torino, Italy. Senators Hellewell and Hillyard commented.

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

\* \* \*

**H.B. 55, TOW TRUCK REQUIREMENTS**, was read the second time. Senator Knudson explained the bill. Senator James Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen                      Arent                      Bell                      Blackham  
Bramble                      Davis                      Eastman                      B. Evans  
J. Evans                      Gladwell                      Hale                      Hatch  
Hellewell                      Hickman                      Hillyard                      Jenkins  
Julander                      Knudson                      Mayne                      Steele  
Stephenson                      Thomas                      Walker                      Wright

**Absent or not voting were:** Senators

Buttars                      Dmitrich                      Valentine                      Waddoups  
Mansell

\* \* \*

**H.B. 61, CANDIDATES NOT AFFILIATED WITH A PARTY**, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Mansell

**Absent or not voting were:** Senators

Dmitrich	Valentine	Waddoups	Walker
Wright			

\* \* \*

**H.B. 168**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**H.B. 22**, PROPERTY TAX RELIEF, was read the second time. Senator explained the bill.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 27**, BUDGET RESERVE ACCOUNT AMENDMENTS, was read the second time. Senator Bev Evans 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Wright
Mansell			

**Absent or not voting were:** Senators

Dmitrich	Hale	Valentine	Walker
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\* \* \*

**H.B. 28, OIL AND GAS SEVERANCE TAX AMENDMENTS**, was read the second time. Senator Bev Evans explained the bill. Senators Blackham and Bramble commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**H.B. 29, FEES AND TAXES ON OIL AND GAS**, was read the second time. Senator Bev Evans explained the bill. Senators Bev Evans and Dmitrich declared conflicts of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
Thomas                      Valentine

\* \* \*

**H.B. 73, WITHHOLDING EXEMPTION FOR CERTAIN NONRESIDENT SHAREHOLDERS**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Thomas	Valentine	Mansell
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\* \* \*

**H.B. 68, SAFETY INSPECTION REQUIREMENT FOR SALVAGE VEHICLES**, was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Waddoups	Walker	

**Voting in the negative were:** Senators

Jenkins	Wright
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**Absent or not voting were:** Senators

Davis	Thomas	Valentine	Mansell
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\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 22, PROPERTY TAX RELIEF**, and it was before the Senate. Senator Bramble explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Mayne	Stephenson	Waddoups	Walker
Wright			

**Voting in the negative were:** Senators

Blackham	Hickman	Hillyard	Knudson
Steele			

**Absent or not voting were:** Senators

Thomas	Valentine	Mansell
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On motion of Senator Hickman, **H.B. 22** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 164**, JAMES V. HANSEN HIGHWAY DESIGNATION, was read the second time. Senator Bell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Arent	Blackham	Bramble	Hickman
Julander	Thomas	Wright	Mansell

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 6, 2003

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

From Government Operations and Political Subdivisions to  
Workforce Services and Community and Economic Development

**S.B. 141** Local Government Capital Projects (H. Stephenson)

**S.B. 165** Gubernatorial Nominee Amendments (L. Hillyard)

Lyle Hillyard

Rules Committee Chair

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

\* \* \*

On motion of Senator Waddoups and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 7, 2003.

# NINETEENTH DAY

## MORNING SESSION

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

**Prayer** – Dr. Linda Leckman, Lay Leader for Christ United Methodist Church

**Pledge of Allegiance** – Senator Bill Hickman

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 13**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 91**, ENFORCEMENT PROCEDURE AMENDMENTS OF WATER WELL DRILLERS, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 228**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 12**, RESOLUTION PROVIDING MANAGEMENT OF WOLVES IN UTAH, by Representative M. Styler, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 13**, **H.B. 91**, **H.B. 228**, and **H.J.R. 12** were read the first time and referred to the Rules Committee.

#### RULES COMMITTEE REPORTS

To the Members of the Senate: February 7, 2003

The Rules Committee recommends that the following resolution be placed at the top of the Second Reading Calendar.

**S.R. 6** Senate Rules Resolution – Senate Confirmation Process  
(L. Hillyard)

Lyle Hillyard  
Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: February 6, 2003

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 12**, UTAH OPTOMETRY PRACTICE ACT AMENDMENTS, by Representative K. Bryson; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 79**, REGULATION OF AMATEUR RADIO ANTENNAS, by Representative N. Hendrickson; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 174**, UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS, by Representative T. McCartney, with the following amendments:

1. Page 12, Line 368  
House Floor Amendments  
dated 1-28-03:  
Reinstate line 368; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 203**, RESIDENTIAL MORTGAGE REGULATORY COMMISSION, by Representative G. Snow, with the following amendments:

1. Page 1, Line 22:  
After “loans” insert “and are currently registered as a mortgage lender with the division”

Parley Hellewell, Chair

Mr. President: February 6, 2003

The Health and Human Services Committee reports a favorable recommendation on **H.B. 176**, TERMINATION OF PARENTAL RIGHTS, by Representative M. Thompson.

James Evans, Chair

Mr. President: February 6, 2003

The Education Committee reports a favorable recommendation on **S.C.R. 3, RESOLUTION DESIGNATING LEGISLATORS BACK TO SCHOOL WEEK**, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **H.C.R. 2, RESOLUTION RECOGNIZING RESOURCEFUL USE OF TECHNOLOGY IN THE CLASSROOM**, by Representative G. Hughes; and

The Education Committee reports a favorable recommendation on **H.J.R. 14, JOINT RESOLUTION SUPPORTING ACTION PLAN FOR PUBLIC LANDS AND EDUCATION**, by Representative S. Urquhart.

Bill Wright, Chair

Mr. President: February 6, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 50, MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT AMENDMENTS**, by Senator M. Waddoups, with the following amendments:

1. Page 1, Line 1:  
After “MUNICIPAL” delete “AND COUNTY”
2. Page 1, Line 6:  
After “municipal” delete “and county”
3. Page 1, Line 7:  
After “municipality” delete “or county”
4. Page 1, Line 11:  
After “safety” insert “or to enforce standards promoting compatibility with surrounding uses”
5. Page 1, Line 11:  
Delete “This act has an immediate effective date.”
6. Page 1, Line 15:  
Delete line 15
7. Page 2, Line 57:  
After “enforce” insert “: (i)”

8. Page 3, Line 59:  
After “safety” delete the period and insert:  
“; and  
(ii) building and site design standards to promote compatibility of a water treatment plant described in Subsection (4)(a) with surrounding land uses, if those standards do not unreasonably interfere with the location, size, capacity, or operation of the water treatment plant.”
9. Page 3, Lines 60–89:  
Delete lines 60 through 89
10. Page 4, Lines 90–107:  
Delete lines 90 through 107; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 55**, PROVISIONAL BALLOT AMENDMENTS, by Senator D. Eastman.

Carlene M. Walker, Chair

Mr. President: February 6, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 74**, AMENDMENTS TO INTERLOCAL COOPERATION ACT, by Senator D. Gladwell.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. H.B. 12, H.B. 79, H.B. 174**, as amended, **H.B. 203**, as amended, **H.B. 176, S.C.R.3, H.C.R. 2, H.J.R. 14, S.B. 50**, as amended, **S.B. 55**, and **S.B. 74** were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 6, 2003

The Business and Labor Committee reports a favorable recommendation on **H.B. 16**, EQUAL EMPLOYMENT OPPORTUNITY – TECHNICAL CHANGES, by Representative E. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Parley Hellewell, Chair

Mr. President: February 6, 2003

The Education Committee reports a favorable recommendation on **H.B. 74**, UNAUTHORIZED ENTRY ON SCHOOL BUS PROHIBITED, by



Representative N. Hendrickson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Bill Wright, Chair

Mr. President: February 6, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 31, WORKFORCE SERVICES OVERPAYMENT AMENDMENTS**, by Representative J. Alexander, and recommends it be considered read for the second time and placed on the Consent Calendar.

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 16, H.B. 74, and 1st Sub. H.B. 31** were placed on Consent Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Evans, the Senate voted to concur in the House amendments to **S.B. 11, CHILD CARE AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hickman	Hillyard	Waddoups
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**S.B. 11** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the Senate refused to concur in the House amendments. **S.B. 13** was returned to the House.

\* \* \*

On motion of Senator Allen, the Senate voted to concur in the House amendments to **S.B. 14**, GOVERNOR'S OFFICE OF PLANNING AND BUDGET RECODIFICATION AND REVISIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hillyard	Steele
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**S.B. 14** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Evans, the Senate voted to concur in the House amendments to **S.B. 100**, INDIAN AFFAIRS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Jenkins	Steele
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**S.B. 100** was returned to the House for signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Walker, the circle was removed from **H.B. 41, LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH AUTHORITIES.** The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Hellewell	Wright
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**H.B. 41** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 180, TRAUMA REGISTRY DATA,** was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Dmitrich	Hellewell	Mansell
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**H.B. 180** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**S.B. 95**, STATE EMERGENCY MEDICAL SERVICES AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Davis	Dmitrich	Hellewell
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**S.B. 95** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 28**, INITIATIVE AMENDMENTS, was read the third time and explained by Senator Hickman.

Senator Valentine proposed the following amendment:

1. Page 2, Line 35:  
Delete "29" and insert "26"
2. Page 3, Line 57:  
Delete "29" and insert "26"

Senator Valentine's motion to amend passed on a voice vote.

Senators Hatch, Blackham, Stephenson, Dmitrich, Knudson, Evans, Hale, Mayne, and Julander commented and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	Eastman	B. Evans	Gladwell

Hatch	Hellewell	Hickman	Hillyard
Knudson	Steele	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Arent	Davis	J. Evans
Hale	Jenkins	Julander	Mayne
Stephenson	Thomas		

**1st Sub. S.B. 28**, as amended, was transmitted to the House.

\* \* \*

**H.B. 182**, AIR CONSERVATION ACT AMENDMENTS, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Hillyard	Jenkins
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**H.B. 182** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 32**, VEHICLE IMPOUND FEE FOR DRIVING UNDER THE INFLUENCE CASES, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Hillyard	Jenkins
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**H.B. 32** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 47, FIRE PREVENTION AMENDMENTS,** was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Hillyard	Jenkins
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**H.B. 47** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 55, TOW TRUCK REQUIREMENTS,** was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Hillyard	Jenkins
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**H.B. 55** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

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**H.B. 61, CANDIDATES NOT AFFILIATED WITH A PARTY,** was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Dmitrich	Hillyard
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**H.B. 61** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

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**H.B. 27, BUDGET RESERVE ACCOUNT AMENDMENTS,** was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hillyard                      Steele

**H.B. 27** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 28, OIL AND GAS SEVERANCE TAX AMENDMENTS**, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator

Valentine

**Absent or not voting was:** Senator

Steele

**H.B. 28** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hickman, the Senate voted to recall **1st Sub S.B. 28** for the purpose of amending.

\* \* \*

**H.B. 29, FEES AND TAXES ON OIL AND GAS**, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**H.B. 29** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 73, WITHHOLDING EXEMPTION FOR CERTAIN NONRESIDENT SHAREHOLDERS**, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators Gladwell Hickman

**H.B. 73** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 68, SAFETY INSPECTION REQUIREMENT FOR SALVAGE VEHICLES**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Gladwell	Hickman
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**H.B. 68** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 164**, JAMES V. HANSEN HIGHWAY DESIGNATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Arent	Gladwell	Julander
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**H.B. 164** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hellewell, the Senate voted to allow a bill file to be opened regarding the Department of Corrections.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **S.B. 8**, SENTENCING IN CAPITAL CASES AMENDMENTS, and it was before the Senate. Senator Gladwell explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 7, Line 184:  
After “(8)” insert “(a)”
2. Page 7, Line 188:  
After “before the” insert “sentencing”
3. Page 7, Line 189:  
After Line 189 insert:  
“(b) If the appellate court precludes the imposition of the death penalty under Subsection (8)(a), but the appellate court finds that sentencing the defendant to life in prison without parole is likely to result in a manifest injustice, it may remand the case to the sentencing court for further sentencing proceedings to determine if the defendant should serve a sentence of life in prison without parole or an indeterminate prison term of not less than 20 years and which may be for life.”

Senator Hillyard’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hellewell	Hickman	Mayne
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**S.B. 8**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 28**, INITIATIVE AMENDMENTS, was before the Senate.

On motion of Senator Waddoups, the bill was circled.

### SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.R. 6**, SENATE RULES RESOLUTION – SENATE CONFIRMATION PROCESS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Gladwell	Hale	Mayne
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**S.R. 6** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Lt. Governor.

\* \* \*

**S.B. 120**, PAYMENT OF WAGES AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Steele, Mayne, and Blackham commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Gladwell                      Hatch                      Wright                      Mansell

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **S.B. 107**, CERTIFICATION OF MINES, and it was before the Senate. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Gladwell                      Hatch                      Steele                      Wright  
Mansell

\* \* \*

On motion of Senator Knudson, the circle was removed from **S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS, and it was before the Senate. Senator Knudson explained the bill.

Senator Wright proposed the following amendment:

1. Page 1, Line 17  
Senate Committee Amendments,  
1-29-2003:  
Delete "13" and insert "14"
2. Page 1, Line 26  
Senate Committee Amendments,  
1-29-2003:  
After "Quality;" delete "and"
3. Page 1, Line 26b  
Senate Committee Amendments,  
1-29-2003:

After “designee” insert “; and  
(h) a mining representative appointed by the president of the Utah Mining Association”

- 4. Page 2, Line 44:  
After “adjoining areas;” delete “and”
- 5. Page 2, Line 46:  
After “adjoining areas” delete the period and insert “; and  
(c) the benefit provided by gravel pits to the economic well-being of the state and the contribution they make to the construction industry and the overall economy of the state.”

Senator Wright’s motion to amend passed on a voice vote.

Senator Valentine 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Hellewell	Mansell
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\* \* \*

On motion of Senator Waddoups and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 10, 2003.

**TWENTY-SECOND DAY**  
**MORNING SESSION**

The Senate was called to order at 10:00 a.m., with President Pro Tem Mike Dmitrich presiding.

**Prayer** – Sheri L. Dew, President and CEO of Deseret Publishing Company

**Pledge of Allegiance** – Senator Bill Wright

**Roll Call** – All Senators present except President Mansell, excused.

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 67)**

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 7, 2003

The House passed, **S.B. 16**, MASTER STATE HIGHWAYS AMENDMENTS, by Senator D. Steele, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 16** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 7, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 94**, UTAH CONTROLLED SUBSTANCES – EXTRACTION AND REDUCTION LABS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 102**, ELECTION DAY MATERIALS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed **H.B. 103**, VOTER REGISTRATION AMENDMENTS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 209**, SENTENCING FOR USE OF DANGEROUS WEAPON, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 211**, DISABILITIES APPROPRIATIONS NONLAPSING, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 221**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, JOINT RESOLUTION SUPPORTING REPEAL OF FEDERAL ESTATE TAX, by Representative C. Buttars, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 48, H.B. 94, H.B. 102, H.B. 103, H.B. 209, H.B. 211, H.B. 221**, and **H.J.R. 13** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: February 7, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 198**, EXPANSION OF ACCESS TO FISH AND GAME OPPORTUNITIES, by Representative S. Clark; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 202**, UTAH ENERGY OFFICE AMENDMENTS, by Representative S. Urquhart.

Beverly Evans, Chair

Mr. President: February 7, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 127**, APPEARANCE OF DRIVER LICENSE AMENDMENTS, by Senator J. Valentine; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 143**, MOTOR VEHICLE DISCLOSURE REQUIREMENTS – PURCHASER’S RIGHTS, by Senator D. Eastman.

David Steele, Chair

Mr. President: February 7, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 27**, INVOLUNTARY COMMITMENT AMENDMENTS, by



Senator L. Blackham, be replaced and favorably recommends **1st Sub. S.B. 27**, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS with the following amendments:

1. Page 7, Line 199:  
After “care” delete “:” and insert “2” and delete “or  
(c) is incapable of providing the basic necessities of life,  
such as food, clothing, and shelter, to a degree that physically harms  
their health or safety.”

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 198, H.B. 202, S.B. 127, S.B. 143, and S.B. 27**, as amended, were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 7, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 70**, ASSAULT AMENDMENTS, by Representative M. Thompson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 173**, MOTOR VEHICLE OPERATOR FLEEING A PEACE OFFICER, by Representative T. McCartney, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 178**, FIREARMS AMENDMENTS, by Representative T. McCartney, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 70, H.B. 173, and H.B. 178** were considered read for the second time and placed on the Consent Calendar.

### THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from **1st Sub. S.B. 28, INITIATIVE AMENDMENTS**, and it was before the Senate. Senator Hickman explained the bill.

Senator Valentine proposed the following amendment under suspension of rules:

1. Page 4, Line 97:  
After “initiative” delete “for which an application was filed” and insert “that was submitted to the county clerks and lieutenant governor for certification and evaluation”

Senator Valentine’s motion to amend passed on a voice vote.

Senator Thomas proposed the following amendment:

1. Page 1, Line 6:  
After “signature requirements” delete “,” and insert “and” and after “disclosure requirements” insert “.” and delete the rest of the line.
2. Page 1, Line 7:  
Delete “the time period during which the sponsors may gather signatures.”
3. Page 3, Line 86:  
After “later than” reinstate “the second regular general election” and delete “one year”
4. Page 8, Line 211:  
After “(3)” reinstate “(a)”
5. Page 8, Lines 213–217:  
Reinstate lines 213–217.

Senator Thomas’ motion to amend failed on a voice vote.

The bill passed on the following roll call:

**Yeas, 18; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell

Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Valentine
Walker	Wright		

**Voting in the negative were:** Senators

Allen	Arent	Hale	Julander
Mayne	Stephenson	Thomas	

**Absent or not voting were:** Senators

Bramble	Davis	Waddoups	Mansell
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**1st Sub. S.B. 28**, as amended, was transmitted to the House.

\* \* \*

**S.B. 120**, PAYMENT OF WAGES AMENDMENTS, was read the third time.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**S.B. 107**, CERTIFICATION OF MINES, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Davis	Hickman	Mansell
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**S.B. 37**, as amended, was transmitted to the House.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 10, 2003

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

#### **Business and Labor**

- 1st Sub. H.B. 48** Utah Construction Trade Licensing Act Amendments  
(S. Urquhart)
- H.B. 90** Equipment Dealer Warranty Reimbursement Act  
(D. Peterson)

#### **Education**

- H.B. 92** School Funds Amendments (B. Last)
- H.B. 169** Process for Creation of New School Districts (D. Cox)

#### **Government Operations and Political Subdivisions**

- H.B. 102** Election Day Materials (L. Pace)
- H.B. 103** Voter Registration Amendments (L. Pace)
- H.B. 228** Local Government Officials Amendments  
(M. Thompson)

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

- S.B. 144** Health Insurance – Prompt Payment Amendments  
(P. Knudson)
- H.B. 94** Utah Controlled Substances – Extraction and Reduction  
Labs (D. Bowman)
- H.B. 106** Foster Care Guidance Through Providers Contracts  
(M. Dayton)

#### **Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 207** Identity Fraud Amendments (P. Knudson)
- H.B. 209** Sentencing for Use of Dangerous Weapon (G. Hughes)
- H.B. 210** Sexual Abuse of a Child Amendments (M. Thompson)

#### **Natural Resources, Agriculture, and Environment**

- S.B. 142** Agricultural Cooperatives Amendments (L. Blackham)
- H.B. 91** Enforcement Procedure Amendments of Water Well  
Drillers (D. Peterson)

**H.J.R. 12** Resolution Providing Management of Wolves in Utah  
(M. Styler)

**Retirement and Independent Entities**

**H.B. 199** Line-of-duty Death Benefit (R. Bigelow)

**Revenue and Taxation**

**S.B. 72** Amendments to Special Districts and Local Districts for  
Expanded Fire Protection Services (D. Thomas)

**S.B. 157** Regulation of Credit Union Service Organizations  
(L. Hillyard)

**Transportation and Public Utilities and Technology**

**1st Sub. H.B. 13** Transportation Corridor Preservation Amendments  
(M. Dillree)

Lyle Hillyard  
Rules Committee Chair

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

**SECOND READING CALENDAR**

**S.B. 130, REGULATIONS OF CHECK CASHERS**, was read the second time. Senator Mayne explained the bill. Senator James Evans commented. Senator James 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Gladwell	Hillyard	Mansell
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\* \* \*

On motion of Senator Hale, the circle was removed from **S.B. 99, SEAT BELT ENFORCEMENT**, and it was before the Senate. Senator Hale explained the

bill. Senators Hickman, Eastman, Knudson, Allen, Arent, Blackham, Steele, Julander, Waddoups, Stephenson, Buttars, and Gladwell commented. The bill failed on the following roll call:

**Yeas, 13; Nays, 14; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Eastman	Gladwell	Hale	Julander
Knudson	Mayne	Steele	Stephenson
Valentine			

**Voting in the negative were:** Senators

Blackham	Bramble	Buttars	Dmitrich
J. Evans	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

B. Evans	Mansell
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**S.B. 99** was returned to the staff for filing.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, and it was before the Senate. Senator Bramble explained the bill. Senators Allen, Wright, Blackham, Hatch, Bell, Buttars, James Evans, Knudson, Hickman, Hillyard, Eastman, and Buttars commented. The bill passed on the following roll call:

**Yeas, 15; Nays, 11; Absent, 3.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hale
Hillyard	Julander	Knudson	Mayne
Steele	Thomas	Walker	

**Voting in the negative were:** Senators

Allen	Blackham	Davis	Dmitrich
Hatch	Hellewell	Hickman	Jenkins
Stephenson	Waddoups	Wright	

**Absent or not voting were:** Senators

B. Evans                      Valentine                      Mansell

\* \* \*

On motion of Senator Hatch, the Senate voted to allow a bill file to be opened regarding farm land assessment.

\* \* \*

On motion of Senator Waddoups and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 11, 2003.

# TWENTY-THIRD DAY

## MORNING SESSION

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

**Prayer** – Courtney Hall, President of the Seminary Council at Sky View High School

**Pledge of Allegiance** – Senator Peter Knudson

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2003

The Speaker of the House has signed **S.B. 11**, CHILD CARE AMENDMENTS, by Senator B. Evans, and it is transmitted for the signature of the President; and

The House receded from its amendments and passed **S.B. 13**, DUI PLEA RESTRICTIONS, by Senator D. C. Buttars, 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. 14**, GOVERNOR'S OFFICE OF PLANNING AND BUDGET RECODIFICATION AND REVISIONS, by Senator R. Allen, and it is transmitted for the signature of the President; and

The House passed, **S.B. 41**, CLANDESTINE LAB RACKETEERING AMENDMENT, by Senator P. Arent, 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. 100**, INDIAN AFFAIRS AMENDMENTS, by Senator B. Evans, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 11**, **S.B. 13**, **S.B. 14**, **S.B. 41**, and **S.B. 100** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.



\* \* \*

Mr. President: February 10, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 40**, NOTICE OF INTENT TO SELL NONPUBLIC PERSONAL INFORMATION, by Representative D. Aagard, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 98**, MUNICIPAL DISCONNECTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed **H.B. 104**, DISPOSAL OF EVIDENCE IN CRIMINAL PROCEEDINGS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed **H.B. 121**, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 159**, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 192**, OVERSIGHT OF UTAH CLIMATE CENTER BY UTAH STATE UNIVERSITY, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 204**, FELONY MURDER AMENDMENTS, by Representative K. Morgan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 40**, **H.B. 98**, **H.B. 104**, **H.B. 121**, **1st Sub. H.B. 159**, **H.B. 192**, and **H.B. 204** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 10, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 68**, VOTER IDENTIFICATION REQUIREMENTS, by Senator D. Eastman; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 87**, LIBRARY AMENDMENTS, by Senator M. Waddoups, be

replaced and favorably recommends **1st Sub. S.B. 87, LIBRARY AMENDMENTS** with the following amendment:

1. Page 2, Line 28:  
After "ordinance" delete "2" and insert ", including, but not limited to, establishing policies for collections and information resources that are consistent with state and federal law."; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 129, STATE AND LOCAL AGENCIES CRITERIA IN AWARDING BIDS**, by Senator J. Evans, with the following amendments:

1. Page 1, Line 7:  
After "agencies to require" insert "certain"
2. Page 1, Line 10:  
After "contracts, to" insert "certain"
3. Page 2, Line 45:  
After "(4)(a)" delete "The" and insert "Subject to Subsection (4)(c), the"
4. Page 2, Line 47  
Senate Committee Amendment,  
2-4-2003:  
Delete "\$500,000" and insert "\$1,000,000"
5. Page 2, Line 54  
Senate Committee Amendment,  
2-4-2003:  
Delete "\$500,000" and insert "\$1,000,000" and after "subdivision may" delete "give" and insert "take into consideration the fact that"
6. Page 2, Line 55:  
At the beginning of line 55 delete "preference to" and after "carrier" delete "that"
7. Page 3, Line 59:  
After line 59 insert:  
"(c) This Subsection (4) applies only if the contractor, subcontractor, material supplier, or carrier from which a proposal is requested employs 15 or more persons."

8. Page 3, Line 63  
Senate Committee Amendment,  
2-4-2003:  
Delete “\$500,000” and insert “\$1,000,000”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 10**, RESOLUTION ENCOURAGING SHARING EXHIBITS WITH HISTORY MUSEUM, by Representative D. Clark.

Carlene M. Walker, Chair

Mr. President:

February 10, 2003

The Workforce Services and Community and Economic Development Committee recommends **S.B. 67**, REVISIONS TO BOARDS AND COMMISSIONS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 67**, REVISIONS TO BOARDS AND COMMISSIONS; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 141**, LOCAL GOVERNMENT CAPITAL PROJECTS, by Senator H. Stephenson, with the following amendments:

1. Page 1, Line 17:  
Delete line 17
2. Page 1, Line 25:  
After line 25 insert “11-39-107, Utah Code Annotated 1953”
3. Page 4, Line 91:  
At the beginning of line 91 delete “The legislative body of each” and insert “Each”
4. Page 4, Line 101:  
After “limit, the” delete “legislative body” and insert “local entity”
5. Page 4, Line 113:  
After “indicate that the” delete “legislative body” and insert “local entity”
6. Page 4, Line 115:  
After “(b)” insert “(i)”
7. Page 4, Lines 116-117:  
Delete lines 116 and 117 and insert “avoid”

(A) exceeding the bid limit; and  
(B) subjecting the local entity to the requirements of this section.  
(ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a building improvement or public works project that would, without dividing, exceed the bid limit if the local entity complies with the requirements of this section with respect to each part of the building improvement or public works project that results from dividing the cost.”

8. Page 4, Line 118:  
After “(3)(a) The” delete “legislative body” and insert “local entity”
9. Page 4, Line 119:  
After “(b) If the” delete “legislative body” and insert “local entity”
10. Page 4, Line 120:  
After “project, the” delete “legislative body” and insert “local entity”
11. Page 5, Line 123:  
After “(1)(a), the” delete “legislative body” and insert “local entity”
12. Page 5, Line 145:  
After line 145 insert:

“Section 7. Section 11–39–107 is enacted to read:

11–39–107. County may adopt procurement code.

(1) This chapter may not be construed to prohibit a county legislative body from adopting the procedures of Title 63, Chapter 56, Utah Procurement Code.

(2)(a) In seeking bids and awarding a contract for a building improvement or public works project, a county legislative body may elect to follow the provisions of Title 63, Chapter 56, Utah Procurement Code, as the county legislative body considers appropriate under the circumstances for specification preparation, source selection, or contract formation.

(b) An election to adopt the procedures of Title 63, Chapter 56, Utah Procurement Code, may not excuse the county from complying with the requirements to award a contract for work in excess of the bid limit and to publish notice of the intent to award.

(3) An election under Subsection (2) may be made on a case–by–case basis, unless the county has previously adopted the Utah Procurement code as permitted by Subsection 63–56–2(3)(e).

(4) If an election is made, it shall be done in an open meeting of the

county legislative body, and the portions of the Utah Procurement Code to be followed for the work under consideration shall be specified in the legislative body's action."

13. Page 9, Line 247:  
Delete lines 247 – 275
14. Page 10, Line 276:  
Delete lines 276–302  
Re-number remaining sections accordingly; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 165**, GUBERNATORIAL NOMINEE AMENDMENTS, by Senator L. Hillyard; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 15**, STATE ARMORY BOARD AMENDMENTS, by Representative D. Bush.

David L. Thomas, Chair

Mr. President:

February 7, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 108**, DANGEROUS WEAPONS AMENDMENTS, by Senator M. Waddoups, with the following amendments:

1. Page 1, Line 7:  
After "weapon." insert "The act modifies notice requirements related to prohibiting firearms in a house of worship or private residence."
2. Page 1, Line 12:  
After line 12 insert:  
"76–10–530, as enacted by Chapter 366, Laws of Utah 1999"
3. Page 5, Line 125:  
After "or" delete "Subsection"
4. Page 5, Line 126:  
Delete "75–10–500(1), or "
5. Page 5, Line 127:  
After "Administrator:" delete "or"
6. Page 5, Line 129:  
After "use" delete " " and insert "; or

(d) the possession is:

(i) at the person's place of residence or on the person's property;

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students;

or

(iii) at the person's place of business which is not located in the areas described in Subsections 76-3-203.2(1)(a)(i), (ii), or (iv)."

7. Page 5, Line 131:

After line 131 insert:

"Section 4. Section 76-10-530 is amended to read:

76-10-530. Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.

(1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Weapon Act, after ~~[having received]~~ notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:

(a) transport a firearm into:

(i) a house of worship; or

(ii) a private residence; or

(b) while in possession of a firearm, enter or remain in:

(i) a house of worship; or

(ii) a private residence.

(2) Notice that firearms are prohibited may be ~~[made]~~ given by:

(a) personal communication to the actor by:

(i) the church or organization operating the house of worship;

(ii) the owner, lessee, or person with lawful right of possession of the private residence; or

(iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii); ~~[or]~~

(b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence~~[-];~~

(c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;

(d) publication in a bulletin, newsletter, worship program or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or

(e) publication in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state.

(3) A church or organization operating a house of worship and giving

notice that firearms are prohibited may:

(a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (2); and

(b) provide or allow exceptions to the prohibition as the church or organization considers advisable.

(4) (a) Within 30 days of giving or revoking any notice pursuant to Subsection (2)(c), (2)(d), or (2)(e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.

(b) Any notice given pursuant to Subsection (2)(c), (2)(d), or (2)(e) shall remain in effect until revoked or for a period of five years from the date the notice was originally given, whichever occurs first.

~~[(3)]~~ (5) Nothing in this section permits an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.

~~[(4)]~~ (6) A violation of this section is an infraction."

Renumber remaining sections accordingly.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 68, 1st Sub. S.B. 87**, as amended, **S.B. 129**, as amended, **H.J.R. 10, 1st Sub. S.B. 67, S.B. 141**, as amended, **S.B. 165, H.B. 15**, and **S.B. 108**, as amended, were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORT**

Mr. President: February 10, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 171, PAMELA ATKINSON HOMELESS TRUST ACCOUNT**, by Representative M. Stephens, and recommends it be considered read for the second time and placed on the Consent Calendar.

David L. Thomas, Chair

On motion of Senator Thomas, the committee report was adopted. **H.B. 171** was considered read the second time and placed on the Consent Calendar.

**STANDING COMMITTEE REPORT**

Mr. President: February 10, 2003

The Government Operations and Political Subdivisions Committee has returned **S.B. 56, WAIVER OF GOVERNMENTAL IMMUNITY BY**

GOVERNMENTAL ENTITIES, by Senator J. Evans, to the Secretary of the Senate.

Carlene M. Walker, Chair

**S.B. 56** was returned to the Rules Committee.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2003

The House passed, as amended, **H.B. 160**, EMERGENCY HEALTH RESPONSE AMENDMENTS, by Representative M. Dillree, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 160** was read the first time and referred to the Rules Committee.

### CONSENT CALENDAR

**H.B. 9**, COMPETENCY TO STAND TRIAL AMENDMENTS, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hickman	Knudson	Steele
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**H.B. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

**S.B. 130**, REGULATIONS OF CHECK CASHERS, was read the third time, explained by Senator Mayne, and passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hickman	Steele
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**S.B. 130**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **S.B. 107**, CERTIFICATION OF MINES, and it was before the Senate. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hickman	Steele
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**S.B. 107** was transmitted to the House.

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**S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, was read the third time and explained by Senator Bramble.

Senator Hickman proposed the following amendment:

1. Page 1, Line 7  
Senate 2nd Reading Amendments  
2-5-2003:  
After “laws.” insert “This act limits the use of unmarked vehicles in an organized operation to an operation conducted in a county of the first or second class unless no more than one unmarked vehicle is used for the operation.”
2. Page 2, Line 29  
Senate 2nd Reading Amendments  
2-5-2003:  
Line 29 after “(i)” insert “conducted within a county of the first or second class as defined under Section 17-50-501, unless no more than one unmarked vehicle is used for the operation;  
(ii)”
3. Page 2, Line 31  
Senate 2nd Reading Amendments  
2-5-2003:  
Line 31 reinstate “(iii)” and delete “(ii)”

Senator Hickman’s motion to amend passed on a voice vote.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 31:  
delete “reducing traffic violations” and insert “aggressive driving”

Senator Waddoups’s motion to amend passed on a voice vote.

Senator Allen proposed the following amendment:

1. Page 2, Line 58b:  
After “UNIFORM” insert “INCLUDING HAT.”

Senator Allen’s motion to amend failed on a voice vote.

Senators Waddoups, Gladwell, and Allen commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Dmitrich	Eastman	B. Evans	J. Evans

Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright			

**Voting in the negative were:** Senators

Allen	Davis	Gladwell	Hellewell
Stephenson	Mansell		

**Absent or not voting were:** Senators

Blackham	Steele
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**S.B. 106**, as amended, was transmitted to the House.

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On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, and it was before the Senate.

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

**MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS**

**2nd Sub. S.B. 89**

*D. Chris Buttars*

THIS ACT MODIFIES THE MENTAL HEALTH PROFESSIONAL PRACTICE ACT BY ALLOWING A CERTIFIED SOCIAL WORKER INTERN TO PROVIDE MENTAL HEALTH THERAPY UNDER THE SUPERVISION OF A CLINICAL SOCIAL WORKER.

On motion of Senator Buttars, the bill was circled.

**SECOND READING CALENDAR**

**S.B. 53**, AMENDMENTS TO CONTROLLED SUBSTANCE ACT, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hellewell
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\* \* \*

**S.B. 121, FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE AMENDMENTS**, was read the second time. Senator Knudson explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bell	Blackham	Hellewell
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\* \* \*

**S.C.R. 2, RESOLUTION REGARDING CLINICAL TRIALS FOR WOMEN'S HEALTH CARE**, was read the second time. Senator Julander explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**S.B. 32, DRIVER EDUCATION COURSES**, was read the second time. Senator Walker explained the bill. Senators Allen, Hatch, Steele, Wright, James Evans commented.

Senator Hatch proposed the following amendment:

1. Page 1, Line 7 and 8 :  
Senate Committee Amendments dated 2–5–2003  
After “student fees” delete “, excluding the full–time equivalent cost of a teacher when the program is taught during regular school hours”
2. Page 2, Line 34 through 37:  
Delete “: (i) the full–time equivalent cost of a teacher for a driver education class taught during regular school hours; (ii)”

Senator Hatch’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator  
Steele

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

\* \* \*

On motion of Senator Knudson, the circle was removed from **S.B. 112, GOVERNMENT RECORDS PROTECTIONS FOR FEDERAL MISSION OF**

NATIONAL GUARD, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Arent	Blackham	Davis
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\* \* \*

**S.B. 57, CHARTER SCHOOL AMENDMENTS**, was read the second time. Senator Stephenson 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

Arent	Bell	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Blackham	Bramble	Davis
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\* \* \*

**1st Sub. S.B. 98, TAXATION OF MEDICALLY IMPLANTED DEVICES AND PROSTHETICS**, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Allen	Blackham	Bramble	Davis
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\* \* \*

**1st Sub. S.B. 131, INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME,** was read the second time.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

**S.B. 65, RECLAMATION SURETY FOR MINING OPERATIONS,** was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 2, Lines 30–31:  
After “operations” reinstate the deleted language

Senator Dmitrich’s motion to amend passed on a voice vote.

Senator Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen                      Blackham                      Buttars

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st S.B. 131, INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME**, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Buttars                      Davis

\* \* \*

**S.B. 75, CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS OPERATING WATER SYSTEMS**, was read the second time. Senator Walker explained the bill. Senators Bev Evans and Jenkins commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Jenkins



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

\* \* \*

**1st Sub. S.B. 123, INHERENT RISK OF LIVESTOCK ACTIVITIES**, was read the second time. Senator Bev Evans explained the bill.

Senator Bev Evans proposed the following amendment:

1. Page 4, Line 115:  
Reinstate (ii) and delete (3)
2. Page 4, Line 116:  
Delete (e) and insert (d)
3. Page 4, Line 117:  
Delete (2) and insert (3)

Senator Evan’s motion to amend passed on a voice vote.

Senators Allen, Hillyard, Gladwell, and Valentine commented.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Dmitrich, the Senate voted to allow a bill file to be opened honoring Ernest Dean.

On motion of Senator Hale, the Senate voted to allow a bill file to be opened honoring the efforts of organ donors.

\* \* \*

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

## **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 11, 2003

The House passed, as amended, **H.B. 17, AGRICULTURAL PRODUCTS DEALER’S ACT AMENDMENTS**, by Representative C. Buttars, et al, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, RESOLUTION URGING FEDERAL AND STATE ACTION AGAINST INTERNET ABUSES, by Representative D. Love, and it is transmitted for consideration; and

The House passed **H.C.R. 12**, RESOLUTION HONORING CREW OF SPACE SHUTTLE COLUMBIA, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.J.R. 15**, RESOLUTION SUPPORTING EFFORTS TO BUILD AND DEPLOY NATIONAL MISSILE DEFENSE SYSTEM, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 16**, RESOLUTION REGARDING THE COLLECTION AND RETENTION OF PERSONAL INFORMATION BY GOVERNMENT ENTITIES, by Representative W. Harper, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 17**, **H.C.R. 4**, **H.C.R. 12**, **H.J.R. 15**, and **H.J.R. 16** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 11, 2003

The Rules Committee substituted **1st Sub. S.B. 56** Local Government Boards of Examiners in place of **S.B. 56**, Waiver of Governmental Immunity by Governmental Entities by Sen. J. Evans and recommends assignment of the following bills and resolution to standing committees:

#### **Business and Labor**

**S.B. 198** Division of Real Estate – Definitions Amendments  
(J. Valentine)

#### **Education**

**H.B. 192** Oversight of Utah Climate Center by Utah State  
University (B. Ferry)

#### **Government Operations and Political Subdivisions**

**1st Sub. S.B. 56** Local Government Boards of Examiners (J. Evans)  
**S.B. 166** Community and Economic Development Amendments  
(C. Walker)  
**H.B. 98** Municipal Disconnection Amendments (A. Hardy)

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

**S.B. 162** Medical Benefits Recovery Act Amendments (D. Steele)

**H.B. 160** Emergency Health Response Amendments (M. Dillree)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 202** Peace Officer Amendment (M. Waddoups)

**H.B. 57** Expansion of Protective Order (L. Shurtliff)

**H.B. 104** Disposal of Evidence in Criminal Proceedings  
(J. S. Adams)

**H.B. 204** Felony Murder Amendments (K. Morgan)

**Natural Resources, Agriculture, and Environment**

**S.B. 133** Reauthorization of the Energy Policy Task Force  
(L. Blackham)

**Revenue and Taxation**

**H.B. 211** Disabilities Appropriations Nonlapsing (R. Lockhart)

**H.J.R. 13** Joint Resolution Supporting Repeal of Federal Estate Tax  
(C. Buttars)

**Workforce Services and Community and Economic Development**

**S.B. 249** Administrative Fines – Clean up Amendments  
(L. Hillyard)

**H.B. 40** Protection of Nonpublic Personal Information  
(D. Aagard)

**H.B. 121** Leave of Absence for Disabled Employees (C. Bennion)

**1st Sub. H.B. 159** Voluntary Contribution Act Amendments (C. Bennion)  
Lyle Hillyard  
Rules Committee Chair

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

**REVISED COMMITTEE REPORTS**

Mr. President: February 10, 2003

The Government Operations and Political Subdivisions Committee recommends **S.B. 87**, LIBRARY AMENDMENTS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 87**, LIBRARY AMENDMENTS with the following amendments:

1. Page 2, Line 28:  
Delete lines 29–30 and insert  
“including, but not limited to, establishing policies for collections and information resources that are consistent with state and federal law.”;  
and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 129**, STATE AND LOCAL AGENCIES CRITERIA IN AWARDING BIDS, by Senator J. Evans, with the following amendments:

1. Page 1, Line 7:  
After “agencies to require” insert “certain”
2. Page 1, Line 10:  
After “contracts, to” insert “certain”
3. Page 2, Line 45:  
After “(4)(a)” delete “The” and insert “Subject to Subsection (4)(c), the”
4. Page 2, Line 47:  
Delete “\$100,000” and insert “\$1,000,000”
5. Page 2, Line 54:  
Delete “\$100,000” and insert “\$1,000,000” and after “subdivision may” delete “give” and insert “take into consideration the fact that”
6. Page 2, Line 55:  
At the beginning of line 55 delete “preference to” and after “carrier” delete “that”
7. Page 3, Line 59:  
After line 59 insert:  
“(c) This Subsection (4) applies only if the contractor, subcontractor, material supplier, or carrier from which a proposal is requested employs 15 or more persons.”
8. Page 3, Line 63:  
Delete “\$100,000” and insert “\$1,000,000”

Carlene M. Walker, Chair

On motion of Senator Steele, the committee reports were adopted. **1st Sub. S.B. 87** and **S.B. 129** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### RESOLUTION REGARDING DIVISION OF YOUTH CORRECTIONS NAME CHANGE

**S.R. 7**

*Parley G. Hellewell*

THIS RESOLUTION OF THE SENATE RECOMMENDS THAT THE DIVISION OF YOUTH CORRECTIONS CHANGE ITS NAME TO MORE

ACCURATELY REFLECT THE ADDITIONAL DUTIES AND RESPONSIBILITIES THAT THE LEGISLATURE HAS PLACED ON THE DIVISION, was read for the first time and referred to the Rules Committee.

On motion of Senator Hillyard, under suspension of rules, **S.R. 7** was placed at the bottom of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Mayne, the circle was removed from **S.B. 46**, RESIDENTIAL PROPERTY TAX EXEMPTIONS, and it was before the Senate.

Senator Mayne proposed the following amendment:

- 1. Page 1, Line 12:  
After “changes.” insert “This act takes effect on January 1, 2005.”
- 2. Page 10, Line 283:  
Delete “2004” and insert “2005”
- 3. Page 12, Line 343:  
After Line 343 insert:  
“Section 4. Effective date.  
This act takes effect on January 1, 2005.”

Senator Mayne’s motion to amend failed on a voice vote.

Senator Mayne explained the bill. Senators Steele, Hatch, Waddoups, Hillyard, and Bev Evans commented. Senator Hatch declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 16; Nays, 10; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Jenkins	Julander
Knudson	Mayne	Waddoups	Mansell

**Voting in the negative were:** Senators

Bell	B. Evans	Gladwell	Hatch
Hickman	Hillyard	Steele	Thomas
Valentine	Wright		

**Absent or not voting were:** Senators

Hellewell                      Stephenson                      Walker

\* \* \*

**S.B. 52, ACCESS TO UNINSURED MOTORISTS INFORMATION**, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

J. Evans                      Stephenson                      Walker

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 125, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS**, and it was before the Senate.

Senator Bramble proposed the following amendments:

1. Page 1, Line 8:  
After “camper” insert “, for participating in a parade,”
2. Page 2, Line 39:  
Delete “or”
3. Page 2, Line 40:  
After “operation” insert “, or  
(c) participating in a parade”and
1. Page 1, Line 8:  
After “exceptions for” insert “nonpublic highways, for”

- 2. Page 2, Line 39:  
After “(a)” insert “in a vehicle that is not being driven on a public highway;  
(b)”
- 3. Page 2, Line 40:  
Delete “(b)” and insert “(c)”

Senator Bramble’s motion to amend passed on a voice vote.

Senator Bramble explained the bill. Senator Wright commented. The bill failed on the following roll call:

**Yeas, 12; Nays, 15; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	J. Evans	Hale	Julander
Mayne	Steele	Thomas	Mansell

**Voting in the negative were:** Senators

Bell	Dmitrich	Eastman	B. Evans
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Stephenson
Valentine	Waddoups	Wright	

**Absent or not voting were:** Senators

Blackham	Walker
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\* \* \*

**S.C.R. 3, RESOLUTION DESIGNATING LEGISLATORS BACK TO SCHOOL WEEK**, was read the second time. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Buttars                      Walker

\* \* \*

**S.B. 50, MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT AMENDMENTS,** was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 55, PROVISIONAL BALLOT AMENDMENTS,** was read the second time. Senator Eastman explained the bill. Senator Hickman commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	

**Voting in the negative was:** Senator Mansell

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

\* \* \*

**S.B. 74, AMENDMENTS TO INTERLOCAL COOPERATION ACTS,** was read the second time.

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

**AMENDMENTS TO INTERLOCAL COOPERATION ACT**

**1st Sub. S.B. 74**

*David L. Gladwell*

THIS ACT MODIFIES THE INTERLOCAL COOPERATION ACT TO SPECIFY MATTERS THAT CAN BE THE SUBJECT OF AN INTERLOCAL



AGREEMENT BETWEEN TWO OR MORE PUBLIC AGENCIES. THE ACT MODIFIES PROVISIONS RELATING TO THE APPROVAL OF CERTAIN AGREEMENTS AND IMPOSES ADDITIONAL REQUIREMENTS ON AGREEMENTS THAT ARE REQUIRED TO BE APPROVED BY A PUBLIC AGENCY'S LEGISLATIVE BODY. THE ACT PROVIDES FOR THE POWERS, IMMUNITIES, AND PRIVILEGES OF LAW ENFORCEMENT OFFICERS PERFORMING DUTIES UNDER AN INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES. THE ACT EXPANDS THE ENTITIES WITH WHICH A POLITICAL SUBDIVISION MAY SHARE ITS REVENUES. THE ACT ENACTS PROVISIONS RELATING TO THE STATUS OF EMPLOYEES OF PUBLIC AGENCIES WHO PERFORM DUTIES UNDER AN INTERLOCAL AGREEMENT WITH ANOTHER PUBLIC AGENCY. THE ACT ALSO MAKES TECHNICAL CHANGES.

Senator Gladwell explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Mayne	Valentine
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**S.B. 127, APPEARANCE OF DRIVER LICENSE AMENDMENTS,** was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 143, MOTOR VEHICLE DISCLOSURE REQUIREMENTS – PURCHASER'S RIGHTS,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Mayne	Valentine	Waddoups
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\* \* \*

**1st Sub. S.B. 27, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS,** was read the second time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**H.B. 197, LICENSE PLATE FOR BOYS AND GIRLS CLUBS,** was read the second time.

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

**LICENSE PLATE FOR BOYS AND GIRLS CLUBS**

**1st Sub. H.B. 197**

*Chad Bennion*

THIS ACT MODIFIES THE MOTOR VEHICLE CODE BY ADDING A BOYS AND GIRLS CLUBS OF AMERICA SPECIAL GROUP LICENSE PLATE TO PROVIDE FINANCIAL SUPPORT TO THE UTAH ALLIANCE OF BOYS AND GIRLS CLUBS, INC. THIS ACT REQUIRES APPLICANTS FOR THE NEW PLATE TO MAKE A \$25 ANNUAL DONATION TO THE UTAH ALLIANCE OF BOYS AND GIRLS CLUBS, INC. THIS ACT TAKES EFFECT ON OCTOBER 1, 2003. THIS ACT PROVIDES A COORDINATION CLAUSE.

Senator Walker explained the bill. Senators Allen, Bramble, Buttars, Hickman, and Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**H.B. 38, DIVISION OF CORPORATIONS AMENDMENT**, was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Knudson	Thomas
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\* \* \*

**1st Sub. H.B. 34, AMENDMENTS TO CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Bramble	Knudson	Thomas	Wright
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\* \* \*

**1st Sub. H.B. 39, REPEAL OF EDUCATION REPORTS AND DUTIES,** was read the second time. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hillyard	Thomas
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\* \* \*

**H.B. 62, EMERGENCY RESPONSE COSTS,** was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Waddoups and at 3:55 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 12, 2003.

# TWENTY-FOURTH DAY

## MORNING SESSION

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

**Prayer** – Reverend Michael J. Imperiale, Pastor, First Presbyterian Church

**Pledge of Allegiance** – Senator Dan Eastman

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 11, 2003

The House passed **H.B. 69**, APPROPRIATION FOR SCHOOL DISTRICT IMPACTED BY FEE WAIVERS, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed **H.B. 108**, FULLY INTERACTIVE DRIVING SIMULATORS IN DRIVER EDUCATION, by Representative J. Dougall, et al, and it is transmitted for consideration; and

The House passed **H.B. 116**, PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed **H.B. 195**, ELECTION PROCESS FOR NONBINDING STATEWIDE OPINION QUESTION, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 200**, PROPERTY TAXES AND UNIFORM FEES – INTEREST RATES ON DEFERRED OR DELINQUENT TAXES, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 234**, ADMINISTRATIVE TREATMENT OF TRAFFIC VIOLATIONS – TECHNICAL AMENDMENTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed **H.B. 235**, FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 3**, RESOLUTION ON TUITION TAX CREDIT BALLOT OPINION QUESTION, by Representative S. Allen, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 8**, RESOLUTION SUPPORTING HILL AIR FORCE BASE, by Representative M. Stephens, et al, and it is transmitted for consideration; and

The House passed **H.C.R. 9**, RESOLUTION RECOGNIZING POSITIVE INFLUENCE OF LOCAL BUSINESSES ON STATE ECONOMY, by Representative J. Dougall, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 69, H.B. 108, H.B. 116, H.B. 195, 1st Sub. H.B. 200, H.B. 217, H.B. 234, H.B. 235, H.C.R. 3, H.C.R. 8, and H.C.R. 9** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: February 11, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 66**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT, by Senator M. Waddoups.

Parley Hellewell, Chair

Mr. President: February 11, 2003

The Health and Human Services Committee recommends **S.B. 132**, CHILD SUPPORT AND PATERNITY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 132**, CHILD SUPPORT AND PATERNITY AMENDMENTS; and

The Health and Human Services Committee recommends **S.B. 134**, PROMOTION OF PREVENTATIVE HEALTH CARE, by Senator P. Julander, be replaced and favorably recommends **2nd Sub. S.B. 134**, PROMOTION OF PREVENTATIVE HEALTH CARE.

James Evans, Chair

Mr. President: February 11, 2003

The Education Committee recommends **S.B. 76**, UTAH FIREWORKS ACT AMENDMENTS, by Senator D. Eastman, be replaced and favorably

recommends **1st Sub. S.B. 76**, UTAH FIREWORKS ACT AMENDMENTS with the following amendments:

1. Page 1, Line 6:  
After “times” delete “for retail sale”
2. Page 2, Line 41:  
After “53-7-225” delete “for retail sale”
3. Page 2, Line 43:  
Delete Lines 43-45
4. Page 2, Line 46:  
Delete “(vi)” and insert “(v)”
5. Page 2, Line 48:  
Delete “(vii)” and insert “(vi)”
6. Page 2, Line 50:  
Delete “(viii)” and insert “(vii)”
7. Page 2, Line 52:  
Delete “(ix)” and insert “(viii)”
8. Page 2, Line 53:  
Delete “(x)” and insert “(ix)”
9. Page 2, Line 54:  
Delete “(xi)” and insert “(x)”
10. Page 3, Line 79:  
After “times” delete “for retail sale”; and

The Education Committee reports a favorable recommendation on **S.B. 109**, EDUCATION ASSISTANCE FOR NATIONAL GUARD MEMBERS, by Senator P. Knudson, with the following amendments:

1. Page 1, Line 19:  
Delete “10%” and insert “waivers”

## 2. Page 1, Line 20:

After "Guard." insert "Waivers shall be preserved by the student at least 60 days before the beginning of an academic term."

Bill Wright, Chair

Mr. President:

February 11, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 142**, AGRICULTURAL COOPERATIVES AMENDMENTS, by Senator L. Blackham; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 91**, ENFORCEMENT PROCEDURE AMENDMENTS OF WATER WELL DRILLERS, by Representative D. Peterson; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 12**, RESOLUTION PROVIDING MANAGEMENT OF WOLVES IN UTAH, by Representative M. Styler.

Beverly Ann Evans, Chair

Mr. President:

February 11, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 61**, PUBLIC UTILITY RELATED AMENDMENTS, by Senator J. Valentine, with the following amendments:

## 1. Page 3, Lines 83–84:

Reinstate the bracketed language on lines 83 and 84 and after the reinstated language insert "to"

## 2. Page 3, Line 85:

After "maintain" insert "appropriate"

## 3. Page 4, Line 93:

Delete "including." and insert ".\_"

## 4. Page 4, Lines 94–95:

Delete lines 94–95; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 13**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Representative M. Dillree; and



The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 59**, OFF-HIGHWAY VEHICLE PROGRAM FUNDING, by Representative B. Goodfellow.

David H. Steele, Chair

Mr. President: February 11, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 136**, GUILTY AND MENTALLY ILL SENTENCING AMENDMENTS, by Senator D. Gladwell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **H.B. 64**, PUBLIC WATER SYSTEMS AMENDMENTS, by Representative R. Barrus, be replaced and favorably recommends **1st Sub. H.B. 64**, PUBLIC WATER SYSTEMS AMENDMENTS.

Gregory S. Bell, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 66**, **1st Sub. S.B. 132**, **2nd Sub. S.B. 134**, **1st Sub. S.B. 76**, as amended, **S.B. 109**, as amended, **S.B. 136**, **1st Sub. H.B. 64**, **S.B. 142**, **H.B. 91**, **H.J.R. 12**, **S.B. 61**, as amended, **1st Sub. H.B. 13**, and **H.B. 59** were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 11, 2003

The Business and Labor Committee has returned **S.B. 114**, JOURNAL OF NOTARY PUBLIC ACTS, by Senator P. Knudson, to the Rules Committee.

Parley Hellewell, Chair

**S.B. 114** was returned to the Rules Committee.

## INTRODUCTION OF BILLS

### RESOLUTION ENCOURAGING CONGRESS TO ENACT MEDICARE PRESCRIPTION DRUG BENEFIT

**S.J.R. 11**

*Gene Davis*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES THE UNITED STATES CONGRESS TO ENACT FINANCIALLY SUSTAINABLE, VOLUNTARY, UNIVERSAL, AND PRIVATELY ADMINISTERED

OUTPATIENT PRESCRIPTION DRUG COVERAGE AS PART OF THE FEDERAL MEDICAID PROGRAM, was read for the first time and referred to the Rules Committee.

### CONSENT CALENDAR

**H.B. 16, EQUAL EMPLOYMENT OPPORTUNITY – TECHNICAL CHANGES**, 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

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Blackham	J. Evans	Mayne
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**H.B. 16** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 74, UNAUTHORIZED ENTRY ON SCHOOL BUS PROHIBITED**, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	J. Evans	Hellewell	Julander
Mayne			

**H.B. 74** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 31, WORKFORCE SERVICES OVERPAYMENT AMENDMENTS**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
Gladwell	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	J. Evans	Hellewell
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**1st Sub. H.B. 31** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**THIRD READING CALENDAR**

**S.B. 53, AMENDMENTS TO CONTROLLED SUBSTANCE ACT**, was read the third time and explained by Senator Knudson. Senators Valentine and Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hatch	Hellewell
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**S.B. 53** was transmitted to the House.

\* \* \*

**S.B. 121**, FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Gladwell	Hatch	Hellewell
Wright			

**S.B. 121** was transmitted to the House.

\* \* \*

**S.C.R. 2**, RESOLUTION REGARDING CLINICAL TRIALS FOR WOMEN’S HEALTH CARE, was read the third time and explained by Senator Julander. Senator Stephenson commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Hatch	Hellewell	Wright
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**S.C.R. 2** was transmitted to the House.

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**S.B. 32, DRIVER EDUCATION COURSES,** was read the third time.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 112, GOVERNMENT RECORD PROTECTIONS FOR FEDERAL MISSION OF NATIONAL GUARD,** was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Hale	Hatch	Hellewell
Mayne			

**S.B. 112** was transmitted to the House.

\* \* \*

**S.B. 57, CHARTER SCHOOL AMENDMENTS,** was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Allen                      Davis                      Dmitrich

**Absent or not voting were:** Senators

Blackham              Hale                      Hatch                      Hillyard

**S.B. 57**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 98**, TAXATION OF MEDICALLY IMPLANTED DEVICES AND PROSTHETICS, was read the third time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 65**, RECLAMATION SURETY FOR MINING OPERATIONS, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham              Hale                      Hatch                      Julander

**S.B. 65**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 131**, INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Hale	Hatch	Hellewell
Mayne			

**1st Sub. S.B. 131** was transmitted to the House.

\* \* \*

**S.B. 75, CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS OPERATING WATER SYSTEMS**, was read the third time, explained by Senator Walker, and passed on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Blackham	Gladwell	Hale	Hatch
Hellewell	Hickman		

**S.B. 75** was transmitted to the House.

\* \* \*

**S.B. 46, RESIDENTIAL PROPERTY TAX EXEMPTIONS**, was read the third time.

On motion of Senator Mayne, the bill was circled.

\* \* \*

**S.B. 52, ACCESS TO UNINSURED MOTORIST INFORMATION**, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Gladwell	Hatch	Hellewell
Hickman			

**S.B. 52** was transmitted to the House.

\* \* \*

**S.C.R. 3, RESOLUTION DESIGNATING LEGISLATORS BACK TO SCHOOL WEEK**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Gladwell	Hatch	Hellewell
Hickman	Julander		



**S.C.R. 3** was transmitted to the House.

\* \* \*

**S.B. 55, PROVISIONAL BALLOT AMENDMENTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hatch	Hellewell	Hickman
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**S.B. 55** was transmitted to the House.

**TIME CERTAIN**

A citation was read by Sandy Tenney honoring Life Flight and Airmed crews.

Senators Julander, Valentine, Allen, and Bramble commented.

**THIRD READING CALENDAR**

**1st Sub. S.B. 74, AMENDMENTS TO INTERLOCAL COOPERATION ACT**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Hellewell	Hillyard	Jenkins	Julander
Mansell			

**1st Sub. S.B. 74** was transmitted to the House.

\* \* \*

**S.B. 143, MOTOR VEHICLE DISCLOSURE REQUIREMENTS – PURCHASER’S RIGHTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Dmitrich	Eastman	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Allen	Buttars	Davis	B. Evans
Hellewell	Julander	Mayne	Mansell

**S.B. 143** was transmitted to the House.

\* \* \*

**1st Sub. H.B. 197, LICENSE PLATE FOR BOYS AND GIRLS CLUBS**, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 5, Line 130:  
After line 130 insert:  
“Section 3. Effective date.  
This act takes effect October 1, 2003.”
2. Page 5, Line 131:  
Delete “3” and insert “4”

Senator Walker’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Allen	Eastman	B. Evans	Hickman
Julander	Mayne	Mansell	

**1st Sub. H.B. 197**, as amended, was returned to the House.

\* \* \*

**H.B. 38**, DIVISION OF CORPORATIONS AMENDMENT, 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

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Allen	Eastman	Hickman	Julander
Mansell			

**H.B. 38** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 34**, AMENDMENTS TO CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Julander	Mansell
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**1st Sub. H.B. 34** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **H.B. 22** from the Third Reading Table for the purpose of substitution.

**H.B. 22, PROPERTY TAX RELIEF**, was read the third time.

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

**PROPERTY TAX RELIEF**

**1st Sub. H.B. 22**

*Wayne Harper*

THIS ACT MODIFIES PROVISIONS RELATING TO PROPERTY TAX RELIEF. THE ACT AMENDS THE DEFINITION OF HOUSEHOLD INCOME AND DEFINES TERMS. THE ACT AMENDS PROVISIONS RELATING TO ELIGIBILITY TO CLAIM A HOMEOWNER’S CREDIT OR RENTER’S CREDIT. THIS ACT MAKES TECHNICAL CHANGES. THIS ACT HAS RETROSPECTIVE OPERATION TO JANUARY 1, 2003.

Senator Hickman commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**1st Sub. H.B. 39, REPEAL OF EDUCATION REPORTS AND DUTIES**, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker

**Absent or not voting were:** Senators

Hellewell	Knudson	Valentine	Wright
Mansell			

**1st Sub. H.B. 39** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **S.B. 120**, PAYMENT OF WAGES AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 26:  
Delete "(iii) the refusal to promote an employee:"
2. Page 1, Line 27:  
Delete "(iv)" and insert "(iii)"

Senator Jenkin's motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker		

**Absent or not voting were:** Senators

Valentine

Wright

Mansell

**S.B. 120**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Buttars, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### **SECOND READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **H.B. 62**, EMERGENCY RESPONSE COSTS, and it was before the Senate. Senator Buttars explained the bill. Senators Jenkins, Allen, Steele, Blackham, Hillyard, Hickman, and Thomas commented.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Waddoups and at 12:00 noon, the Senate adjourned until 10:00 a.m., Thursday, February 13, 2003.

# TWENTY-FIFTH DAY

## MORNING SESSION

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

**Prayer** – The Reverend Glen Gleaves, Associate Priest at All Saints Episcopal Church

**Pledge of Allegiance** – Senator Karen Hale

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2003

The House passed, **S.B. 80**, ADVERSE BENEFIT DETERMINATION AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 105**, PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 80** and **S.B. 105** 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, 2003

The House passed, as amended, **H.B. 86**, PUBLIC SCHOOL CHOICE ENROLLMENT, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 189**, LENDING LAW AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 223**, CHANGING STATE SONG, by Representative D. Love, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 86**, **2nd Sub. H.B. 189**, and **H.B. 223** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 12, 2003

The House passed, as amended, **S.B. 9**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, by Senator G. Davis, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, by Senator L. Blackham, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the bills were placed on the Concurrence Calendar.

### RULES COMMITTEE REPORTS

To the Members of the Senate: February 12, 2003

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

#### **Education**

**S.B. 168**                      Higher Education Legislative Task Force (D. Gladwell)

#### **Government Operations and Political Subdivisions**

**S.B. 164**                      County Amendments (D. Gladwell)

**S.B. 196**                      Election Law – Disclosure Requirements (B. Evans)

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

**S.B. 158**                      Division of Child and Family Services Management  
Information System Amendments (D. C. Buttars)

#### **Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 195**                      Obstruction of Justice and Tampering with Evidence  
(D. Thomas)



**Natural Resources, Agriculture, and Environment**

**H.B. 17** Agricultural Products Dealer’s Act Amendments  
(C. Buttars)

**Revenue and Taxation**

**H.B. 116** Property Tax – Calculation of Certified Tax Rate  
(A. Hardy)

**1st Sub. H.B. 200** Property Taxes and Uniform Fees – Interest Rates on  
Deferred or Delinquent Taxes (L. Christensen)

**Transportation and Public Utilities and Technology**

**H.B. 108** Fully Interactive Driving Simulators in Driver Education  
(J. Dougall)

**H.B. 234** Administrative Treatment of Traffic Violations –  
Technical Amendments (D. Cox)

Lyle Hillyard  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 12, 2003

The Rules Committee recommends the assignment of the following resolutions to the Second Reading Calendar:

**H.C.R. 8** Resolution Supporting Hill Air Force Base (M. Stephens)

**H.C.R. 9** Resolution Recognizing Positive Influence of Local  
Businesses on State Economy (J. Dougall)

**H.C.R. 12** Resolution Honoring Crew of Space Shuttle Columbia  
(J. Dougall)

**H.J.R. 16** Resolution Regarding the Collection and Retention of  
Personal Information by Government Entities (W. Harper)

Lyle Hillyard  
Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: February 12, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 82**, INITIATIVES – ONE SUBJECT REQUIREMENT, by Representative J. M. Philpot; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 102**, ELECTION DAY MATERIALS, by Representative L. Pace; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 103**, VOTER REGISTRATION AMENDMENTS, by Representative L. Pace; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 175**, MANAGEMENT OF NOTARIES PUBLIC BY LIEUTENANT GOVERNOR, by Representative L. Pace; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 206**, COUNTY RESPONSIBILITY FOR VOTING PRECINCTS AND POLLING PLACES, by Representative R. Bigelow.

Carlene M. Walker, Chair

Mr. President: February 12, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 72**, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES, by Senator D. Thomas, with the following amendments:

1. Page 1, Line 13:  
After “services.” insert “The act requires counties and municipalities included within a certain type of district for fire protection, paramedic, and emergency services to reduce their certified tax rate to offset taxes imposed by the district for those services.”
2. Page 19, Lines 568–570:  
Delete lines 568 through 570 and insert:

“(C) “Equalized fire protection tax rate” means the tax rate that results

from:

(I) calculating, for each participating county and each participating municipality, the property tax revenue necessary to cover all of the costs associated with providing fire protection, paramedic, and emergency services:

(aa) for a participating county, in the unincorporated area of the county; and

(bb) for a participating municipality, in the municipality; and

(II) adding all the amounts calculated under Subsection (2)(i)(C)(I) for all participating counties and all participating municipalities and then dividing that sum by the aggregate taxable value of the property, as adjusted in accordance with Section 59–2–913:

(aa) for participating counties, in the unincorporated area of all participating counties; and

(bb) for participating municipalities, in all the participating municipalities.”

3. Page 19, Line 575:  
After “(I) for” delete “a participating county or”
4. Page 19, Line 579:  
After “(II) for” delete “a participating municipality or”
5. Page 20, Line 586:  
At the beginning of line 586 delete “(i)” and insert “(ii)”
6. Page 20, Line 588:  
After “the” delete “average” and insert “equalized fire protection”
7. Page 20, Line 589:  
At the beginning of line 589 delete “(ii)” and insert “(iii)”
8. Page 20, Line 590:  
At the beginning of line 590 delete “participating” and insert “annexing” and after “and each” delete “participating” and insert “annexing” and after “by” delete the colon
9. Page 20, Line 591:  
Delete line 591
10. Page 20, Line 592:  
At the beginning of line 592 delete “(B) if the fire district has no certified tax rate,”; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 157**, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS, by Senator L. Hillyard; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 80**, SPECIAL SERVICE DISTRICT AMENDMENTS, by Representative E. Anderson, with the following amendments:

1. Page 1, Line 25a  
House Floor Amendments,  
2-4-2003:  
After "medical" delete "and" and insert "or" and after "ambulance" delete "also may be included therewith" and insert "or both"; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 87**, PROPERTY TAX ASSESSMENT OF LOW-INCOME HOUSING TAX CREDITS AND LOW-INCOME HOUSING COVENANTS, by Representative G. Snow.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 82, H.B. 102, H.B. 103, 1st Sub. H.B. 175, H.B. 206, S.B. 72**, as amended, **S.B. 157, H.B. 80** as amended, and **H.B. 87** were placed on Second Reading Calendar.

\* \* \*

Mr. President:

February 12, 2003

The Revenue and Taxation Committee has returned **S.B. 135**, REDEVELOPMENT AGENCIES – EXEMPTION FOR SCHOOL PROPERTY TAXES, by Senator L. Blackham, to the Rules Committee.

On motion of Senator Waddoups, the committee report was adopted. **S.B. 135** was returned to the Rules Committee

### CONSENT CALENDAR

**H.B. 70**, ASSAULT AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to the Time Certain Calendar.

**COMMITTEE OF THE WHOLE**

On motion of Senator Hellewell, Kristin Richards, winner of the Gatorade National High School Girls Volley Player of the Year, and student at Timpanogos High School, spoke in Committee of the Whole. Sandy Tenney read a citation honoring Kristin Richards. Senators Valentine and Hale commented.

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

\* \* \*

On motion of Senator Knudson, the Senate moved to Time Certain for consideration of **S.J.R. 7**.

**S.J.R. 7, RESOLUTION SUPPORTING A FREE TRADE AGREEMENT**, was before the Senate.

Senator Knudson proposed the following amendment:

- 1. Page 2,, Line 48:  
Delete “ : ” and insert “United Nations and other relevant international organizations:”

Senator Knudson’s motion to amend passed on a voice vote.

\* \* \*

On motion of Senator Knudson, Consul General of the Republic of China, Taiwan, Matthew Yee, spoke in Committee of the Whole.

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

**SECOND READING CALENDAR**

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 7, RESOLUTION SUPPORTING A FREE TRADE AGREEMENTS**, was considered read the second and third times. Senator Knudson explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch

Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham            B. Evans

**S.J.R. 7**, as amended, was transmitted to the House.

\* \* \*

### CONSENT CALENDAR

**H.B. 173**, MOTOR VEHICLE OPERATOR FLEEING A PEACE OFFICE, 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

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Thomas
Waddoups	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	B. Evans	Stephenson
Valentine	Walker		

**H.B. 173** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 178**, FIREARMS AMENDMENTS, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 70**, ASSAULT AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	B. Evans	Hatch
Hickman	Stephenson	Walker	

**H.B. 70** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 42, WATER USER NOTIFICATION AMENDMENTS**, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	B. Evans	Hatch
Hickman	Stephenson	Walker	

\* \* \*

On motion of Senator Walker, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Walker, the circle was removed from **S.B. 32, DRIVER EDUCATION COURSES**, and it was before the Senate. Senator Walker explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 8  
Senate 2nd Reading Amendments  
2-11-2003:  
After “.” and before “This” insert “This act allows the full-time equivalent cost of a teacher for a driver education class taught during regular school hours to be excluded from the determination of the cost of driver education until July 1, 2005.”
2. Page 2, Line 34  
Senate 2nd Reading Amendments  
2-11-2003:  
Reinstate the colon
3. Page 2, Line 37  
Senate 2nd Reading Amendments  
2-11-2003:  
After “(ii)” insert “(i)” and delete “.” and insert “. and (ii) until July 1, 2005, the full-time equivalent cost of a teacher for a driver education class taught during regular school hours.”

Senator Bramble’s motion to amend passed on a voice vote.

Senators Wright, Hatch, Hillyard, Knudson, and Bev Evans commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker

**Voting in the negative were:** Senators

B. Evans	Hillyard	Knudson
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**Absent or not voting were:** Senators

Blackham	Bramble	Julander	Valentine
Wright	Mansell		

**S.B. 32**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, and at 11:12 a.m., the Senate sauntered.

The Senate was called to order at 11:25 a.m., with President Pro Tem Hickman presiding.

\* \* \*

On motion of Senator Steele, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 188**, STATE PARK FEE AMENDMENTS, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

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

Blackham	Mayne	Mansell
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\* \* \*

**H.C.R. 6**, RESOLUTION URGING APPROVAL PROCESS REQUIRED BEFORE FEDERAL WILD AND SCENIC RIVER DESIGNATION, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Voting in the negative was:** Senator

Julander

**Absent or not voting were:** Senators

Arent	Blackham	Mansell
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\* \* \*

**H.B 172, BACKGROUND INVESTIGATIONS OF PEACE OFFICER CANDIDATES,** was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Voting in the negative was:** Senator

B. Evans

**Absent or not voting were:** Senators

Blackham	Mansell
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\* \* \*

**1st Sub. H.B. 12, UTAH OPTOMETRY PRACTICE ACT AMENDMENTS,** was read the second time.

On motion of Senator Bell, the bill was circled.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Consent Calendar.

**CONSENT CALENDAR**

On motion of Senator Valentine, the circle was removed from **H.B. 178, FIREARMS AMENDMENTS**, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Gladwell	Wright	Mansell
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**H.B. 178** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 12, UTAH OPTOMETRY PRACTICE ACT AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill. Senators Bell, Julander, and Gladwell commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2003

The House passed, **S.B. 12**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 19**, VEHICLE HISTORY INFORMATION, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 48**, FORCED ENTRY TO MAKE ARREST, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 84**, REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 88**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 104**, DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 116**, DNA – AMENDMENT REGARDING WARRANTS, 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. 117**, AGGRAVATED ROBBERY 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.J.R. 7**, RESOLUTION SUPPORTING A FREE TRADE AGREEMENT, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 12, S.B. 19, S.B. 48, S.B. 84, 1st Sub. S.B. 88, S.B. 104, S.B. 116, S.B. 117, and S.J.R. 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 13, 2003

The House passed **H.B. 229**, PROVIDING LOCATION INFORMATION TO NONCUSTODIAL PARENTS WITH VISITATION RIGHTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 231**, HEALTH CARE FACILITY LICENSURE AMENDMENTS, by Representative R. McGee, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 229** and **H.B. 231** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 13, 2003

The House passed, as amended, **S.B. 26**, SUNSET ACT REAUTHORIZATIONS, by Senator P. Arent, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 49**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, by Senator P. Hellewell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the bills were placed on the Concurrence Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 13, 2003

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

**Business and Labor****H.B. 217** Private Investigator Licensure Amendments (M. Dayton)**Education****H.B. 69** Appropriation for School District Impacted by Fee Waivers (L. Shurtliff)**H.B. 86** Public School Choice Enrollment (C. Moss)**H.C.R. 4** Resolution Urging Federal and State Action Against Internet Abuses (D. Love)**Government Operations and Political Subdivisions****H.B. 235** Falsification or Alteration of Government Record (K. Bryson)**Judiciary, Law Enforcement, and Criminal Justice****S.B. 163** Driver License Suspension Requirements (R. Allen)**Natural Resources, Agriculture, and Environment****S.B. 146** Waste Fee Amendments (B. Wright)**S.B. 187** Eminent Domain Amendments (P. Hellewell)**Revenue and Taxation****S.B. 200** State Auditor – Expansion of Duties (M. Waddoups)**S.B. 240** Term Limit Repeal (C. Bramble)**Transportation and Public Utilities and Technology****H.J.R. 15** Resolution Supporting Efforts to Build and Deploy National Missile Defense System (M. Morley)

Lyle Hillyard

Rules Committee Chair

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

**SECOND READING CALENDAR**

**H.B. 79, REGULATION OF AMATEUR RADIO ANTENNAS**, was read the second time. Senator Valentine explained the bill. Senator Thomas commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman
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\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 12, UTAH OPTOMETRY PRACTICE ACT AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill. Senators Waddoups and Knudson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hickman
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\* \* \*

**H.B. 174, UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS**, was read the second time. Senator Davis explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hickman
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\* \* \*

**H.B. 203, RESIDENTIAL MORTGAGE REGULATORY COMMISSION,** was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Julander	Steele
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\* \* \*

**H.B. 176, TERMINATION OF PARENTAL RIGHTS,** was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**H.C.R. 2, RESOLUTION RECOGNIZING RESOURCEFUL USE OF TECHNOLOGY IN THE CLASSROOM,** was read the second time. Senator Stephenson explained the bill. The bill passed on the following roll call:

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



**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Valentine
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\* \* \*

On motion of Senator Hellewell, the circle was removed from **H.B. 176**, TERMINATION OF PARENTAL RIGHTS, and it was before the Senate. Senator Hellewell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Valentine
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\* \* \*

**H.J.R. 14**, JOINT RESOLUTION SUPPORTING ACTION PLAN FOR PUBLIC LANDS AND EDUCATION, was read the second time. Senator Hatch explained the bill. President Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hickman	Valentine
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\* \* \*

On motion of Senator Hillyard, the Senate voted to move **H.B. 217** from the Business and Labor Committee to Workforce Services Committee.

\* \* \*

**H.B. 198, EXPANSION OF ACCESS TO FISH AND GAME OPPORTUNITIES**, was read the second time. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Davis	Hatch	Hellewell
Hickman			

\* \* \*

**H.B. 202, UTAH ENERGY OFFICE AMENDMENTS**, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hellewell	Hickman
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\* \* \*

**H.J.R. 10**, RESOLUTION ENCOURAGING SHARING EXHIBITS WITH HISTORY MUSEUM, was read the second time. Senator Walker explained the bill. Senators Hickman, Bev Evans, Waddoups, Allen, and Mansell commented.

On motion of Senator Walker, the bill was circled.

\* \* \*

**H.B. 15**, STATE ARMORY BOARD AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Hellewell
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\* \* \*

**H.B. 91**, ENFORCEMENT PROCEDURE AMENDMENTS OF WATER WELL DRILLERS, was read the second time.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

**H.J.R. 12, RESOLUTION PROVIDING MANAGEMENT OF WOLVES IN UTAH**, was read the second time. Senator Blackham explained the bill. Senator Davis commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hellewell
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\* \* \*

**1st Sub. H.B. 13, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS**, was read the second time. Senator Eastman explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hellewell

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **H.B. 91, ENFORCEMENT PROCEDURE AMENDMENTS OF WATER WELL**

DRILLING, and it was before the Senate. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**H.B. 59, OFF-HIGHWAY VEHICLE PROGRAM FUNDING**, was read the second time. Senator Allen explained the bill. Senators Wright and Valentine commented. Senator Eastman declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative was:** Senator Wright

**Absent or not voting were:** Senators

Bramble	Buttars	Hellewell
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\* \* \*

**1st Sub. H.B. 64, PUBLIC WATER SYSTEMS AMENDMENTS**, was read the second time. Senator Bell explained the bill. Senators Thomas, Knudson, Eastman, Julander, Davis, Hillyard, Arent, and Jenkins commented.

Senator Davis proposed the following amendment:

- 1. Page 2, Line 46:  
Delete “2000” and insert “2002”

Senator Davis’ motion to amend failed on a voice vote.

The bill passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	J. Evans	Gladwell
Hatch	Hickman	Hillyard	Jenkins
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Dmitrich	Eastman	B. Evans	Hale
Julander	Knudson	Mayne	

**Absent or not voting were:** Senators

Bramble	Hellewell	Wright
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\* \* \*

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 27**, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS, and it was before the Senate.

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

**SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS**

**2nd Sub. S.B. 27**

*Leonard Blackham*

THIS ACT, IN MEMORY OF SUSAN JENKINS GALL, MODIFIES THE PROCESS BY WHICH ADULTS ARE INVOLUNTARILY COMMITTED TO MENTAL HEALTH PROGRAMS. IT ELIMINATES THE “IMMEDIATE DANGER” STANDARD AND PROVIDES FOR A “SUBSTANTIAL DANGER” STANDARD FOR THE PURPOSES OF INVOLUNTARY COMMITMENT, DEFINES SUBSTANTIAL DANGER, SHORTENS THE

TIME PERIOD BEFORE A HEARING WHEN A PERSON IS BEING DETAINED PENDING A HEARING, AND REQUIRES A REPORT TO THE HEALTH AND HUMAN SERVICES INTERIM COMMITTEE. IT ALSO REQUIRES EXAMINERS TO INFORM PATIENTS OF SPECIFIC RIGHTS.

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **S.B. 29**, LEGISLATIVE REPORTING AND ACCESS TO CERTAIN INFORMATION, and it was before the Senate.

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

**LEGISLATIVE REPORTING AND  
ACCESS TO CERTAIN INFORMATION**

**1st Sub. S.B. 29**

*Mike Dmitrich*

THIS ACT AMENDS PROVISIONS IN THE JUDICIAL CODE TO ALLOW FOR AUDIT BY THE OFFICE OF LEGISLATIVE AUDITOR GENERAL. THIS ACT PROVIDES AN IMMEDIATE EFFECTIVE DATE.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

On motion of Senator Bev Evans, the circle was removed from **1st Sub. S.B. 123**, INHERENT RISK OF LIVESTOCK ACTIVITIES, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 1, Line 11:  
After line 11 insert:  
“ENACTS:  
78-27b-103, Utah Code Annotated 1953”
2. Page 5, Line 123:  
After line 123 insert:  
“Section 3. Section 78-27b-103 is enacted to read:  
78-27b-103. Signs to be posted listing inherent risks and liability

limitations.

An equine or livestock activity sponsor shall post signs in one or more prominent locations within the area being used for the activity listing the inherent risks of the activity being conducted and the liability limitations in accordance with this chapter.”

Renumber remaining section accordingly.

Senator Valentine’s motion to amend passed on a voice vote.

Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Bramble	Hellewell	Jenkins	Knudson
Wright			

### STANDING COMMITTEE REPORT

Mr. President:

February 13, 2003

The Health and Human Services Committee reports a favorable recommendation on **H.B. 160**, EMERGENCY HEALTH RESPONSE AMENDMENTS, by Representative M. Dillree, with the following amendments:

1. Page 9, Line 262:  
After line 262 insert “(3) The immunity in Subsection (2) is in addition to any immunity or protection in state or federal law that may apply.”
2. Page 13, Line 396:  
After line 396 insert “(3) The immunity in Subsection (2) is in addition to any immunity or protection in state or federal law that may apply.”

James Evans, Chair

On motion of Senator Hillyard, the committee report was adopted. **H.B. 160**, as amended, was placed on Second Reading Calendar.



On motion of Senator Hillyard, the bill was placed at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Waddoups and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Friday, February 14, 2003.

## TWENTY-SIXTH DAY

### MORNING SESSION

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

**Prayer** – Afton Bradshaw, former Representative,

Utah House of Representatives

**Pledge of Allegiance** – Senator David Thomas

**Roll Call** – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2003

The House passed, **S.B. 47**, LABOR COMMISSION – APPEALS BOARD, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 85**, UNDERGROUND STORAGE TANK AMENDMENT, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 96**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT AMENDMENTS, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 47**, **S.B. 85**, and **S.B. 96** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 14, 2003

The House passed, as substituted, **3rd Sub. H.B. 161**, SNOW COLLEGE RICHFIELD CAMPUS, by Representative B. Johnson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **3rd Sub. H.B. 161** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 14, 2003

The House requests the return of **1st Sub. H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by Representative S. Urquhart, for correction.

Carole E. Peterson, Chief Clerk

Communication filed.

On motion of Senator Hillyard, **1st Sub. H.B. 48** was returned to the House for correction.

\* \* \*

Mr. President: February 13, 2003

The House passed, as amended, **S.B. 40**, PAY PLAN – SALARY SURVEY AMENDMENTS, by Senator M. Dmitrich, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 91**, FUNERAL SERVICES AMENDMENTS, by Senator D. Gladwell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 97**, COUNTY ANNEXATION AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the bills were placed on the Concurrence Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 13, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 126**, WORKERS’ COMPENSATION AMENDMENTS, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 198**, DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 4, Line 96:

After “affiliated with” delete “or engaged by”; and

The Business and Labor Committee recommends **1st Sub. H.B. 78**, LIEN RECOVERY FUND – RATE OF INTEREST, by Representative G. Snow, be replaced and favorably recommends **3rd Sub. H.B. 78**, LIEN RECOVERY FUND – RATE OF INTEREST; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 90**, EQUIPMENT DEALER WARRANTY REIMBURSEMENT ACT, by Representative D. Peterson.

Parley Hellewell, Chair

Mr. President:

February 13, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 144**, HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 7, Line 185:

Reinstate “36” and delete “24”; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 162**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator D. Steele; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 94**, UTAH CONTROLLED SUBSTANCES – EXTRACTION AND REDUCTION LABS, by Representative D. Bowman; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 106**, FOSTER CARE GUIDANCE THROUGH PROVIDERS CONTRACTS, by Representative M. Dayton.

James Evans, Chair

Mr. President:

February 13, 2003

The Education Committee reports a favorable recommendation on **H.B. 92**, SCHOOL FUNDS AMENDMENTS, by Representative B. Last; and

The Education Committee reports a favorable recommendation on **H.B. 169**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, by Representative D. Cox; and

The Education Committee reports a favorable recommendation on **H.B. 192**, OVERSIGHT OF UTAH CLIMATE CENTER BY UTAH STATE UNIVERSITY, by Representative B. Ferry.

Bill Wright, Chair

Mr. President: February 13, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 133**, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE, by Senator L. Blackham; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 17**, AGRICULTURAL PRODUCTS DEALER'S ACT AMENDMENTS, by Representative C. Buttars.

Beverly Ann Evans, Chair

Mr. President: February 13, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 108**, FULLY INTERACTIVE DRIVING SIMULATORS IN DRIVER EDUCATION, by Representative J. Dougall; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 234**, ADMINISTRATIVE TREATMENT OF TRAFFIC VIOLATIONS – TECHNICAL AMENDMENTS, by Representative D. Cox.

David Steele, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 126**, **S.B. 198**, as amended, **3rd Sub. H.B. 78**, **H.B. 90**, **S.B. 144**, as amended, **S.B. 162**, **H.B. 94**, **H.B. 106**, **H.B. 92**, **H.B. 169**, **H.B. 192**, **S.B. 133**, **H.B. 17**, **H.B. 108**, and **H.B. 234** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### FIREARMS REVISIONS

**S.B. 251**

*Beverly Ann Evans*

THIS ACT MODIFIES PROVISIONS DEALING WITH WEAPONS BY PROHIBITING THE DISCHARGE OF A FIREARM OR DANGEROUS WEAPON IN THE DIRECTION OF A HOUSE, DWELLING, OCCUPIED VEHICLE, OR BUILDING IN A MANNER THAT THREATENS THE SAFETY

OR PROPERTY OF OTHERS, was read for the first time and referred to the Rules Committee.

### CONCURRENCE CALENDAR

On motion of Senator Davis, the Senate voted to concur in the House amendments to **S.B. 9, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**S.B. 9** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **S.B. 21, AMENDMENTS TO INTERLOCAL COOPERATION ACT**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**S.B. 21** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Arent, the Senate voted to concur in the House amendments to **S.B. 26, SUNSET ACT REAUTHORIZATIONS**. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Walker	Wright	Mansell	

**Voting in the negative was:** Senator  
Waddoups

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

**S.B. 26** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hellewell, the Senate voted to concur in the House amendments to **S.B. 49, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**S.B. 49** was returned to the House for signature of the Speaker.

### THIRD READING CALENDAR

**H.B. 42**, WATER USER NOTIFICATION AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

B. Evans	Mansell
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**H.B. 42** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 188**, STATE FEE AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Blackham	Bramble	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Arent	Bell	Davis	Hale
Julander	Mayne		

**Absent or not voting was:** Senator

Hickman



**H.B. 188** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.C.R 6, RESOLUTION URGING APPROVAL PROCESS REQUIRED BEFORE FEDERAL WILD AND SCENIC RIVER DESIGNATION**, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Voting in the negative was:** Senator

Julander

**Absent or not voting were:** Senators

Arent	Hale	Mansell
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**H.C.R. 6** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 172, BACKGROUND INVESTIGATIONS OF PEACE OFFICER CANDIDATES**, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators  
Wright                      Mansell

**H.B. 172** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 79**, REGULATION OF AMATEUR RADIO ANTENNAS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Buttars	Davis	Jenkins	Stephenson
Wright	Mansell		

**H.B. 79** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 12**, UTAH OPTOMETRY PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 18; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Hatch	Hellewell	Hickman	Hillyard
Mayne	Steele	Thomas	Valentine
Waddoups	Walker		

**Voting in the negative were:** Senators

Arent	Bell	Eastman	Gladwell
Hale	Julander	Knudson	

**Absent or not voting were:** Senators

Jenkins                      Stephenson                      Wright                      Mansell

**1st Sub. H.B. 12** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 174, UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS,** was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	

**Absent or not voting were:** Senators

Eastman                      Hickman                      Jenkins                      Valentine  
Wright                      Mansell

**H.B. 174,** as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Mayne, the circle was removed from **S.B. 46, RESIDENTIAL PROPERTY TAX EXEMPTIONS,** and it was before the Senate. Senator Mayne explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	J. Evans
Hale	Hellewell	Hillyard	Julander
Knudson	Mayne	Waddoups	

**Voting in the negative were:** Senators

Bell                      B. Evans                      Gladwell                      Hatch  
Hickman                      Steele                      Stephenson                      Thomas  
Walker

**Absent or not voting were:** Senators

Eastman	Jenkins	Valentine	Wright
Mansell			

**S.B. 46** was transmitted to the House.

\* \* \*

**H.B. 203**, RESIDENTIAL MORTGAGE REGULATORY COMMISSION, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Davis	Eastman	Hickman	Valentine
Mansell			

**H.B. 203**, as amended, was returned to the House.

\* \* \*

**H.C.R. 2**, RESOLUTION RECOGNIZING RESOURCEFUL USE OF TECHNOLOGY IN THE CLASSROOM, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Dmitrich                      Eastman                      Mansell

**H.C.R. 2** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 176**, TERMINATION OF PARENTAL RIGHTS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Buttars                      Davis                      Eastman                      Hillyard  
Wright                      Mansell

**H.B. 176** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.J.R. 14**, JOINT RESOLUTION SUPPORTING ACTION PLAN FOR PUBLIC LANDS AND EDUCATION, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Eastman                      Mansell

**H.J.R. 14** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 198**, EXPANSION OF ACCESS TO FISH AND GAME OPPORTUNITIES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Eastman                      Hatch                      Mansell

**H.B. 198** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 202**, UTAH ENERGY OFFICE AMENDMENTS, was read the third time.

On motion of Senator Thomas, the bill was circled.

\* \* \*

**H.B. 15**, STATE ARMORY BOARD AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans

J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Eastman	Hatch	Mansell
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**H.B. 15** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.J.R. 12, RESOLUTION PROVIDING MANAGEMENT OF WOLVES IN UTAH**, 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

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Eastman	Hatch	Mansell
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**H.J.R. 12** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 13, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Hatch	Hickman	Knudson	Mansell
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**1st Sub. H.B. 13** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 91, ENFORCEMENT PROCEDURE AMENDMENTS OF WATER WELL DRILLERS**, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Hatch	Hickman	Julander	Valentine
Mansell			

**H.B. 91** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**H.B. 59, OFF-HIGHWAY VEHICLE PROGRAM FUNDING**, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman



B. Evans	J. Evans	Gladwell	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Dmitrich	Hale	Hatch	Hillyard
Mansell			

**H.B. 59** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 64**, PUBLIC WATER SYSTEMS AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hellewell	Hillyard	Jenkins	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Allen	Davis	Dmitrich	Hale
Hickman	Julander	Knudson	Mansell

**Absent or not voting were:** Senators

Arent	Hatch
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**1st Sub. H.B. 64**, as substituted, was returned to the House for further consideration.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Blackham, the circle was removed from **2nd Sub. S.B. 27**, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS, and it

was before the Senate. Senator Blackham explained the bill. Senators Thomas, Gladwell, Hale, and Arent commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Walker	Mansell

**Voting in the negative was:** Senator  
Waddoups

**Absent or not voting were:** Senators

Bramble	J. Evans	Hatch	Wright
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\* \* \*

On motion of Senator Bev Evans, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Bev Evans, the circle was removed from **H.B. 202**, UTAH ENERGY OFFICE AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	J. Evans	Hatch
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**H.B. 202** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. S.B. 123, INHERENT RISK OF LIVESTOCK ACTIVITIES**, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham                  Hatch

**1st Sub. S.B. 123**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 98, TAXATION OF MEDICALLY IMPLANTED DEVICES AND PROSTHETICS**, and it was before the Senate. Senator Buttars explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators  
Hatch                      Wright

**1st Sub. S.B. 98**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Hellewell, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Hellewell, the circle was removed from **S.B. 58**, YOUTH CORRECTIONS – DIVISION NAME AMENDMENT, and it was before the Senate.

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

**YOUTH CORRECTIONS – DIVISION NAME AMENDMENT**

**2nd Sub. S.B. 58**

*Parley Hellewell*

THIS ACT MODIFIES THE CODE BY CHANGING THE NAME OF THE DIVISION OF YOUTH CORRECTIONS TO THE DIVISION OF JUVENILE JUSTICE SERVICES. THIS ACT TAKES EFFECT ON JULY 1, 2004.

Senator Hellewell explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Hatch	Knudson	Mayne
Wright			

\* \* \*

On motion of Senator Evans, under suspension of the rules, **H.B. 160**, EMERGENCY HEALTH RESPONSE AMENDMENTS, was considered read the second and third times. Senator Bev Evans explained the bill. Senator Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Hatch	Knudson	Mayne
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**H.B. 160**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **1st Sub. S.B. 29**, LEGISLATIVE ACCESS TO CERTAIN INFORMATION, and it was before the Senate. Senator Dmitrich explained the bill. Senators Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

B. Evans	Hatch	Julander	Mayne
Wright			

\* \* \*

**S.B. 68**, VOTER IDENTIFICATION REQUIREMENTS, was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Bell	B. Evans	Gladwell	Hatch
Wright			

\* \* \*

**1st Sub. S.B. 87**, LIBRARY AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senators Allen, Thomas, Walker, and Davis commented. Senators Thomas and Bev Evans 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Dmitrich	J. Evans	Hatch	Wright
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### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 14, 2003

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

**Business and Labor**

**S.B. 205** Tobacco Marketing Practices Restrictions (C. Bramble)

**Education**

**S.B. 63** Core Curriculum Amendments (B. Wright)

**S.B. 154** Public Education Amendments (T. Hatch)

**S.B. 185** School Personnel – Procedural Rights (D. C. Buttars)

**Government Operations and Political Subdivisions**

**S.B. 184** Municipal Improvement District Amendments  
(C. Walker)

**Health and Human Services**

**S.B. 140** Prescription Drug Assistance Program (J. Evans)

**S.J.R. 11** Resolution Encouraging Congress to Enact Medicare  
Prescription Drug Benefit (G. Davis)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 214** Uninsured and Underinsured Motorist Amendments  
(M. Waddoups)

**Natural Resources, Agriculture, and Environment**

**S.B. 190** Expansion of Uses of Publicly Funded Shooting Ranges  
(B. Wright)

**Revenue and Taxation**

**S.B. 179** Notice of Claim of Governmental Immunity  
(D. Gladwell)

**S.B. 204** Government Employees – Pay for United States Armed  
Forces or National Guard Service Time (C. Bramble)

**Transportation and Public Utilities and Technology**

**S.B. 176** Education Support License Plate (J. Evans)

**S.B. 221** Utah National Parks License Plates (T. Hatch)

**S.B. 224** Use of Transportation Fund (S. Jenkins)

**Workforce Services and Community and Economic Development**

**S.B. 153** Alcoholic Beverage Amendments (J. Valentine)

Lyle Hillyard

Rules Committee Chair

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

\* \* \*

On motion of Senator Stephenson, the Senate voted to move **S.B. 141** to the top of the Second Reading Calendar.

\* \* \*

**S.B. 141, LOCAL GOVERNMENT CAPITAL PROJECTS**, was read the second time.

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

**LOCAL GOVERNMENT CAPITAL PROJECTS**

**1st Sub. S.B. 141**

*Howard A. Stephenson*

THIS ACT MODIFIES PROVISIONS RELATING TO CERTAIN CAPITAL PROJECTS OF CERTAIN LOCAL GOVERNMENT ENTITIES. THE ACT REQUIRES THAT COUNTIES, MUNICIPALITIES, SPECIAL DISTRICTS, AND LOCAL DISTRICTS REQUEST BIDS FOR CERTAIN CAPITAL PROJECTS AND ESTABLISHES A BID PROCESS, INCLUDING THE AMOUNT OF THE PROJECT FOR WHICH A BID IS REQUIRED. THE ACT PROVIDES FOR THE AMOUNT OF THE COST OF A PROJECT REQUIRED TO BE SUBMITTED TO BIDS TO BE ADJUSTED FOR INFLATION. THE ACT PROVIDES FOR ATTORNEY'S FEES AND COSTS TO BE AWARDED TO A SUCCESSFUL PARTY AGAINST THE LOCAL GOVERNMENT ENTITY IN A CIVIL ACTION FOR A VIOLATION OF THE REQUIREMENTS. THE ACT ALSO MAKES TECHNICAL CHANGES.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Waddoups and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 17, 2003.



# TWENTY-NINTH DAY

## MORNING SESSION

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

**Prayer** – Richard Stosich, Former Bishop, Twin Falls, Idaho

**Pledge of Allegiance** – Senator Carlene Walker

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2003

The House concurred in the Senate amendments and passed **1st Sub. H.B. 197, LICENSE PLATE FOR BOYS AND GIRLS CLUBS**, by Representative C. Bennion, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 197** was signed by the President in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 14, 2003

The House passed **H.B. 225, RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS**, by Representative B. Dee, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 225** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 14, 2003

After making technical corrections the House transmits **1st Sub. H.B. 48, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS**, by Representative S. Urquhart, for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

## RULES COMMITTEE REPORTS

To the Members of the Senate:

February 17, 2003

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

### Education

**3rd Sub. H.B. 161** Snow College Richfield Campus (B. Johnson)

**H.B. 223** Changing State Song (D. Love)

### Health and Human Services

**H.B. 229** Providing Location Information to Noncustodial Parents with Visitation Rights (M. Thompson)

**H.B. 231** Health Care Facility Licensure Amendments (R. McGee)

### Judiciary, Law Enforcement, and Criminal Justice

**S.B. 211** Consumer Sales Practices Act Amendments (P. Arent)

### Retirement and Independent Entities

**H.B. 225** Retirement Systems Membership Exclusions (B. Dee)

### Revenue and Taxation

**S.B. 182** Individual Income Tax – Contribution to Boys and Girls Clubs of America (D. C. Buttars)

### Workforce Services and Community and Economic Development

**S.B. 155** Professional Employer Organizations (E. Mayne)

**S.B. 194** Commerce and Trade – Telephone and Facsimile Solicitation Act (D. Thomas)

Lyle Hillyard

Rules Committee Chair

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

## STANDING COMMITTEE REPORTS

Mr. President: February 13, 2003

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by Representative S. Urquhart.

Parley Hellewell, Chair

Mr. President: February 14, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 158**, DIVISION OF CHILD AND FAMILY SERVICES MANAGEMENT INFORMATION SYSTEM AMENDMENTS, by Senator D. C. Buttars.

Scott K. Jenkins, Acting Chair

Mr. President: February 14, 2003

The Government Operations and Political Subdivisions Committee recommends **S.B. 62**, UTAH HOME INSPECTION STANDARD OF PRACTICE, by Senator P. Julander, be replaced and favorably recommends **1st Sub. S.B. 62**, UTAH HOME INSPECTION STANDARD OF PRACTICE with the following amendments:

1. Page 4, Line 117:  
After "cable" " delete ("Rolex")" and insert ("Romex")"
2. Page 11, Line 334:  
After "toxins." insert "molds, fungi."; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 98**, MUNICIPAL DISCONNECTION AMENDMENTS, by Representative A. Hardy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 187**, CAMPAIGN CONTRIBUTION RESTRICTIONS, by Representative N. Hansen, with the following amendments:

1. Page 1, Line 16:  
Delete "or a legislator's personal political action committee" and insert "or a political action committee controlled by a legislator"

2. Page 1, Line 20:

Before “contribution” insert “campaign”; and after “to make a”, insert “campaign”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 224**, STATE RECORDS COMMITTEE – MEMBERSHIP AMENDMENTS, by Representative J. Dunnigan; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 2**, RESOLUTION REQUESTING STATE AGENCIES TO KEEP LEGISLATORS INFORMED, by Representative D. Hogue.

Carlene M. Walker, Chair

Mr. President:

February 14, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 116**, PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE, by Representative A. Hardy; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 200**, PROPERTY TAXES AND UNIFORM FEES – INTEREST RATES ON DEFERRED OR DELINQUENT TAXES, by Representative L. Christensen; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 211**, DISABILITIES APPROPRIATIONS NONLAPSING, by Representative R. Lockhart; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.J.R. 13**, JOINT RESOLUTION SUPPORTING REPEAL OF FEDERAL ESTATE TAX, by Representative C. Buttars.

Curtis S. Bramble, Chair

Mr. President:

February 14, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 40**, NOTICE OF INTENT TO SELL NONPUBLIC PERSONAL INFORMATION, by Representative D. Aagard, with the following amendments:

1. Page 2, Line 48

After “insurance” insert “or services related thereto”

2. Page 3, Line 79  
After "affiliate" insert "or agent"
3. Page 5, Line 126a  
House Floor Amendments  
2-10-2003:  
After "APPLY TO" insert ":(a)"
4. Page 5, Line 126c  
House Floor Amendments  
2-10-2003;;  
After "PARTY" insert ":(b) a covered entity  
as defined in 45 C.F.R. Parts 160 and 164" and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 121**, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES, by Representative C. Bennion.

David L. Thomas, Chair

Mr. President:

February 13, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 59**, AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, by Senator P. Arent, be replaced and favorably recommends **2nd Sub. S.B. 59**, AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT with the following amendments:

1. Page 3, Line 64:  
Delete "means" and insert "includes, but is not limited to, a situation where"
2. Page 5, Line 144  
Delete "clear and convincing" and insert "a preponderance of the"; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 104**, DISPOSAL OF EVIDENCE IN CRIMINAL PROCEEDINGS, by Representative J. S. Adams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 209**, SENTENCING FOR USE OF DANGEROUS WEAPON, by Representative G. Hughes.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. H.B. 48, S.B. 158, 1st Sub. S.B. 62**, as amended **H.B. 98, H.B. 187**, as amended, **H.B. 224, H.J.R. 2, H.B. 116, H.B. 200, H.B. 211, H.J.R. 13, 1st Sub. H.B. 40**, as amended, **H.B. 121, 2nd Sub. S.B. 59**, as amended, **H.B. 104**, and **H.B. 209** were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 14, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 249**, ADMINISTRATIVE FINES – CLEAN UP AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

David L. Thomas, Chair

Mr. President: February 13, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 202**, PEACE OFFICER AMENDMENT, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 210**, SEXUAL ABUSE OF A CHILD AMENDMENTS, by Representative M. Thompson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 249, S.B. 202**, and **H.B. 210** were considered read for the second time and placed on Consent Calendar.

### CONCURRENCE CALENDAR

On motion of Senator Dmitrich, the Senate refused to concur in the House amendments to **S.B. 40**, PAY PLAN – SALARY SURVEY AMENDMENTS. Senator Stephenson commented. **S.B. 40** was returned to the House for further consideration.

\* \* \*

On motion of Senator Gladwell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 91**, FUNERAL SERVICES AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Bramble

**2nd Sub. S.B. 91** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Walker, the Senate voted to concur in the House amendments to **S.B. 97**, COUNTY ANNEXATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Mayne

**S.B. 97** was returned to the House for signature of the Speaker.

**CONSENT CALENDAR**

**H.B. 171**, PAMELA ATKINSON HOMELESS TRUST ACCOUNT, was read the third time.

On motion of Senator Walker, the bill was circled.

**TIME CERTAIN**

On motion of Senator Waddoups, Sandy Tenney read a citation in recognition of Utah Emergency Medical Council.

**COMMITTEE OF THE WHOLE**

On motion of Senator Steele, the a cappella group “MILK” from BYU sang a patriotic medley and the Senate heard a presentation from Mark Bezzant, an actor portraying Abraham Lincoln, commemorating President’s Day.

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

**THIRD READING CALENDAR**

**2nd Sub. S.B. 27**, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS, was read the third time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**2nd Sub. S.B. 58**, YOUTH CORRECTIONS – DIVISION NAME AMENDMENT, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hale	Julander	Valentine
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**2nd Sub. S.B. 58** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 29**, LEGISLATIVE ACCESS TO CERTAIN INFORMATION, 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

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Buttars	Davis	Gladwell	Hale
Wright			

**1st Sub. S.B. 29** was transmitted to the House.

\* \* \*

**S.B. 68**, VOTER IDENTIFICATION REQUIREMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Davis	Gladwell	Wright
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**S.B. 68** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 87, LIBRARY AMENDMENTS**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Gladwell	Mayne	Wright
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**1st Sub. S.B. 87**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 89, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS**, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

- Page 1, Line 8:  
After “worker.” insert “The act provides for the issuance of temporary licenses to marriage and family therapists and professional counselors.”
- Page 1, Line 10:  
After line 10 insert:  
“58–60–115, as enacted by Chapter 311, Laws of Utah 1998”
- Page 1, Line 12:  
After line12 insert:  
“ENACTS:  
58–60–117, Utah Code Annotated 1953”
- Page 1, Line 13:  
After line 13 insert:

“Section 1. Section 58–60–115 is amended to read:

58–60–115. License by endorsement.

The division shall issue a license by endorsement under this chapter to a person who:

- (1) submits an application on a form provided by the division;
- (2) pays a fee determined by the department under Section 63–38–3.2;
- (3) provides documentation of current licensure in good standing in any state, district, or territory of the United States to practice in the profession in which licensure is being sought;
- (4) provides documentation of having been actively engaged in the legal practice of his profession, including, but not limited to, mental health therapy, for not less than 4,000 hours during the three years immediately preceding the date of application for licensure in Utah;
- (5) has passed the profession specific jurisprudence examination if required of a new applicant; and
- (6) is of good moral character and professional standing, and has no disciplinary action pending or in effect against the applicant’s license in any jurisdiction.

Section 2. Section 58–60–117 is enacted to read:

58–60–117. Externship licenses.

(1) The division shall issue a temporary license under Part 3 or 4 of this chapter to a person who:

(a) submits an application for licensure under Part 3 or 4;

(b) pays a fee determined by the department under Section 63–38–3.2;

(c) holds an earned doctoral degree or master’s degree in a discipline that is a prerequisite for practice as a mental health therapist;

(d) has one or more deficiencies in course work, experience, training, or examination;

(e) provides mental health therapy as an employee of a public or private organization, which provides mental health therapy, while under the supervision of a person licensed under this chapter; and

(f) is of good moral character and has no disciplinary action pending or in effect against the applicant in connection with the practice of mental health therapy, in any jurisdiction.

(2) A temporary license issued under this section shall expire upon the earlier of:

(a) issuance of the license applied for; or

(b) one year from the date the temporary license was issued.

(3) The temporary license issued under this section is an externship license.”

Renumber remaining sections accordingly.

Senator Buttar's motion to amend passed on a voice vote.

Senator Julander commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

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

**2nd Sub. S.B. 89**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Eastman, **S.B. 125**, was lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Bramble, **H.C.R. 12**, RESOLUTION HONORING CREW OF SPACE SHUTTLE COLUMBIA, will be considered Tuesday, February 18, 2003 at 10:45 a.m.

## SECOND READING CALENDAR

**S.B. 125**, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS, was before the Senate. Senator Bramble explained the bill. Senator Stephenson commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 129**, STATE AND LOCAL AGENCIES CRITERIA IN AWARDDING BIDS, was read the second time.

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

**STATE AND LOCAL AGENCIES CRITERIA IN AWARDING BIDS**

**1st Sub. S.B. 129**

*James M. Evans*

THIS ACT MODIFIES PROVISIONS RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS. THE ACT AUTHORIZES STATE AND LOCAL AGENCIES TO TAKE INTO CONSIDERATION, WHEN AWARDING CONTRACTS FOR PUBLIC WORKS PROJECTS, THAT THE BIDDER WILL ENSURE THAT CERTAIN CONTRACTORS AND SUBCONTRACTORS WHO WORK ON THE PROJECT HAVE IMPLEMENTED AN APPRENTICESHIP PROGRAM OR PROVIDE OR MAKE AVAILABLE HEALTH INSURANCE TO CERTAIN WORKERS. THE ACT ALSO MAKES TECHNICAL CHANGES.

Senator James Evans explained the bill. Senators Hellewell, Mayne, and Walker commented.

On motion of Senator James Evans, the bill was circled.

**TIME CERTAIN**

Senator Steele presented citations to a group of Nationally Board Certified teachers from Utah.

\* \* \*

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

**AFTERNOON SESSION**

The Senate reassembled at 2:00 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 17, 2003

The House concurred in the Senate amendments and passed **H.B. 160, EMERGENCY HEALTH RESPONSE AMENDMENTS**, by Representative M. Dillree, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 160** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

February 17, 2003

The Speaker of the House has signed **S.B. 9**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, by Senator G. Davis, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 26**, SUNSET ACT REAUTHORIZATIONS, by Senator P. Arent, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 49**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, by Senator P. Hellewell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 95**, STATE EMERGENCY MEDICAL SERVICES AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 9, S.B. 21, S.B. 26, S.B. 49, and S.B. 95** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 17, 2003

The House passed **H.B. 46**, HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES, by Representative D. Hogue, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 46** was read the first time and referred to the Rules Committee.

### COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Mike Legge, spoke in Committee of the Whole. Sandy Tenney read a citation recognizing U.S. Magnesium LLC.

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

\* \* \*

On motion of Senator Walker, under suspension of the rules, the Senate voted to move to Consent Calendar.

**CONSENT CALENDAR**

On motion of Senator Walker, the circle was removed from **H.B. 171, PAMELA ATKINSON HOMELESS TRUST ACCOUNT.** The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Julander	Knudson	Stephenson
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**H.B. 171** was signed by the President of the Senate in open session and returned to the House.

**COMMITTEE OF THE WHOLE**

On motion of Senator Walker, Pamela Atkinson spoke in Committee of the Whole. Senators Arent, Hale, Hillyard, Davis, Mayne, and Bell commented.

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

**SECOND READING CALENDAR**

**1st Sub. S.B. 67, REVISIONS TO BOARD AND COMMISSIONS,** was read the second time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 165, GUBERNATORIAL NOMINEE AMENDMENTS,** was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Julander	Knudson	Valentine
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\* \* \*

Senator Bell moved that **1st Sub. H.B. 5, PROHIBITION OF COERCIVE RESTRAINT PRACTICES**, be moved from the Business and Labor Standing Committee to the Government Operations and Political Subdivisions Standing Committee. Senators Hellewell, Waddoups, Bramble, Buttars, Steele commented.

Senator Waddoups proposed the substitute motion to return the bill to the Rules Committee. Senator Waddoups's motion passed on a voice vote. **1st Sub. H.B. 5** was returned to the Rules Committee.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 67, REVISIONS TO BOARDS AND COMMISSIONS**, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendments:

1. Page 8, Line 215:  
After "consist of" bracket "seven" and insert "eight"
2. Page 8, Line 228:  
After "Counties;" bracket "and"
3. Page 8, Line 230:  
After "and Towns" delete the period and insert "; and (viii) an employee of a special district, appointed by the Utah Association of Special Districts." and



1. Page 1, Line 10:  
After “technical changes.” insert “This act provides an effective date.”
2. Page 14, Line 402:  
After line 402 insert:  
“Section 9. Effective Date.  
This act takes effect May 5, 2003, except that the repeal of Sections 64–13–4.1, 63–13–5, 63–13a–5, and 63–13a–6 takes effect May 1, 2004.” and
  1. Page 11, Line 328:  
After “acupuncturists:” insert “and”
  2. Page 11, Line 329:  
After “physicians” delete “, and” and insert a period
  3. Page 11, Line 330:  
Delete line 330
  4. Page 12, Line 351:  
After “physical therapists” insert “, recreational therapists.”

Senator Stephenson’s motion to amend passed on a voice vote.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 10:  
After “technical changes.” insert “This act provides an effective date.”
2. Page 14, Line 402:  
After line 402 insert:  
“Section 9. Effective Date.  
This act takes effect May 5, 2003, except that the repeal of Sections 11–33–1 through 11–33–8 takes effect May 1, 2004.”

Senator Hillyard’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Julander	Knudson
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\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 141, LOCAL GOVERNMENT CAPITAL PROJECTS**, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

- Page 2, Line 40:  
After “multiplying” delete “\$40,000” and insert “the amount of the bid limit for the previous year”
- Page 2, Line 45:  
After “multiplying” delete “\$125,000” and insert “the amount of the bid limit for the previous year”
- Page 3, Lines 61–70:  
Delete lines 61 through 70
- Page 3, Line 71:  
At the beginning of line 71 delete “(7)” and insert “(6)”
- Page 3, Line 72:  
At the beginning of line 72 delete “(8)” and insert “(7)”
- Page 3, Line 73:  
At the beginning of line 73 delete “(9)” and insert “(8)”
- Page 3, Line 83:  
At the beginning of line 83 delete “(10)” and insert “(9)”
- Page 3, Line 85:  
At the beginning of line 85 delete “(11)” and insert “(10)”
- Page 10, Line 287:  
After “multiplying” delete “\$125,000” and insert “the amount of the bid limit for the previous year”

Senator Stephenson’s motion to amend 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

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Julander
Knudson			

\* \* \*

**S.B. 108, DANGEROUS WEAPONS AMENDMENTS,** was read the second time. Senator Waddoups explained the bill.

Senator Arent made the motion to substitute the bill. The motion failed on the following roll call vote:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Hale	Julander		

**Voting in the negative were:** Senators

Blackham	Bramble	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Senators Buttars, Hale, and Walker commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Arent	Bell	Hale	Julander
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\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Blackham, the circle was removed from **2nd Sub. S.B. 27**, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS, and it was before the Senate.

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

**SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS****3rd Sub. S.B. 27***Leonard Blackham*

THIS ACT, IN MEMORY OF SUSAN JENKINS GALL, MODIFIES THE PROCESS BY WHICH ADULTS ARE INVOLUNTARILY COMMITTED TO MENTAL HEALTH PROGRAMS. IT ELIMINATES THE “IMMEDIATE DANGER” STANDARD AND PROVIDES FOR A “SUBSTANTIAL DANGER” STANDARD FOR THE PURPOSES OF INVOLUNTARY COMMITMENT, DEFINES SUBSTANTIAL DANGER, SHORTENS THE TIME PERIOD BEFORE A HEARING WHEN A PERSON IS BEING DETAINED PENDING A HEARING, AND REQUIRES A REPORT TO THE HEALTH AND HUMAN SERVICES INTERIM COMMITTEE. IT ALSO REQUIRES EXAMINERS TO INFORM PATIENTS OF SPECIFIC RIGHTS.

Senator Blackham explained the bill.

Senator James Evans proposed the following amendment:

- 1. Pages 6–7, Lines 179 and 180:  
After “injury”, delete: “because he or she is incapable of providing the basic necessities of life, such as food, clothing, and shelter”

Senator Valentine proposed the following substitute amendment:

- 1. Page 6, Line 177:  
After “suicide.” insert “or”
- 2. Page 6, Line 178:  
After “herself” delete “or”
- 3. Page 6 and 7, Lines 179 and 180:  
Delete lines 179 and 180

Senator Valentine withdrew his motion.

Senator James Evans withdrew his motion

Senators Gladwell, Hatch, James Evans, Thomas, and Valentine commented.  
The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Steele	Thomas	Walker
Mansell			

**Voting in the negative were:** Senators

Bramble	J. Evans	Hatch	Jenkins
Stephenson	Valentine	Waddoups	Wright

**3rd Sub. S.B. 27** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the Senate voted to move **SB 170, WORKERS’ COMPENSATION FUND AMENDMENT**, from the Rules Committee to the Business and Labor Standing Committee.

**SECOND READING CALENDAR**

**S.R. 7, RESOLUTION REGARDING DIVISIONS OF YOUTH CORRECTIONS NAME CHANGE**, was read the second time. On motion of Senator Hellewell, the enacting clause was stricken on the bill.

\* \* \*

**S.B. 66, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT**, was read the second time. Senator Waddoups explained the bill. Senators Davis, Bramble, Jenkins, and Dmitrich commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Eastman	J. Evans	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Allen	Blackham	Davis	Dmitrich
B. Evans	Hickman	Jenkins	Stephenson
Wright			

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

\* \* \*

**1st Sub. S.B. 132, CHILD SUPPORT AND PATERNITY AMENDMENTS**, was read the second time.

Senator Hillyard proposed the following amendment:

1. Page 30, line 899:  
After “may” restore “be applied to mitigate an increase in the award but may”
2. Page 31, line 950:  
After “specified in the” insert “last”

- 3. Page 32, line 965:  
After "least" delete "14" and insert "12"
- 4. Page 32, line 959:  
Delete "(a)"
- 5. Page 32, line 961:  
Delete "(i)" and insert "(a)"
- 6. Page 32, line 964:  
Delete "(ii)" and insert "(b)"
- 7. Page 32, line 967:  
Delete line 967

Senator Hillyard’s motion to amend passed on a voice vote.

Senator Hillyard explained the bill. Senator Bev Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Dmitrich	Eastman	B. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Buttars	Davis	J. Evans
Hatch			

\* \* \*

On motion of Senator Hickman, the Senate voted to allow a bill file to be opened regarding voluntary contributions to public education.

\* \* \*

**2nd Sub. S.B. 134, PROMOTION OF PREVENTATIVE HEALTH CARE,** was read the second time. Senator Julander explained the bill. Senator Thomas commented. The bill failed on the following roll call:

**Yeas, 9; Nays, 17; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Julander	Knudson
Mayne			

**Voting in the negative were:** Senators

Bell	Blackham	Buttars	Eastman
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	B. Evans	Valentine
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**2nd Sub. S.B. 134** was returned to the staff for filing.

\* \* \*

**1st Sub. S.B. 76, UTAH FIREWORKS ACT AMENDMENTS**, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**S.B. 109, EDUCATION ASSISTANCE FOR NATIONAL GUARD MEMBERS**, was read the second time. Senator Knudson explained the bill. Senator Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Voting in the negative was:** Senator

Hillyard



**Absent or not voting were:** Senators

Bramble                      B. Evans                      Valentine

\* \* \*

**S.B. 142, AGRICULTURAL COOPERATIVES AMENDMENTS,** was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble                      Valentine

\* \* \*

**S.B. 61, PUBLIC UTILITY RELATED AMENDMENTS,** was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 136, GUILTY AND MENTALLY ILL SENTENCING AMENDMENTS,** was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

\* \* \*

On motion of Senator Valentine, the circle was removed from **S.B. 61**, PUBLIC UTILITY RELATED AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Arent commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Arent	Hale
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**Absent or not voting was:** Senator

Hatch

\* \* \*

On motion of Senator Valentine and at 5:00 p.m., the Senate adjourned until 9:30 a.m., Tuesday, February 18, 2003.

# THIRTIETH DAY

## MORNING SESSION

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

**Prayer** – Lane Beattie, State Olympic Officer and Former Senate President

**Pledge of Allegiance** – Senator Beverly Ann Evans

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2003

The House receded from its amendments and passed **S.B. 40, PAY PLAN – SALARY SURVEY AMENDMENTS**, by Senator M. Dmitrich, 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. 91, FUNERAL SERVICES AMENDMENTS**, by Senator D. Gladwell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 97, COUNTY ANNEXATION AMENDMENTS**, by Senator C. Walker, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 40, 2nd Sub. S.B. 91, and S.B. 97** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 17, 2003

The House passed **H.B. 155, AMENDMENTS TO ELECTION LAW**, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed **H.B. 254, MOTOR VEHICLE REGISTRATION – RESIDENT EXEMPTION**, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 155 and H.B. 254** were read the first time and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: February 17, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 146**, WASTE FEE AMENDMENTS, by Senator B. Wright; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 187**, EMINENT DOMAIN AMENDMENTS, by Senator P. Hellewell.

Beverly Ann Evans, Chair

Mr. President: February 17, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 176**, EDUCATION SUPPORT LICENSE PLATE, by Senator J. Evans; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 221**, UTAH NATIONAL PARKS LICENSE PLATES, by Senator T. Hatch; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.J.R. 15**, RESOLUTION SUPPORTING EFFORTS TO BUILD AND DEPLOY NATIONAL MISSILE DEFENSE SYSTEM, by Representative M. Morley.

David H. Steele, Chair

Mr. President: February 17, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 138**, MEDICAL MALPRACTICE AMENDMENTS, by Senator L. Blackham, with the following amendments:

1. Page 1, Line 9:  
After "charity care." insert "The act sunsets the medical malpractice arbitration agreements section."
2. Page 1, Line 12:  
After line 12 insert:  
"63-55-278, as last amended by Chapter 116, Laws of Utah, 2002"
3. Page 3, Line 71:  
After line 71 insert:

“Section 2. Section 63–55–278 is amended to read:  
63–55–278. Repeal dates, Title 78.

(1) The Office of the Court Administrator, created in Section 78–3–23, is repealed July 1, 2003.

(2) Foster care citizen review boards and steering committee, created in Title 78, Chapter 3g, is repealed July 1, 2007.

(3) Alternative Dispute Resolution Act, created in Title 78, Chapter 31b, is repealed July 1, 2003.

(4) Section 78–14–17, regarding medical malpractice arbitration agreements, is repealed July 1, 2009.”

ReNUMBER remaining sections accordingly; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 163**, DRIVER LICENSE SUSPENSION REQUIREMENTS, by Senator R. Allen; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 195**, OBSTRUCTION OF JUSTICE AND TAMPERING WITH EVIDENCE, by Senator D. Thomas; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 207**, IDENTITY FRAUD AMENDMENTS, by Senator P. Knudson.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 146**, **S.B. 187**, **S.B. 176**, **S.B. 221**, **H.J.R. 15**, **S.B. 138**, as amended, **S.B. 163**, **S.B. 195**, and **S.B. 207** were placed on Second Reading Calendar.

\* \* \*

Mr. President:

February 17, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 57**, EXPANSION OF PROTECTIVE ORDER, by Representative L. Shurtliff, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 57** was considered read for the second time and placed on the Consent Calendar.

\* \* \*

Mr. President: February 17, 2003  
 The Transportation and Public Utilities and Technology Committee has returned **S.B. 224**, USE OF TRANSPORTATION FUND, by Senator S. Jenkins, to the Rules Committee.

David H. Steele, Chair

Mr. President: February 17, 2003  
 The Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 44**, TORT REFORM AMENDMENTS, by Senator L. Blackham, to the Rules Committee.

Gregory S. Bell, Chair

**S.B. 224** and **S.B. 44** were returned to the Rules Committee.

### THIRD READING CALENDAR

**S.B. 165**, GUBERNATORIAL NOMINEE 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Dmitrich	B. Evans	Hickman
Mayne			

**S.B. 165** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 67**, REVISIONS TO BOARDS AND COMMISSIONS, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Dmitrich	B. Evans	Hickman
Mayne			

**1st Sub. S.B. 67**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 141**, LOCAL GOVERNMENT CAPITAL PROJECTS, was read the third time and explained by Senator Stephenson. Senator Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hickman
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**1st Sub. S.B. 141**, as amended, was transmitted to the House.

\* \* \*

**S.B. 108**, DANGEROUS WEAPONS AMENDMENTS, was read the third time and explained by Senator Waddoups. Senator Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bramble	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

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

Blackham	Mayne	Steele	Thomas
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**S.B. 108**, as amended, was transmitted to the House.

\* \* \*

**S.B. 66**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT, was read the third time and explained by Senator Waddoups. Senator Wright commented.

On motion of Senator Wright, the bill was circled.

\* \* \*

**1st Sub. S.B. 132**, CHILD SUPPORT AND PATERNITY 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Julander	Thomas
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**1st Sub. S.B. 132**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Time Certain Calendar.

**TIME CERTAIN**

On motion of Senator Bramble, Sandy Tenney read **H.C.R. 12** honoring the crew of the Space Shuttle Columbia. The Senate observed a moment of silence in recognition of those who lost their lives in the shuttle disaster.

On motion of Senator Bramble, under suspension of the rules, **H.C.R. 12, RESOLUTION HONORING CREW OF THE SPACE SHUTTLE COLUMBIA**, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bell	Blackham	Eastman	Mayne
Valentine			

**H.C.R. 12** was signed by the President of the Senate in open session and returned to the House.

**COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, U. S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Hickman, Hillyard, Knudson, Valentine, Mayne, Walker, and Arent commented.

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

**THIRD READING CALENDAR**

**S.B. 109, EDUCATION ASSISTANCE FOR NATIONAL GUARD MEMBERS**, was read the third time and explained by Senator Knudson. Senator Hillyard commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Eastman
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**S.B. 109**, as amended, was transmitted to the House.

\* \* \*

**S.B. 142**, AGRICULTURAL COOPERATIVES AMENDMENTS, 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

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hillyard
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**S.B. 142** was transmitted to the House.

\* \* \*

**S.B. 136**, GUILTY AND MENTALLY ILL SENTENCING AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bell	Buttars	Hillyard
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**S.B. 136** was transmitted to the House.

\* \* \*

**S.B. 61, PUBLIC UTILITY RELATED AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bell	Buttars	Hillyard	Julander
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**S.B. 61** was transmitted to the House.

On motion of Senator Valentine, the following intent language was adopted.

**INTENT LANGUAGE TO S.B. 61**

“The intent of the legislature in passing S.B. 61, Public Utility Related Amendments, is to have the Public Service Commission select a test period for setting utility rates based on the best evidence presented to the Public Service

Commission without any presumption for or against either a historical or a future test period.”

**SECOND READING CALENDAR**

**S.B. 72, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES,** was read the second time.

On motion of Senator Thomas, the bill was circled.

\* \* \*

**S.B. 157, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS,** was read the second time. Senator Hillyard explained the bill. Senators Waddoups and Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

**S.B. 126, WORKERS’ COMPENSATION AMENDMENTS,** was read the second time. Senator Mayne explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

\* \* \*

**S.B. 198**, DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senators Arent and Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2003

The House concurred in the Senate amendments and passed **H.B. 203**, RESIDENTIAL MORTGAGE REGULATORY COMMISSION, by Representative G. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 174**, UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS, by Representative T. McCartney, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 64**, PUBLIC WATER SYSTEMS AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 203, H.B. 174, and 1st Sub. H.B. 64** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

February 18, 2003

The House passed **H.B. 154**, VISION SCREENING CHECKOFF FOR MOTOR VEHICLE REGISTRATION AND DRIVER LICENSE APPLICATION AND RENEWAL, by Representative K. Bryson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 154** was read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 18, 2003

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

#### **Government Operations and Political Subdivisions**

**S.B. 219** Governmental Immunity Act Amendments (L. Blackham)

**H.B. 155** Amendments to Election Law (B. Goodfellow)

#### **Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 150** Uniform Trust Act (L. Hillyard)

**S.B. 251** Firearms Revisions (B. Evans)

#### **Revenue and Taxation**

**S.B. 30** Utah Administrative Rulemaking Act Amendments (H. Stephenson)

**S.B. 149** Bonding Law Amendments – State Financing Consolidation Act (L. Blackham)

**S.B. 180** Emergency Medical Services (C. Bramble)

**S.B. 188** Fuel Tax Credit (S. Jenkins)

**S.B. 224** Use of Transportation Fund (S. Jenkins)

**S.B. 226** State Tax Commission Amendments (H. Stephenson)

**Transportation and Public Utilities and Technology**

- S.B. 216** Motor Carrier Fee Amendments (J. Hickman)  
**H.B. 46** Honorary Consulate – Special Group License Plates  
 (D. Hogue)  
**H.B. 254** Motor Vehicle Registration – Resident Exemption  
 (R. Lockhart)

Lyle Hillyard  
 Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: February 18, 2003

The Government Operations and Political Subdivisions Committee recommends **S.B. 54**, REPEAL OF MOBILE HOME PARK RESIDENCY ACT, by Senator E. Mayne, be replaced and favorably recommends **2nd Sub. S.B. 54**, MOBILE HOME PARK RESIDENCY ACT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 164**, COUNTY AMENDMENTS, by Senator D. Gladwell, be replaced and favorably recommends **1st Sub. S.B. 164**, COUNTY AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 196**, ELECTION LAW – DISCLOSURE REQUIREMENTS, by Senator B. Evans; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 66**, COUNTY GENERAL FUND EXPENSES, by Representative B. Dee; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 235**, FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD, by Representative K. Bryson, with the following amendments:

1. Page 1, Line 22:  
Bracket “and unlawfully”
2. Page 1, Line 23:  
After “records” and before “.” insert “, knowing that the destruction, concealment, or impairment is unlawful”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 228**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, by Representative M. Thompson; and

The Government Operations and Political Subdivisions Committee recommends **1st Sub. H.J.R. 7**, RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE, by Representative C. Bennion, be replaced and favorably recommends **2nd Sub. H.J.R. 7**, RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE.

Carlene M. Walker, Chair

Mr. President:

February 18, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 179**, NOTICE OF CLAIM OF GOVERNMENTAL IMMUNITY, by Senator D. Gladwell, with the following amendments:

1. Page 1, Line 20: After "the" insert "office of the"
2. Page 1, Line 22: Delete "by registered mail, return receipt requested" and insert "in accordance with Section 68-3-8.5" and after "the" insert "office of the"
3. Page 3, Line 70:  
Delete Line 70
4. Page 3, Line 71:  
Reinstate "(b)" and after "(b)" insert "(i)" and reinstate "The" and delete "(i) ensure that the" and after "claim" reinstate "shall be" and delete "is"
5. Page 3, Line 72:  
After "guardian" delete "; and" and insert "₂"
6. Page 3, Line 73:  
After "(ii)" insert "The claimant shall"
7. Page 3, Line 78:  
After "(D) the" delete "president" and insert "chair" and after "board" insert "of trustees"; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 200**, STATE AUDITOR – EXPANSION OF DUTIES, by Senator M. Waddoups, with the following amendments:



1. Page 1, Line 9:  
After “changes.” insert “This act includes a coordination clause.”
2. Page 2, Line 45:  
After “Subsection 67-3-1” delete “(11)” and insert “(10)”
3. Page 3, Line 80:  
After “67-3-1” delete “(11)” and insert “(10)”
4. Page 10, Line 299:  
After Line 299 insert:  
“Section 6. Coordination Clause  
If this bill and H.B. 44, Substance Abuse and Mental Health  
Amendments, both pass, it is the intent of the Legislature that the cross  
reference in H. B. 44, Subsection 62A-15-103(2)(g)(iv) to  
“Subsection 67-3-1(2)(o)” be replaced with “Subsection  
67-3-1(10)”; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 204**, GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 240**, TERM LIMIT REPEAL, by Senator C. Bramble; and

Curtis S. Bramble, Chair

Mr. President:

February 18, 2003

The Workforce Services and Community and Economic Development Committee recommends **H.B. 14**, TOURISM PROMOTION PROGRAMS, by Representative S. Allen, be replaced and favorably recommends **1st Sub. H.B. 14**, TOURISM PROMOTION PROGRAMS; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 159**, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, by Representative C. Bennion, with the following amendments:

1. Page 4, Lines 108 & 109

House Floor Amendments

2-10-2003:

After "purposes" delete "or transfer union dues to a political fund"

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **2nd Sub. S.B. 54, 1st Sub. S.B. 164, S.B. 196, H.B. 66, H.B. 235**, as amended, **H.B. 228, 2nd Sub. H.J.R. 7, S.B. 179**, as amended, **S.B. 200**, as amended, **S.B. 204, S.B. 240, 1st Sub. H.B. 14**, and **1st Sub. H.B. 159** were placed on Second Reading Calendar.

\* \* \*

On motion of Senator Valentine, **S.B. 153, ALCOHOLIC BEVERAGE AMENDMENTS**, was placed on Time Certain for Friday, February 21, 2003 at 10:30 a.m.

### SECOND READING CALENDAR

**S.B. 144, HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS**, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 162, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS**, was read the second time. Senator Steele explained the bill. Senators Valentine, Davis, Hickman, Allen, Bev Evans, and Hillyard commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Buttars                      Valentine

**Absent or not voting were:** Senators

Hatch                      Wright

\* \* \*

Senator Hillyard made the motion to move **1st Sub. S.B. 56, LOCAL GOVERNMENT BOARDS OF EXAMINERS**, from the Government Operations and Political Subdivisions Standing Committee to the Judiciary, Law Enforcement and Criminal Justice Standing Committee. The motion failed on a voice vote.

\* \* \*

**S.B. 133, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE**, was read the second time. Senator Blackham explained the bill. Senator Bev Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Davis                      Hatch                      Steele                      Wright

\* \* \*

**S.B. 158, DIVISION OF CHILD AND FAMILY SERVICES MANAGEMENT INFORMATION SYSTEM AMENDMENTS**, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hatch	Hillyard
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\* \* \*

**1st Sub. S.B. 62**, UTAH HOME INSPECTION STANDARD OF PRACTICE, was read the second time. Senator Julander explained the bill. Senators Waddoups, Hale, and Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Buttars	Jenkins
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**Absent or not voting were:** Senators

Blackham	Hatch	Wright
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\* \* \*

**2nd Sub. S.B. 59**, AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, was read the second time.

On motion of Senator Arent, the bill was circled.

\* \* \*

**H.C.R. 8**, RESOLUTION SUPPORTING HILL AIR FORCE BASE, was read the second time. Senator Thomas explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Wright
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\* \* \*

**H.C.R. 9, RESOLUTION RECOGNIZING POSITIVE INFLUENCE OF LOCAL BUSINESSES ON STATE ECONOMY,** was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.J.R. 16, RESOLUTION REGARDING THE COLLECTION AND RETENTION OF PERSONAL INFORMATION BY GOVERNMENT ENTITIES,** was read the second time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**H.B. 82, INITIATIVES – ONE SUBJECT REQUIREMENT,** was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 102, ELECTION DAY MATERIALS,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Eastman	B. Evans	J. Evans

Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich	Hillyard
Steele	Stephenson		

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.J.R. 16**, RESOLUTION REGARDING THE COLLECTION AND RETENTION OF PERSONAL INFORMATION BY GOVERNMENT ENTITIES, and it was before the Senate. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich	Eastman
Steele			

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 82**, INITIATIVES – ONE SUBJECT REQUIREMENT, and it was before the Senate. Senator Bramble explained the bill. Senators Stephenson and Hillyard commented. The bill failed on the following roll call:

**Yeas, 8; Nays, 18; Absent, 3.****Voting in the affirmative were:** Senators

Bramble	J. Evans	Hatch	Hellewell
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Bell	Davis
Eastman	B. Evans	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine		

**Absent or not voting were:** Senators

Blackham	Buttars	Dmitrich
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**H.B. 82** was returned to the House for filing.

\* \* \*

**H.B. 103, VOTER REGISTRATION AMENDMENTS**, was read the second time.

Senator Eastman proposed the following amendment:

1. Page 11, Line 317:  
After “(c)” insert “(i)”
2. Page 11, Line 318:  
Delete “(i)” and insert “(A)” and after “clerk;” reinstate “and”
3. Page 11, Lines 319–320:  
Delete lines 319–320.
4. Page 11, Line 321:  
Delete “(iii)” and insert “(B)” and after line 321 insert:  
“(ii) If the voter is registering for the first time in the county, the citizen shall either:  
(A) submit a copy of a proof of identification or proof of residence with the by-mail voter registration form; or  
(B) submit proof of identification or proof of residence to the election judge at the time the citizen votes.”

Senator Eastman’s motion to amend passed on a voice vote.

Senator Eastman explained the bill. Senators Arent, Mayne, Hale, and Hickman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Bramble
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\* \* \*

On motion of Senator Wright, the circle was removed from **H.C.R. 9, RESOLUTION RECOGNIZING POSITIVE INFLUENCE OF LOCAL BUSINESSES ON STATE ECONOMY**, and it was before the Senate. Senator Wright explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Julander	Stephenson
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\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 168, FILLING MIDTERM VACANCIES IN THE LEGISLATURE**, and it was before the Senate.

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



**FILLING MIDTERM VACANCIES IN THE LEGISLATURE**

**1st Sub. H.B. 168**

*Ralph Becker*

THIS ACT MODIFIES PROVISIONS OF THE ELECTION CODE CONCERNING FILLING MIDTERM VACANCIES IN THE LEGISLATURE.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 125, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS**, and it was before the Senate. Senator Bramble explained the bill. Senators Wright and Hale commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 12; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Julander	Mayne
Steele	Thomas	Valentine	Walker
Mansell			

**Voting in the negative were:** Senators

Blackham	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Stephenson	Waddoups	Wright

\* \* \*

On motion of Senator Hillyard, the Senate voted to return **S.B. 249, ADMINISTRATIVE FINES – CLEAN UP AMENDMENTS**, to the Rules Committee.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Waddoups, the circle was removed from **S.B. 66, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT**, and it was

before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Eastman	J. Evans	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Allen	Davis	Dmitrich	B. Evans
Gladwell	Hickman	Jenkins	Stephenson
Wright			

**Absent or not voting was:** Senator

Buttars

**S.B. 66** was transmitted to the House.

### STANDING COMMITTEE REPORTS

Mr. President:

February 18, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 153**, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, et al., with the following amendments:

1. Page 4, Line 100:  
Delete line 100
2. Page 52, Line 1605:  
Delete line 1605 and insert:  
“under \$5,000        \$750  
equals or exceeds \$5,000 but less than \$10,000        \$900”
3. Page 60, Line 1851:  
After “(a)” insert “(i)” reinstate “Liquor” and insert “may be sold only at prices fixed by the commission.  
(ii) Liquor may not be sold at discount prices on any date or at any time.  
(b)”

4. Page 61, Line 1861:  
Delete “(b)” and insert “(c)”
5. Page 61, Line 1863:  
Delete “(c)” and insert “(d)”
6. Page 61, Line 1865:  
Delete “(d)” and insert “(e)”
7. Page 61, Line 1867:  
Delete “(e)” and insert “(f)”
8. Page 61, Line 1869:  
Delete “(f)” and insert “(g)”
9. Page 75, Line 2303:  
After “(11)(a)” insert:  
“(i) Liquor may be sold only at prices fixed by the commission.  
(ii) Liquor may not be sold at discount prices on any date or at any time.  
(b)”
10. Page 75, Line 2312:  
Delete “(b)” and insert “(c)”
11. Page 75, Line 2314:  
Delete “(c)” and insert “(d)”
12. Page 75, Line 2316:  
Delete “(d)” and insert “(e)”
13. Page 75, Line 2318:  
Delete “(e)” and insert “(f)”
14. Page 75, Line 2320:  
Delete “(f)” and insert “(g)”
15. Page 82, Line 2534:  
After “license” insert “in calendar year 2003”
16. Page 90, Line 2770:  
After line 2770 insert:  
“(10) Alcoholic beverages may not be sold except in connection with an order of food prepared, sold, and served at the restaurant.”

17. Page 90, Line 2771:  
Delete “(10)” and insert “(11)”
18. Page 90, Line 2776:  
Delete “(11)(a)” and insert:  
“(12)(a)(i) Wine and heavy beer may be sold only at prices fixed by the commission.  
(ii) Wine and heavy beer may not be sold at discount prices on any date or at any time.  
(b)”
19. Page 90, Line 2778:  
Delete “(b)” and insert “(c)”
20. Page 90, Line 2780:  
Delete “(c)” and insert “(d)”
21. Page 90, Line 2782:  
Delete “(d)” and insert “(e)”
22. Page 90, Line 2784:  
Delete “(e)” and insert “(f)”
23. Page 90, Line 2786:  
Delete “(f)” and insert “(g)”
24. Page 91, Line 2788:  
Delete “(12)” and insert “(13)”
25. Page 91, Line 2790:  
Delete “(13)” and insert “(14)”
26. Page 91, Line 2794:  
Delete “(13)(a)” and insert “(14)(a)”
27. Page 91, Line 2798:  
Delete “(13)(b)(i)” and insert “(14)(b)(i)”
28. Page 91, Line 2804:  
Delete “(14)(a)” and insert “(15)(a)” and delete “(14)(b)” and insert “(15)(b)”
29. Page 91, Line 2809:  
Delete “(14)(a)” and insert “(15)(a)”

30. Page 91, Line 2811:  
Delete "(15)" and insert "(16)"
31. Page 91, Line 2813:  
Delete "(15)(a)" and insert "(16)(a)"
32. Page 91, Line 2815:  
Delete "(16)" and insert "(17)"
33. Page 92, Line 2818:  
Delete "(17)" and insert "(18)"
34. Page 92, Line 2822:  
Delete "(18)" and insert "(19)"
35. Page 92, Line 2827:  
Delete "(19)" and insert "(20)"
36. Page 92, Line 2834:  
Delete "(19)(a)" and insert "(20)(a)"
37. Page 93, Line 2852:  
Delete "(20)" and insert "(21)" and delete "(19)" and insert "(20)"
38. Page 93, Line 2853:  
Delete "(19)" and insert "(20)"
39. Page 93, Line 2854:  
Delete "(21)" and insert "(22)"
40. Page 93, Line 2860:  
Delete "(21)(a)" and insert "(22)(a)"
41. Page 93, Line 2861:  
Delete "(21)(a)" and insert "(22)(a)"
42. Page 93, Line 2862:  
Delete "(22)" and insert "(23)"
43. Page 93, Line 2865:  
Delete "(23)" and insert "(24)"
44. Page 93, Line 2879:  
Delete "(23)(a)" and insert "(24)(a)"

45. Page 94, Line 2889:  
Delete “(23)(a)” and insert “(24)(a)”
46. Page 94, Line 2898:  
Delete “(24)” and insert “(25)”
47. Page 94, Line 2903:  
Delete “(24)(a)” and insert “(25)(a)”
48. Page 94, Line 2905:  
Delete “(24)(c)(iii)” and insert “(25)(c)(iii)”
49. Page 95, Line 2912:  
Delete “(24)(a)” and insert “(25)(a)”
50. Page 95, Line 2925:  
Delete “(25)” and insert “(26)”
51. Page 95, Line 2927:  
Delete “(26)” and insert “(27)”
52. Page 95, Line 2929:  
Delete “(27)” and insert “(28)”
53. Page 95, Line 2934:  
Delete “(28)” and insert “(29)”
54. Page 95, Line 2937:  
Delete “(28)(a)” and insert “(29)(a)”
55. Page 95, Line 2939:  
Delete “(29)” and insert “(30)”
56. Page 107, Line 3293:  
After “(9)(a)” insert  
“(i) Liquor may be sold only at prices fixed by the commission.  
(ii) Liquor may not be sold at discount prices on any date or at any time.  
(b)”
57. Page 107, Line 3295:  
Delete “(b)” and insert “(c)”
58. Page 107, Line 3297:  
Delete “(c)” and insert “(d)”

59. Page 107, Line 3299:  
Delete “(d)” and insert “(e)”
60. Page 107, Line 3301:  
Delete “(e)” and insert “(f)”
61. Page 119, Line 3676:  
Delete line 3676 and insert:  
“under \$10,000  
\$1,000  
equals or exceeds \$10,000 but less than \$25,000  
\$1,250”
62. Page 136, Line 4185:  
After “(30)(a)” insert  
“(i) Liquor may be sold only at prices fixed by the commission.  
(ii) Liquor may not be sold at discount prices on any date or at any time.  
(b)”
63. Page 136, Line 4187:  
Delete “(b)” and insert “(c)”
64. Page 136, Line 4189:  
Delete “(c)” and insert “(d)”
65. Page 136, Line 4191:  
Delete “(d)” and insert “(e)”
66. Page 136, Line 4193:  
Delete “(e)” and insert “(f)”
67. Page 136, Line 4195:  
Delete “(f)” and insert “(g)”
68. Page 136, Line 4197:  
Delete “(g)” and insert “(h)”
69. Page 159, Line 4916:  
After “(m)(i)” insert:  
“(A) Liquor may be sold only at prices fixed by the commission.  
(B) Liquor may not be sold at discount prices on any date or at any time.  
(ii)”
70. Page 159, Line 4918:  
Delete “(ii)” and insert “(iii)”

71. Page 159, Line 4920:  
Delete “(iii)” and insert “(iv)”
72. Page 159, Line 4922:  
Delete “(iv)” and insert “(v)”
73. Page 159, Line 4924:  
Delete “(v)” and insert “(vi)”
74. Pages 220–221, Lines 6801–6837:  
Delete lines 6801–6837
75. Page 232, Line 7180:  
Delete “or”
76. Page 232, Line 7182:  
After “time” insert “; or (e) allow any person on the premise of the following to have more than one spirituous liquor beverage at a time:  
(i) a restaurant liquor license;  
(ii) limited restaurant license;  
(iii) an on-premise banquet license; or  
(iv) a single event permit”
77. Page 266, Lines 8233–34:  
Delete “Driver License Division” and insert “Liquor Law Enforcement Unit”

David L. Thomas, Chair

On motion of Senator Valentine, the committee report was adopted.

\* \* \*

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 9:30 a.m., Wednesday, February 19, 2003.



# THIRTY-FIRST DAY

## MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

**Prayer** – Leo Memmott, Former Legislative Fiscal Analyst

**Pledge of Allegiance** – Senator Parley Hellewell

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 18, 2003

The House passed, as amended, **H.B. 18**, DEALERS IN AGRICULTURAL PRODUCTS, by Representative C. Buttars, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 72**, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 107**, DNA AMENDMENTS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 119**, JUDICIAL CONDUCT COMMISSION REVISIONS, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 148**, UNLAWFUL TAKING OF GAME FISH, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 157**, CONTROL OF WOLF POPULATION, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as substituted and amended, **10th Sub. H.B. 162**, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 163**, CRIMINAL RESTITUTION AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 194**, SHERIFF CERTIFICATION REQUIREMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 215**, STATE AGENCY – LOBBYIST RESTRICTION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 18**, **H.B. 72**, **H.B. 107**, **H.B. 119**, **H.B. 148**, **H.B. 157**, **10th Sub. H.B. 162**, **H.B. 163**, **2nd Sub. H.B. 194**, and **2nd Sub. H.B. 215** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

February 17, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee has tabled **S.B. 38**, CHILD ACCESS TO FIREARM PREVENTION AMENDMENTS, by Senator P. Julander, and has returned it to the Rules Committee for filing.

Gregory S. Bell, Chair

**S.B. 38** was returned to the Rules Committee for filing.

### THIRD READING CALENDAR

**S.B. 157**, REGULATION OF CREDIT UNION SERVICE ORGANIZATION, 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

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Hatch
Steele	Wright		

**S.B. 157** was transmitted to the House.

\* \* \*

**S.B. 126, WORKERS' COMPENSATION AMENDMENTS**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Hatch
Wright			

**S.B. 126** was transmitted to the House.

\* \* \*

**S.B. 198, DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Hickman
Wright			

**S.B. 198** was transmitted to the House.

\* \* \*

**S.B. 162, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS**, was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 133, REAUTHORIZATION OF ENERGY POLICY TASK FORCE**, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 158, DIVISION OF CHILD AND FAMILY SERVICES MANAGEMENT INFORMATION SYSTEM AMENDMENTS**, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Wright
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**S.B. 158** was transmitted to the House.

#### COMMITTEE OF THE WHOLE

On motion of Senator Valentine, U. S. Senator Robert Bennett spoke in Committee of the Whole. Senators Hickman and Waddoups commented.

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

\* \* \*

**1st Sub. S.B. 62**, UTAH HOME INSPECTION STANDARD OF PRACTICE, was read the third time.

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

**UTAH HOUSE INSPECTION STANDARD OF PRACTICE**

**2nd Sub. S.B. 62**

*Paula F. Julander*

THIS ACT MODIFIES THE REAL ESTATE CODE BY CLARIFYING THE PRACTICE OF HOUSE INSPECTIONS; SETTING FORTH GUIDELINES AND DEFINITIONS; LISTING EXCLUSIONS; SPECIFYING REQUIREMENTS FOR A WRITTEN HOUSE INSPECTION REPORT; IDENTIFYING PROHIBITED PRACTICES; MAKING HOUSE INSPECTION SERVICE PROVIDERS LIABLE FOR INSPECTIONS NOT PERFORMED IN COMPLIANCE WITH THIS CHAPTER; AND LIMITING THE TIME WITHIN WHICH A CLIENT MAY FILE A GRIEVANCE AGAINST AN INSPECTOR.

Senator Julander explained the bill. Senator Jenkins commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Allen	Blackham	Hellewell	Hillyard
Steele	Wright	Mansell	

**2nd Sub. S.B. 62** was transmitted to the House.

\* \* \*

**H.C.R. 8**, RESOLUTION SUPPORTING HILL AIR FORCE BASE, was read the third time and explained by Senator Thomas. Senator Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Hickman	Mansell
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**H.C.R. 8** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 102, ELECTION DAY MATERIALS,** was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	

**Absent or not voting were:** Senators

Bramble	Buttars	Hickman	Valentine
Wright	Mansell		

**H.B. 102** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.J.R. 16, RESOLUTION REGARDING THE COLLECTION AND RETENTION OF PERSONAL INFORMATION BY GOVERNMENT ENTITIES,** was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Dmitrich	Hickman	Mansell
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**H.J.R. 16** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 103, VOTER REGISTRATION AMENDMENTS,** was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Walker	Wright	

**Absent or not voting were:** Senators

Waddoups	Mansell
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**H.B. 103,** as amended, was returned to the House for further consideration.

\* \* \*

**H.C.R. 9, RESOLUTION RECOGNIZING POSITIVE INFLUENCE OF LOCAL BUSINESSES ON STATE ECONOMY,** was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

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

**H.C.R. 9** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 133**, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Allen	Arent	Valentine	Mansell
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**S.B. 133** was transmitted to the House.

\* \* \*

**S.B. 125**, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS, was read the third time and explained by Senator Bramble. Senators Wright,



Waddoups, Hillyard, and Bev Evans commented and the bill failed on the following roll call:

**Yeas, 14; Nays, 10; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Eastman	J. Evans	Hale
Julander	Mayne	Steele	Stephenson
Thomas	Walker		

**Voting in the negative were:** Senators

Dmitrich	B. Evans	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Waddoups	Wright		

**Absent or not voting were:** Senators

Blackham	Davis	Gladwell	Valentine
Mansell			

**S.B. 125** failed and was returned to the staff for filing. Senator Davis asked leave of the body for permission to vote on the bill. His motion was denied on a voice vote.

## SECOND READING CALENDAR

**1st Sub. H.B. 175, MANAGEMENT OF NOTARIES PUBLIC BY LIEUTENANT GOVERNOR**, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Buttars	Gladwell	Hickman
Jenkins	Julander	Valentine	Mansell

\* \* \*

**H.B. 206, COUNTY RESPONSIBILITY FOR VOTING PRECINCTS AND POLLING PLACES**, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Blackham	Gladwell	Hickman	Jenkins
Valentine	Mansell		

\* \* \*

**H.B. 80, SPECIAL SERVICE DISTRICT AMENDMENTS**, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 87, PROPERTY TAX ASSESSMENT OF LOW-INCOME HOUSING TAX CREDITS AND LOW-INCOME HOUSING COVENANTS**, was read the second time. Senator Bramble explained the bill. Senators Hillyard, Hellewell, Hatch, Davis, Stephenson, and Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Thomas
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Hillyard                      Stephenson

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Hale
Mayne	Steele	Valentine	Mansell

\* \* \*

**3rd Sub. H.B. 78, LIEN RECOVERY FUND – RATE OF INTEREST**, was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Gladwell                      Jenkins

**Absent or not voting were:** Senators

Blackham	Mayne	Valentine	Mansell
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\* \* \*

**H.B. 90, EQUIPMENT DEALER WARRANTY REIMBURSEMENT ACT**, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Julander	Knudson
Steele	Stephenson	Thomas	Waddoups
Walker	Wright		



B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Hickman	Mayne	Valentine
Mansell			

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, the Senate voted to reconsider its action on **S.B. 125**.

**S.B. 125**, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS, was before the Senate.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 169**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, was read the second time. Senator Bramble explained the bill. Senators Walker, Hillyard, Eastman, Jenkins, Hellewell, Mayne, and Waddoups commented. The bill failed on the following roll call:

**Yeas, 9; Nays, 13; Absent, 7.**

**Voting in the affirmative were:** Senators

Bell	Buttars	J. Evans	Gladwell
Hellewell	Jenkins	Stephenson	Thomas
Wright			

**Voting in the negative were:** Senators

Allen	Arent	Bramble	Davis
Dmitrich	Eastman	B. Evans	Hale
Knudson	Mayne	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Blackham	Hatch	Hickman	Hillyard
Julander	Steele	Mansell	

\* \* \*

**H.B. 169** was returned to the House for filing.

\* \* \*

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

## AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2003

The House passed, **S.B. 10**, PRENEED FUNERAL ARRANGEMENT AMENDMENTS, by Senator P. Arent, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 92**, LAND SURVEYOR AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 107**, CERTIFICATION OF MINES, 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. 115**, THEFT DETECTION SHIELDING DEVICES AMENDMENTS, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 10, S.B. 90, 1st Sub. S.B. 92, S.B. 107, and S.B. 115** 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, 2003

The House passed, as substituted, **1st Sub. H.B. 88**, PAYMENT OF REWARD UPON ARREST AND CONVICTION, by Representative Dana C. Love, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 95**, ANNEXATION OF UNINCORPORATED COUNTY ISLANDS INTO CITIES, by Representative T. Kiser, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 88** and **H.B. 95** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 19, 2003

The House substituted and passed, **1st Sub. S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 35**, REDEVELOPMENT OF SUPERFUND SITES, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 122**, UTAH ANTIDISCRIMINATION ACT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 19, 2003

The House has rejected **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, by Senator C. Bramble, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**S.B. 106** was returned to the Secretary of the Senate for filing.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 19, 2003

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

**Business and Labor**

- S.B. 177** Regulation of Debt Cancellation Agreements and Debt Suspension Agreements (J. Valentine)

- S.B. 203** Condominium Law Amendments (M. Waddoups)  
**S.B. 206** Vehicle Sale and Security Interest Amendments  
 (D. Steele)

### **Government Operations and Political Subdivisions**

- S.B. 191** County Oversight of Local Mental Health Authorities  
 (C. Walker)  
**2nd Sub. H.B. 194** Sheriff Certification Requirements (J. Murray)  
**2nd Sub. H.B. 215** State Agency – Lobbyist Restriction Amendments  
 (W. Harper)

### **Health and Human Services**

- S.B. 174** Lien of Chiropractic Providers (D. C. Buttars)  
**S.B. 208** Warrant for Removal of Minor from Home (B. Wright)  
**S.B. 212** Miners Health and Safety (E. Mayne)  
**H.B. 72** Allocation of Tobacco Fund Money to Children’s Health  
 Insurance Program (D. Hogue)

### **Judiciary, Law Enforcement, and Criminal Justice**

- S.B. 186** Uninsured and Underinsured Motorist Coverage  
 (D. Eastman)  
**S.B. 199** Limitations on Informal Judicial Reprimands  
 (D. Thomas)  
**H.B. 107** DNA Amendments (J. S. Adams)  
**H.B. 119** Judicial Conduct Commission Revisions (K. Bryson)  
**H.B. 163** Criminal Restitution Amendments (D. Aagard)

### **Natural Resources, Agriculture, and Environment**

- H.B. 18** Dealers in Agricultural Products (C. Buttars)  
**H.B. 148** Unlawful Taking of Game Fish (S. Clark)  
**H.B. 157** Control of Wolf Population (M. Styler)

### **Revenue and Taxation**

- S.B. 172** Hazardous Waste Regulation and Tax Policy Task Force  
 and Moratorium on Acceptance of Class B and C  
 Radioactive Waste (C. Bramble)  
**S.B. 209** Registration for Atv’s and Nonautomobiles (C. Bramble)

### **Transportation and Public Utilities and Technology**

- S.B. 217** Motor Vehicle – Title Requirements (G. Bell)  
**S.B. 218** Unlawful Sale or Display of Motor Vehicles (G. Bell)



**H.B. 154** Vision Screening Checkoff for Motor Vehicle Registration and Driver License Application and Renewal (K. Bryson)

Lyle Hillyard  
Rules Committee Chair

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

**SECOND READING CALENDAR**

**H.B. 192, OVERSIGHT OF UTAH CLIMATE CENTER BY UTAH STATE UNIVERSITY**, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	B. Evans
J. Evans	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Waddoups
Mansell			

**Absent or not voting were:** Senators

Blackham	Dmitrich	Gladwell	Hellewell
Mayne	Valentine	Walker	Wright

\* \* \*

**H.B. 17, AGRICULTURAL PRODUCTS DEALER’S ACT AMENDMENTS**, was read the second time.

Senator Eastman proposed the following amendment:

- Page 3, Line 68:  
After “commissioner” delete “shall” and insert “may” and after “obtain” insert “, after a hearing.”

Senator Eastman’s motion to amend passed on a voice vote.

Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hillyard	Mayne
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\* \* \*

On motion of Senator Thomas, the circle was removed from **S.B. 72**, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES, and it was before the Senate.

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

**AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES**

**1st Sub. S.B. 72***David L. Thomas*

THIS ACT MODIFIES PROVISIONS RELATED TO SPECIAL DISTRICTS AND TO LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES. THE ACT AUTHORIZES THE CREATION OF A COUNTY SERVICE AREA AND A LOCAL DISTRICT FOR FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES BY RESOLUTION OF THE LEGISLATIVE BODIES OF PARTICIPATING COUNTIES AND MUNICIPALITIES WITHOUT THE NECESSITY OF VOTER APPROVAL UNDER CERTAIN CIRCUMSTANCES. THE ACT MODIFIES BOARD OF TRUSTEES PROVISIONS FOR A DISTRICT CREATED TO PROVIDE FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES. THE ACT REQUIRES COUNTIES AND MUNICIPALITIES INCLUDED WITHIN A CERTAIN TYPE OF DISTRICT FOR FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES TO REDUCE THEIR CERTIFIED TAX RATE TO OFFSET TAXES IMPOSED BY THE DISTRICT FOR THOSE SERVICES. THE ACT IMPUTES A TAX IMPOSED BY A FIRE DISTRICT TO THE COUNTY OR MUNICIPALITY INCLUDED WITHIN THE DISTRICT FOR PURPOSES OF THE COUNTY OR MUNICIPALITY'S TAX LIMIT. THE ACT

PROVIDES FOR AUTOMATIC ANNEXATION TO CERTAIN DISTRICTS PROVIDING FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES WHEN AN AREA IS ANNEXED TO A MUNICIPALITY WITHIN THE DISTRICT AND FOR AUTOMATIC WITHDRAWAL FROM THOSE DISTRICTS WHEN AN AREA WITHIN THE DISTRICT IS ANNEXED TO A MUNICIPALITY THAT IS NOT WITHIN THE DISTRICT. THE ACT PROVIDES AN ALTERNATE METHOD OF WITHDRAWING AN AREA WITHIN A MUNICIPALITY FROM CERTAIN DISTRICTS PROVIDING FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES UPON RESOLUTION OF THE MUNICIPAL LEGISLATIVE BODY AND A VOTE OF THE MUNICIPALITY. THE ACT ALSO MAKES TECHNICAL CHANGES.

Senator Thomas explained the bill. Senators Stephenson and Gladwell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Arent                      Waddoups

**Absent or not voting were:** Senators

Blackham                  Dmitrich                  Mayne

\* \* \*

On motion of Senator Julander, the Senate voted to allow a bill file to be opened concerning nurse practitioner act amendments.

\* \* \*

**H.B. 108, FULLY INTERACTIVE DRIVING SIMULATORS IN DRIVER EDUCATION,** was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Mayne
Steele	Waddoups		

\* \* \*

**H.B. 234, ADMINISTRATIVE TREATMENT OF TRAFFIC VIOLATIONS – TECHNICAL AMENDMENTS**, was read the second time. Senator Eastman 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Mayne	Steele	Waddoups
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\* \* \*

**1st Sub. H.B. 48, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS**, was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

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

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 168, FILLING MIDTERM VACANCIES IN THE LEGISLATURE**, and it was before the Senate. Senator Valentine explained the bill. Senators Bell, Stephenson, Waddoups, Knudson, James Evans, Dmitrich, and Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Bell                              Stephenson

**Absent or not voting were:** Senators

Blackham                      Bramble                      Gladwell                      Hatch

**INTRODUCTION OF BILLS**

**RESOLUTION SUPPORTING ORGAN DONATION**

**S.C.R. 7**

*Karen Hale*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR RECOGNIZES UTAH’S COMMUNITIES, BUSINESSES, EDUCATORS, SERVICE CLUBS, AND INTERFAITH ORGANIZATIONS THAT ACCEPTED THE REQUEST OF THE LEGISLATURE AND THE GOVERNOR TO ORGANIZE EFFORTS TO RAISE PUBLIC AWARENESS

AND EDUCATION REGARDING ORGAN AND TISSUE DONATION TO HELP SAVE LIVES, was read for the first time and referred to the Rules Committee.

### SECOND READING CALENDAR

**H.B. 98**, MUNICIPAL DISCONNECTION AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	B. Evans	J. Evans	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Eastman
Gladwell	Hatch	Hickman	Mayne

\* \* \*

**H.B. 187**, CAMPAIGN CONTRIBUTION RESTRICTIONS, was read the second time. Senator Stephenson explained the bill. Senators Allen, Davis, and Thomas commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Buttars	Eastman
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Allen	Davis	Dmitrich	B. Evans
Knudson	Wright		

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Mayne
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\* \* \*

**H.B. 224, STATE RECORDS COMMITTEE – MEMBERSHIP AMENDMENTS**, was read the second time. Senator Waddoups explained the bill. Senator James Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Jenkins
Mayne			

\* \* \*

**H.J.R. 2, RESOLUTION REQUESTING STATE AGENCIES TO KEEP LEGISLATORS INFORMED**, was read the second time. Senator Hillyard 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

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Mayne
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\* \* \*

**H.B. 116, PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 200, PROPERTY TAX – INTEREST RATE ON DEFERRED TAXES**, was read the second time. Senator Hillyard 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

Allen	Arent	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bell	Blackham	Bramble	Mayne
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\* \* \*

**H.B. 211, DISABILITIES APPROPRIATIONS NONLAPSING**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.J.R. 13, JOINT RESOLUTION SUPPORTING REPEAL OF FEDERAL ESTATE TAX**, was read the second time. Senator Hatch explained the bill. Senators Allen and Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		



**Voting in the negative were:** Senators

Arent                      Hale                      Julander

**Absent or not voting were:** Senators

Blackham                Bramble                Davis                      Mayne

\* \* \*

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 9:45 a.m., Thursday, February 20, 2003.

# THIRTY-SECOND DAY

## MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

**Prayer** – Buck Froerer, Assistant City Attorney for Ogden

**Pledge of Allegiance** – Senator Ron Allen

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 19, 2003

The House passed, **S.B. 8**, SENTENCING IN CAPITAL CASES AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 55**, PROVISIONAL BALLOT AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 93**, JUSTICE COURT JUDGES AMENDMENTS, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 103**, CONCEALED WEAPON PERMIT HOLDER AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 124**, CAPITOL ARTS PLACEMENT COMMISSION, by Senator K. Hale, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 8, S.B. 55, 1st Sub. S.B. 93, S.B. 103, and 1st Sub. S.B. 124** 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, 2003

The House passed **H.B. 100**, STATE RETIREMENT CONVERSION WINDOW, by Representative B. King, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 100** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 19, 2003

The House passed, as amended, **S.B. 45**, LOBBYIST REPORTING REQUIREMENTS, by Senator P. Arent, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 75**, CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS OPERATING WATER SYSTEMS, by Senator C. Walker, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the bills were placed on the Concurrence Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 19, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 140**, PRESCRIPTION DRUG ASSISTANCE PROGRAM, by Senator J. Evans, with the following amendments:

- 1. Page 2, Line 33:  
Delete "Prominently"; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 229**, PROVIDING LOCATION INFORMATION TO NONCUSTODIAL PARENTS WITH VISITATION RIGHTS, by Representative M. Thompson; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 231**, HEALTH CARE FACILITY LICENSURE AMENDMENTS, by Representative R. McGee.

James Evans, Chair

Mr. President: February 19, 2003

The Education Committee recommends **S.B. 154**, PUBLIC EDUCATION AMENDMENTS, by Senator T. Hatch, be replaced and favorably recommends **2nd Sub. S.B. 154**, PUBLIC EDUCATION AMENDMENTS with the following amendments:

1. Page 11, Line 331:  
Delete "terms" and insert "teams"
2. Page 38, Line 1169:  
Delete "Section 53A-17a-149" and insert "Section 53A-17a-150"

Bill Wright, Chair

Mr. President: February 19, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 190**, EXPANSION OF USES OF PUBLICLY FUNDED SHOOTING RANGES, by Senator B. Wright, with the following amendments:

1. Page 1, Line 6:  
After "require" insert "certain"
2. Page 1, Line 18:  
Delete line 18
3. Page 1, Line 19:  
At the beginning of line 19 delete "(b)" and insert "(a)" and after "shooting range" insert ", as defined in Section 47-3-1," and after "that is not" delete "a" and insert "located on a state" and after "military" delete "range" and insert "installation"
4. Page 1, Line 20:  
At the beginning of line 20 delete "(c)" and insert "(b)"
5. Page 1, Line 22:  
At the beginning of line 22 delete "(d)" and insert "(c)"

6. Page 1, Line 24:  
Delete line 24
7. Page 1, Line 25:  
After “(2) Each” delete “shooting” and insert “nonmilitary”
8. Page 2, Line 29:  
After “use of a” delete “shooting” and insert “nonmilitary” and after “cover” delete the remainder of Line 29.
9. Page 2, Line 30:  
Before “costs” delete “and supply” and after “making the” delete “shooting” and insert “nonmilitary”
10. Page 2, Line 31:  
After “established by” delete the colon
11. Page 2, Lines 32–33:  
Delete lines 32 and 33
12. Page 2, Line 34:  
At the beginning of line 34 delete “(ii) for a nonmilitary range.”
13. Page 2, Line 37:  
After “for a” delete “shooting” and insert “nonmilitary”
14. Page 2, Line 39:  
After “of the” delete “shooting” and insert “nonmilitary”
15. Page 2, Line 40:  
After “(ii) for a” delete “shooting” and insert “nonmilitary”
16. Page 2, Lines 42–43:  
Delete lines 42 and 43
17. Page 2, Line 44:  
At the beginning of line 44 delete “(5)” and insert “(4)” and after “use of a” delete “shooting” and insert “nonmilitary” and after “public” delete the colon
18. Page 2, Line 45:  
Delete line 45

## 19. Page 2, Line 46:

At the beginning of line 46 delete “(b)” and after “established” delete “for a nonmilitary range”

Beverly Ann Evans, Chair

Mr. President:

February 19, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 46**, HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES, by Representative D. Hogue; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 254**, MOTOR VEHICLE REGISTRATION – RESIDENT EXEMPTION, by Representative R. Lockhart.

David H. Steele, Chair

Mr. President:

February 19, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 211**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Senator P. Arent, with the following amendments:

## 1. Page 1, Line 17:

After “(b)” delete “printed”; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 214**, UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS, by Senator M. Waddoups, with the following amendments:

## 1. Page 1, Line 10

At the beginning of line 10 delete “or” and insert “for”

## 2. Page 6, Line 180:

Delete “uninsured” and insert “underinsured”

## 3.. Page 7, Line 185:

Delete “uninsured” and insert “underinsured”

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 140**, as amended, **H.B. 229**, **H.B. 231**, **2nd Sub. S.B. 154**, as amended, **S.B. 190**, as amended, **H.B. 46**, **H.B. 254**, **S.B. 211**, as amended, and **S.B. 214**, as amended, were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 19, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 11**, RESOLUTION ENCOURAGING CONGRESS TO ENACT MEDICARE PRESCRIPTION DRUG BENEFIT, by Senator G. Davis, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 9:  
Delete "Medicaid" and insert "Medicare"
2. Page 2, Line 40:  
Delete "Medicaid" and insert "Medicare"

James Evans, Chair

Mr. President: February 19, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 204**, FELONY MURDER AMENDMENTS, by Representative K. Morgan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.J.R. 11** and **H.B. 204** were considered read the second time and placed on the Consent Calendar.

### CONCURRENCE CALENDAR

**1st Sub. S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, was before the Senate and explained by Senator Walker. Senators Valentine and Thomas commented.

On motion of Senator Walker, the bill was circled.

\* \* \*

On motion of Senator Butters, the Senate voted to concur in the House amendments to **S.B. 35**, REDEVELOPMENT OF SUPERFUND SITES. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Eastman	B. Evans	Hickman
Mayne			

**S.B. 35** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.B. 122**, UTAH ANTIDISCRIMINATION ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bell	Blackham	Eastman	B. Evans
Hillyard	Mayne		

**S.B. 122** was returned to the House for signature of the Speaker.

### CONSENT CALENDAR

**S.B. 202**, PEACE OFFICER AMENDMENT, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	J. Evans	Gladwell



Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bell	Blackham	Eastman	B. Evans
Hillyard	Valentine		

**S.B. 202** was transmitted to the House.

\* \* \*

**H.B. 210, SEXUAL ABUSE OF A CHILD AMENDMENTS**, was read the third time.

On motion of Senator Waddoups, the bill was circled.

**THIRD READING CALENDAR**

**1st Sub. H.B. 175, MANAGEMENT OF NOTARIES PUBLIC OF LIEUTENANT GOVERNOR**, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**1st Sub. H.B. 175** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 206, COUNTY RESPONSIBILITY FOR VOTING PRECINCTS AND POLLING PLACES**, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator

Hale

**H.B. 206** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 87, PROPERTY TAX ASSESSMENT OF LOW-INCOME HOUSING TAX CREDITS AND LOW-INCOME HOUSING COVENANTS**, was read the third time and explained by Senator Bramble. Senators Jenkins, Stephenson, and Bell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Hillyard	Jenkins	Stephenson
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**H.B. 87** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**3rd Sub. H.B 78, LIEN RECOVERY FUND – RATE OF INTEREST**, was read the third time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**H.B. 90**, EQUIPMENT DEALER WARRANTY REIMBURSEMENT ACT, was read the third time, explained by Senator Wright, and passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Julander	Knudson	Mayne
Steele	Valentine	Waddoups	Walker
Wright			

**Voting in the negative were:** Senators

Bell	Gladwell	Hillyard	Jenkins
Stephenson	Thomas	Mansell	

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

**H.B. 90** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard the Senate voted to allow a bill file to be opened regarding a joint resolution extending sunset dates.

\* \* \*

**H.B. 106**, FOSTER CARE GUIDANCE THROUGH PROVIDERS CONTRACTS, was read the third time, explained by Senator James Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman
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**H.B. 106** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 92**, SCHOOL FUNDS AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Hickman	Wright
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**H.B. 92** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 192**, OVERSIGHT OF UTAH CLIMATE CENTER BY UTAH STATE UNIVERSITY, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators  
 Blackham                      Wright

**H.B. 192** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**TIME CERTAIN**

On motion of Senator Waddoups, Sandy Tenney read a citation honoring Mary Phillips, community activist for Mother’s Against Drunk Driving. Senators Walker, Hale, Arent, and Hillyard commented.

**COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, Mary Phillips spoke in Committee of the Whole.

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

**THIRD READING CALENDAR**

**H.B. 17, AGRICULTURAL PRODUCTS DEALER’S ACT AMENDMENTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators  
 Blackham                      Bramble  
 Valentine

Hellewell                      Knudson

**H.B. 17**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. S.B. 72**, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES, was read the third time.

On motion of Senator Thomas, the bill was circled.

\* \* \*

**H.B. 108**, FULLY INTERACTIVE DRIVING SIMULATORS IN DRIVER EDUCATION, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Buttars	Jenkins
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**H.B. 108** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Consent Calendar.

### CONSENT CALENDAR

On motion of Senator Valentine, the circle was removed from **H.B. 210**, SEXUAL ABUSE OF A CHILD AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hellewell	Hickman
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Buttars	B. Evans	Hatch
Hillyard	Jenkins		

**H.B. 210** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **S.B. 125**, RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 15; Nays, 11; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	J. Evans
Hale	Julander	Mayne	Steele
Thomas	Valentine	Walker	

**Voting in the negative were:** Senators

Dmitrich	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Knudson
Stephenson	Waddoups	Wright	

**Absent or not voting were:** Senators

Blackham	Jenkins	Mansell
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**S.B. 125** was transmitted to the House.

\* \* \*

**H.B. 234**, ADMINISTRATIVE TREATMENT OF TRAFFIC VIOLATIONS – TECHNICAL AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Hickman	Hillyard	Jenkins
Mansell			

**H.B. 234** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**1st Sub. H.B. 168**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, was read the third time and explained by Senator Valentine. Senators Steele and Hillyard commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich



Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Thomas
Valentine	Waddoups	Walker	Wright

**Voting in the negative were:** Senators  
 Hellewell                      Knudson                      Steele                      Stephenson

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

**1st Sub. H.B. 168**, as substituted, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hickman, the circle was removed from **1st Sub. H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators  
 Blackham                      Mansell

**1st Sub. H.B. 48** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 98**, MUNICIPAL DISCONNECTION AMENDMENTS, was read the third time.

On motion of Senator Bell, the bill was circled.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to reconsider its action on **H.B. 82**. The bill will be recalled from the House and placed on the Second Reading Calendar.

\* \* \*

**H.B. 187**, CAMPAIGN CONTRIBUTION RESTRICTIONS, was read the third time and explained by Senator Stephenson.

Senator Thomas proposed the following amendment:

Senate Committee Amendments

1. Page 1, Line 25:

After "Legislature" insert "in the annual General Session"

Senator Thomas' motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker		

**Voting in the negative were:** Senators

Allen	Davis	Dmitrich	Hatch
Wright			

**Absent or not voting were:** Senators

Bramble	Mansell
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**H.B. 187**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 224**, STATE RECORDS COMMITTEE – MEMBERSHIP AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	J. Evans	Hellewell	Mansell
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**H.B. 224** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.J.R. 2**, RESOLUTION REQUESTING STATE AGENCIES TO KEEP LEGISLATORS INFORMED, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Gladwell	Mansell
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**H.J.R. 2** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 200**, PROPERTY TAX – INTEREST RATE ON DEFERRED TAXES, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Gladwell	Mansell
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**1st Sub. H.B. 200** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.J.R. 13**, JOINT RESOLUTION SUPPORTING REPEAL OF FEDERAL ESTATE TAX, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

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

Blackham	Gladwell	Mansell
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**H.J.R. 13** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Walker, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Walker, the circle was removed from **H.J.R. 10**, RESOLUTION ENCOURAGING SHARING EXHIBITS WITH HISTORY

MUSEUM, and it was before the Senate. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Gladwell	Hillyard	Mayne
Mansell			

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 20, 2003

The House requests the return of **S.B. 106, HIGHWAY PATROL USE OF UNMARKED VEHICLES**, by Senator C. Bramble, for reconsideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Bramble, the bill was returned to the House.

\* \* \*

On motion of Senator Bramble, the Senate voted to reconsider its action on **H.B. 169, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS**.

On motion of Senator Bramble, the bill was placed at the top of the Second Reading Calendar and circled.

\* \* \*

**1st Sub. H.B. 40, PROTECTION OF NONPUBLIC PERSONAL INFORMATION**, was read the second time. Senator Bell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Mansell
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\* \* \*

**H.B. 121, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES,** was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Bramble	Mayne	Mansell
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\* \* \*

**H.B. 104, DISPOSAL OF EVIDENCE IN CRIMINAL PROCEEDINGS,** was read the second time. Senator Bell explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Hatch
Mayne	Mansell		

\* \* \*

On motion of Senator Steele, **H.B. 46**, HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES, will be considered Tuesday, February 25, 2003 at 10:30 a.m..

\* \* \*

**H.B. 209**, SENTENCING FOR USE OF DANGEROUS WEAPON, was read the second time. Senator Bell explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Buttars	Davis
Dmitrich	Eastman	J. Evans	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Arent	Blackham	Bramble	B. Evans
Gladwell	Hatch	Hickman	Mayne

\* \* \*

**H.J.R. 15**, RESOLUTION SUPPORTING EFFORTS TO BUILD AND DEPLOY NATIONAL MISSILE DEFENSE SYSTEM, was read the second time. Senator Wright explained the bill. Senator Allen commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 6; Absent, 7.**

**Voting in the affirmative were:** Senators

Bell	Buttars	Eastman	J. Evans
Hellewell	Hillyard	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Davis	Dmitrich	Hale
Julander	Mayne		

**Absent or not voting were:** Senators

Arent	Blackham	Bramble	B. Evans
Gladwell	Hatch	Hickman	

\* \* \*

On motion of Senator Waddoups, the Senate voted to declare today “Sue Hyer and Deon Saunders Day” in the Senate.

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

## AFTERNOON SESSION

The Senate reassembled at 3:20 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2003

The House passed, **S.B. 52**, ACCESS TO UNINSURED MOTORIST INFORMATION, 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, **1st Sub. S.B. 74**, AMENDMENTS TO INTERLOCAL COOPERATION ACT, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 52** and **1st Sub. S.B. 74** 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, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 81**, COMPENSATION STUDY, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 93**, SUSPENSION OF DRIVING PRIVILEGES FOR HABITUAL TRUANTS, by Representative D. Bourdeaux, and it is transmitted for consideration; and



The House passed, as amended, **H.B. 105**, INTERNET PRIVACY AND SECURITY AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 149**, SCHOOL DISTRICT ADMINISTRATOR AMENDMENTS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 158**, INCORPORATION OF CITIES, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 201**, JUDICIARY AMENDMENTS, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed **H.B. 222**, CHILD WELFARE PROCEEDINGS AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed **H.B. 233**, USE OF EDUCATION REVENUES, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 266**, POLITICAL ISSUES REPORTING AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 334**, ENTICING MINORS OVER INTERNET AMENDMENTS, by Representative D. Bourdeaux, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H. B. 81, H.B. 93, H.B. 105, H.B. 149, H.B. 158, 1st Sub. H.B. 201, H.B. 222, H.B. 233, H.B. 266, and H.B. 334** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 20, 2003

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

#### **Government Operations and Political Subdivisions**

**H.B. 95**                      Annexation of Unincorporated County Islands into Cities  
(T. Kiser)

**Health and Human Services**

**S.C.R. 7** Resolution Supporting a Free Trade Agreement (K. Hale)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 223** Revisions to Parent Time (L. Hillyard)

**1st Sub. H.B. 88** Payment of Reward upon Arrest and Conviction  
(D. Love)

**Natural Resources, Agriculture, and Environment**

**S.B. 248** Bottle and Can Deposit Requirements (G. Davis)

**Retirement and Independent Entities**

**H.B. 100** State Retirement Conversion Window (B. King)

**Revenue and Taxation**

**S.B. 147** Streamlined Sales Tax Project Amendments (L. Hillyard)

**S.B. 225** Limitation of Judgments Against Government Entities  
(L. Blackham)

**S.B. 175** Revenue Procedures and Control Act Amendments  
(C. Bramble)

**H.B. 221** Extending the Sales and Use Tax Exemption for Pollution  
Control Facilities (D. Ure)

Lyle Hillyard

Rules Committee Chair

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

**SECOND READING CALENDAR**

**S.B. 146, WASTE FEE AMENDMENTS**, was read the second time. Senator Wright explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 1, Line 6:  
After “demolition waste” insert “and facilities that receive municipal waste”
2. Page 1, Line 7:  
After “per ton.” delete the rest of the line
3. Page 1, Line 8:  
Delete Lines 8 through 11 entirely

- 4. Page 2, Line 33:  
Delete “or”
- 5. Page 2, Line 35:  
Reinstate “; or” and delete “.”
- 6. Page 2, Line 36:  
Reinstate all language on Lines 36 and 37
- 7. Page 6, Line 176:  
Delete “.”
- 8. Page 6, Line 177:  
Delete “(i)”
- 9. Page 6, Line 181:  
Reinstate “.” and delete “; or”
- 10. Page 6, Line 182:  
Delete Lines 182 and 183
- 11. Page 12, Line 347:  
After “municipal waste” insert or “. and the owner or operator of a facility that receives municipal waste under Subsection 19-6-102(3)(b)(iii)”

Senator Waddoups’ motion to amend failed on a voice vote.

Senators Mansell, Valentine, and Buttars commented.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 187, EMINENT DOMAIN AMENDMENTS**, was read the second time. Senator Hellewell explained the bill. Senators Steele and Thomas commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch

Hellewell	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Eastman	Hickman	Hillyard
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\* \* \*

On motion of Senator Thomas, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Thomas, the circle was removed from **1st Sub. S.B. 72, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES**, and it was before the Senate. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

- Page 1, Line 24:  
After “technical changes.” insert “The act provides a coordination clause.”
- Page 12, Line 348:  
After line 348 insert:  
“(iii) Each member appointed by a county under Subsection (11)(b)(i) shall be an elected official of the appointing county, and each member appointed by a municipality under Subsection (11)(b)(ii) shall be an elected official of the appointing municipality.”
- Page 37, Line 1120:  
After line 1120 insert:  
“Section 21. Coordination clause.  
(1) If this bill and H.B. 95, Annexation of Unincorporated County Islands Into Cities, both pass, it is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel change Section 10–2–428, as enacted in H.B. 95, to read:  
’10–2–428. Neither annexation nor boundary adjustment has an effect on most district boundaries.  
Except as provided in Section 17B–2–515.5 and Subsection

17B-2-601(2), the annexation of an unincorporated area by a municipality or the adjustment of a boundary shared by municipalities does not affect the boundaries of an independent special district under Title 17, Chapter 2, Independent Special Districts, or a local district under Title 17B, Chapter 2, Local Districts.'

(2) If this bill and S.B. 18, Lieutenant Governor Certification of Special District and Local District Annexations, Withdrawals, and Dissolutions, both pass, it is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel:

(a) combine the amendments made by this bill and S.B. 18 to Section 17B-2-514 so that Section 17B-2-514 shall read:

'17B-2-514. Resolution approving an annexation -- Notice of annexation -- When annexation complete.

(1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution [~~annexing~~] approving the annexation of the area proposed to be annexed or rejecting the proposed annexation within 30 days after:

(i) expiration of the protest period under Subsection 17B-2-512(2), if sufficient protests to require an election are not filed;

(ii) for a petition that meets the requirements of Subsection 17B-2-513(1):

(A) a public hearing under Section 17B-2-509 is held, if the board chooses or is required to hold a public hearing under Subsection 17B-2-513(2)(a)(ii); or

(B) expiration of the time for submitting a request for public hearing under Subsection 17B-2-513(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public hearing.

(b) If the local district has entered into an agreement with the United States that requires the consent of the United States for an annexation of territory to the district, [~~an~~] a resolution approving annexation under this part may not [~~occur~~] be adopted until the written consent of the United States is obtained and filed with the board of trustees.

(2) (a) [~~Within ten~~] The board shall file a notice with the lieutenant governor:

(i) within 90 days after adoption of [~~an annexation~~] a resolution under Subsection (1), Subsection 17B-2-512(3)(c)(i), or Section 17B-2-515[; or a boundary adjustment resolution under Subsection 17B-2-516(4), the board shall: (a) file]; and

(ii) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a municipal annexation that causes an automatic annexation to a local district under Section 17B-2-515.5.

(b) The notice required under Subsection (2)(a) shall:

(i) be accompanied by:

(A) if applicable, a copy of the board resolution approving the annexation; and

(B) an accurate map depicting the boundaries of the area to be annexed or a legal description of the area to be annexed, adequate for purposes of the county assessor and recorder;

(ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include a certification by the local district board that all requirements for the annexation have been complied with; and

(iii) for an automatic annexation to a local district under Section 17B-2-515.5, state that an area outside the boundaries of the local district is being automatically annexed to the local district under Section 17B-2-515.5 because of a municipal annexation under Title 10, Chapter 2, Part 4, Annexation.

(c) (i) Within ten days after receiving the notice under Subsection (2)(a)(i), the lieutenant governor shall:

(A) issue a certificate of annexation and send a copy of the certificate to the local district board, the State Tax Commission, the state auditor, and the assessor and recorder of each county in which any part of the annexed area is located; and

(B) send a [written] copy of the notice [of annexation with] under Subsection (2)(a)(i), including the accompanying map or legal description, to the State Tax Commission[, the lieutenant governor,] and the assessor and recorder of [the] each county in which any part of the annexed area is located[, accompanied by an accurate map or legal description of the boundaries of the area being annexed, adequate for purposes of the county assessor and recorder; and].

[(b) prepare and execute a certificate acknowledging that the notices required under Subsection (2)(a) have been filed, and maintain the certificate with the district records.]

(ii) The lieutenant governor shall issue a certificate of annexation for an automatic annexation that is the subject of a notice under Subsection (2)(a)(ii) as provided in Subsection 10-2-117(3)(b).

(3) The annexation shall be complete [on the date indicated in the certificate required under Subsection (2)(b) as the date on which the board filed the notices required under Subsection (2)(a).];

(a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon the lieutenant governor's issuance of the certificate of annexation under Subsection (2)(c)(i); and

(b) for an automatic annexation that is the subject of a notice under

Subsection (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under Subsection 10-2-117(3)(b).'; and (b) combine the amendments made by this bill and S.B. 18 to Section 17B-2-610 so that Section 17B-2-610 shall read:

'17B-2-610. Notice of withdrawal -- Contest period -- Judicial review.

(1) (a) [~~Within ten 90~~ days after adopting a resolution approving a withdrawal, the] ~~The~~ board of trustees shall file a written notice of withdrawal with the lieutenant governor:

(i) within ten days after adopting a resolution approving a withdrawal under Section 17B-2-608; and

(ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an automatic withdrawal under Subsection 17B-2-601(2) or after receiving notice of a withdrawal of a municipality from a local district under Section 17B-2-603.5.

(b) The notice required under Subsection (1)(a) shall:

(i) be accompanied by:

(A) for a withdrawal pursuant to a resolution adopted under Section 17B-2-608, a copy of the board resolution approving the withdrawal; and

(B) an accurate map depicting the boundaries of the withdrawn area or a legal description of the withdrawn area, adequate for purposes of the county assessor and recorder; and

(ii) for a withdrawal pursuant to a resolution adopted under Section 17B-2-608, include a certification by the local district board that all requirements for the withdrawal have been complied with.

(c) Within ten days after receiving the notice of withdrawal under Subsection (1)(a) for a withdrawal under Section 17B-2-608 or for the withdrawal of a municipality from a local district under Section 17B-2-603.5, the lieutenant governor shall:

(i) issue a certificate of withdrawal and send a copy of the certificate to the local district board, the State Tax Commission, the state auditor, and the assessor and recorder of each county in which any part of the withdrawn area is located; and

(ii) send a copy of the notice [~~of the withdrawal with~~] under Subsection (1)(a), including the accompanying map or legal description, to the State Tax Commission and the assessor and recorder of each county in which any part of the withdrawn area is located[~~, accompanied by a copy of the resolution approving the withdrawal, an accurate map depicting the boundaries of the withdrawn area or a legal description of the withdrawn area, adequate for purposes of the county assessor and~~

recorder].

~~[(b)]~~ (2) (a) Upon the [filing of the notices required by Subsection (1)(a)] lieutenant governor's issuance of the certificate of withdrawal under Subsection (1)(c)(i) for a withdrawal under Section 17B-2-608 or for the withdrawal of a municipality from a local district under Section 17B-2-603.5, the withdrawal shall be effective, subject to the conditions of the withdrawal resolution, if applicable.

(b) An automatic withdrawal under Subsection 17B-2-601(2) shall be effective upon the lieutenant governor's issuance of a certificate of withdrawal under Subsection 10-1-117(3)(b).

~~[(2)]~~ (3) The local district may provide for the publication of any resolution approving or denying the withdrawal of an area in a newspaper of general circulation in the area proposed for withdrawal. In lieu of publishing the entire resolution, the local district may publish a notice of withdrawal or denial of withdrawal, containing:

(a) the name of the local district;

(b) a description of the area proposed for withdrawal;

(c) a brief explanation of the grounds on which the board of trustees determined to approve or deny the withdrawal; and

(d) the times and place where a copy of the resolution may be examined, which shall be at the place of business of the local district, identified in the notice, during regular business hours of the local district as described in the notice and for a period of at least 30 days after the publication of the notice.

~~[(3)]~~ (4) Any sponsor of the petition or receiving entity may contest the board's decision to deny a withdrawal of an area from the local district by submitting a request, within 60 days after the resolution is adopted under Section 17B-2-608, to the board of trustees, suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of trustees based its decision to deny the withdrawal.

~~[(4)]~~ (5) Within 60 days after the request under Subsection ~~[(3)]~~ (4) is submitted to the board of trustees, the board may consider the suggestions for mitigation and adopt a resolution approving or denying the request in the same manner as provided in Section 17B-2-608 with respect to the original resolution denying the withdrawal and file a notice of the action as provided in Subsection (1).

~~[(5)]~~ (6) (a) Any person in interest may seek judicial review of:

(i) the board of trustees' decision to withdraw an area from the local district;

(ii) the terms and conditions of a withdrawal; or

(iii) the board's decision to deny a withdrawal.



(b) Judicial review under this Subsection [(5)] (6) shall be initiated by filing an action in the district court in the county in which a majority of the area proposed to be withdrawn is located:

(i) if the resolution approving or denying the withdrawal is published under Subsection [(2)] (3), within 60 days after the publication or after the board of trustees' denial of the request under Subsection [(4)] (5);

(ii) if the resolution is not published pursuant to Subsection [(2)] (3), within 60 days after the resolution approving or denying the withdrawal is adopted; or

(iii) if a request is submitted to the board of trustees of a local district under Subsection [(3)] (4), and the board adopts a resolution under Subsection [(4)] (5), within 60 days after the board adopts a resolution under Subsection [(4)] (5) unless the resolution is published under Subsection [(2)] (3), in which event the action must be filed within 60 days after the publication.

(c) A court in which an action is filed under this Subsection [(5)] (6) may not overturn, in whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

(i) the court finds the board of trustees' decision to be arbitrary or capricious; or

(ii) the court finds that the board materially failed to follow the procedures set forth in this part.

(d) A court may award costs and expenses of an action under this section, including reasonable attorney's fees, to the prevailing party.

[(6)] (7) After the applicable contest period under Subsection [(3) or (5)] (4) or (6), no person may contest the board of trustees' approval or denial of withdrawal for any cause."

Senator Thomas' motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- |          |            |          |           |
|----------|------------|----------|-----------|
| Allen    | Bell       | Blackham | Bramble   |
| Davis    | Dmitrich   | B. Evans | J. Evans  |
| Gladwell | Hale       | Hickman  | Hillyard  |
| Jenkins  | Julander   | Knudson  | Mayne     |
| Steele   | Stephenson | Thomas   | Valentine |
| Walker   | Mansell    |          |           |

**Absent or not voting were:** Senators

Arent	Buttars	Eastman	Hatch
Hellewell	Waddoups	Wright	

**1st Sub. S.B. 72**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Steele, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**S.B. 176**, EDUCATION SUPPORT LICENSE PLATES, was read the second time.

On motion of Senator James Evans, the bill was circled.

\* \* \*

**S.B. 221**, UTAH NATIONAL PARKS LICENSE PLATES, was read the second time. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Walker	Mansell

**Absent or not voting were:** Senators

Allen	Dmitrich	Eastman	Waddoups
Wright			

\* \* \*

On motion of Senator James Evans, the circle was removed from **S.B. 176**, EDUCATION SUPPORT LICENSE PLATES, and it was before the Senate. Senator James Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Eastman	Wright
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\* \* \*

**S.B. 138, MEDICAL MALPRACTICE AMENDMENTS**, was read the second time. Senator Blackham explained the bill. Senators Hillyard, Arent, and Bell commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Hillyard	Stephenson
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**Absent or not voting were:** Senators

Davis	Eastman
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\* \* \*

On motion of Senator Blackham, the Senate voted to allow a bill file be opened regarding estate taxes.

\* \* \*

On motion of Senator Waddoups and at 4:15 p.m., the Senate adjourned until 9:30 a.m., Friday, February 21, 2003.

# THIRTY–THIRD DAY

## MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

**Prayer** – Allen Marcov, Counselor in the Sunset Heights Stake Presidency

**Pledge of Allegiance** – Senator Mike Dmitrich

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2003

The Speaker of the House has signed **S.B. 35**, REDEVELOPMENT OF SUPERFUND SITES, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 122**, UTAH ANTIDISCRIMINATION ACT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 35** and **S.B. 122** 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, 2003

The House concurred in the Senate amendments and passed **H.B. 103**, VOTER REGISTRATION AMENDMENTS, by Representative L. Pace, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 103** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 20, 2003

The House passed, as substituted and amended, **2nd Sub. H.B. 114**, MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 212**, PRIMARY CARE NETWORK AMENDMENTS FOR GENERAL ASSISTANCE RECIPIENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 246**, RETIREMENT OFFICE AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 114**, **H.B. 212**, and **H.B. 246** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 20, 2003

The House passed, upon reconsideration, as amended, **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, by Senator C. Bramble, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 128**, PROTECTIVE ORDER AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 8**, RESOLUTION RECOGNIZING LIBERTY DAY, by Senator E. Mayne, and it is transmitted for further consideration; and

The House transmits **H.B. 82**, INITIATIVES – ONE SUBJECT REQUIREMENT, by Representative J. M. Philpot, for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the Senate bills were placed on the Concurrence Calendar.

On motion of Senator Waddoups, **H.B. 82** was placed at the top of the Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 20, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 170**, AMENDMENTS TO WORKERS' COMPENSATION, by Senator C. Bramble, with the following amendments:

1. Page 9, Lines 247–248:  
Delete “While designated the residual market carrier, and for five years after the contract terminates in accordance with Section 31A–33a–107, the” and insert “The”
2. Page 9, Line 252:  
After line 252 insert:  
“(5) While designated the residual market carrier, and for five years after the contract terminates in accordance with Section 31A–331–107, the residual market carrier may not offer health care insurance as defined in Section 31A–1–301(55).  
(6) The residual market carrier shall operate its business in a manner consistent with maintaining its federal income tax exemption under 26 U.S.C. Section 501(c)(27)(B) and shall work to cure any defects in maintaining its exemption.  
(7) Members of the board of directors of the residual market carrier shall:  
(a) serve no more than three four-year terms on the board of the residual market carrier; and  
(b) be investment trustees and fiduciaries of the residual market carrier’s policyholders.  
(8) Compensation for the officers, directors, and employees of the residual market carrier is subject to the provisions of Section 31A–5–416.”
3. Page 11, Line 314:  
After “commissioner may” insert “with unanimous consent of the Utah Residual Market Oversight Council”
4. Page 18, Line 526:  
Delete “January” and insert “July”; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 205**, TOBACCO MARKETING PRACTICES RESTRICTIONS, by Senator C. Bramble.

Parley Hellewell, Chair

Mr. President:

February 20, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 184**, MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS, by Senator C. Walker, with the following amendments:

1. Page 1, Line 8:  
After “certain” insert “cable television and”
2. Page 2, Line 55:  
After “providing” insert “cable television service or”
3. Page 2, Line 56:  
After “10–18–102” delete the remainder of line 56 and insert a period
4. Page 2, Line 57:  
Delete line 57
5. Page 3, Line 72:  
After “(1)(p)” insert “: (a)”
6. Page 3, Line 74:  
After “assessment of the district” delete the period and insert: “; and (b) notwithstanding Title 10, Chapter 18, Municipal Cable Television and Public Telecommunications Services, may not provide cable television service or public telecommunications service, as defined in Section 10–18–102.”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 219**, GOVERNMENTAL IMMUNITY ACT AMENDMENTS, by Senator L. Blackham; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 155**, AMENDMENTS TO ELECTION LAW, by Representative B. Goodfellow.

Carlene M. Walker, Chair

Mr. President:

February 20, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 30**, UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 149**, BONDING LAW AMENDMENTS – STATE FINANCING CONSOLIDATION ACT, by Senator L. Blackham; and

The Revenue and Taxation Committee recommends **S.B. 180**, EMERGENCY MEDICAL SERVICES, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 180**, EMERGENCY MEDICAL SERVICES with the following amendment:

1. Page 5, Line 146:

After “that” delete “nonemergency” and insert “non”; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 182**, INDIVIDUAL INCOME TAX – CONTRIBUTION TO BOYS AND GIRLS CLUBS OF AMERICA, by Senator D. C. Buttars; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 226**, STATE TAX COMMISSION AMENDMENTS, by Senator H. Stephenson.

Curtis S. Bramble, Chair

Mr. President:

February 20, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 155**, PROFESSIONAL EMPLOYER ORGANIZATIONS, by Senator E. Mayne; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 194**, COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT, by Senator D. Thomas, with the following amendments:

1. Page 3, Line 87:

After “before” delete “9 a.m. or after 8:30” and insert “8 a.m. or after 9”

2. Page 6, Line 160:

At the beginning of line 160, insert “(1)”

3. Page 6, Line 161:

After line 161, insert:

“(2) It is an affirmative defense to a violation of this section that the person making the telephone call in violation of this section made the telephone call in reliance on a current database:

(a) established by any federal agency; and

(b) that establishes a national database of telephone numbers of persons who object to receiving telephone solicitations.”

4. Page 7, Line 191:

After “the division shall” insert “:(a)”

5. Page 7, Line 193:

After “section” delete “.” and insert “; and (b) at least once every three months, forward to the national database all telephone numbers contained in the no-call database maintained under this section.”



6. Page 7, Line 210:  
After line 210, insert:  
“Section 9. Section 13–25a–111 is enacted to read:  
13–25a–111. Exemptions.  
Notwithstanding any other provision of this chapter, the provisions of  
Sections 13–25a–103 and 13–25a–108 do not apply to a person that  
holds a license:  
(a) under Title 31A, Insurance Code; or  
(b) issued by the Division of Real Estate established in Section  
61–2–5.”; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS, by Representative M. Dayton, with the following amendments:

1. Page 2, Line 53:  
Reinstate “closely”
2. Page 5, Line 125:  
After “within” delete “three” and insert “five”
3. Page 5, Line 143:  
Reinstate Lines 143 through 145
4. Page 6, Line 177:  
Delete “bureau” and insert “board”
5. Page 7, Line 191:  
Delete “bureau” and insert “board”
6. Page 7, Line 193:  
Delete “bureau” and insert “board” in two places
7. Page 8, Line 220:  
Delete “bureau” and insert “board”
8. Page 8, Line 224:  
Delete “bureau” and insert “board”

- 9: Page 8, Line 234:  
Delete "bureau's" and insert "board's"

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 170**, as amended, **S.B. 205**, **S.B. 184**, as amended **S.B. 219**, **H.B. 155**, **S.B. 30**, **S.B. 149**, **1st Sub. S.B. 180**, as amended, **S.B. 182**, **S.B. 226**, **S.B. 155**, **S.B. 194**, as amended, and **H.B. 217**, as amended, were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### NURSE PRACTICE ACT EXEMPTION AMENDMENT

**S.B. 252**

*Paula F. Julander*

THIS ACT MODIFIES THE NURSE PRACTICES ACT. THE ACT MODIFIES THE EXEMPTIONS FROM LICENSURE TO PERMIT A PERSON WHO IS SELF DIRECTING HIS OWN PERSONAL CARE IN HIS PRIVATE RESIDENCE TO EMPLOY A PERSON TO ASSIST HIM IN HIS CARE. THE ACT MAKES TECHNICAL AMENDMENTS, was read for the first time and referred to the Rules Committee.

## CONCURRENCE CALENDAR

On motion of Senator Walker, the circle was removed from **1st Sub. S.B. 7**, **AUTOMOBILE HOMICIDE AMENDMENTS**, and it was before the Senate.

On motion of Senator Walker, the Senate refused to concur in the House amendments and requests the House recede from its amendments. **1st Sub. S.B. 7** was returned to the House.

\* \* \*

On motion of Senator Arent, the Senate voted to concur in the House amendments to **S.B. 45**, **LOBBYIST REPORTING REQUIREMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Steele
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Knudson	Mayne	Thomas
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**S.B. 45** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Walker, the Senate voted to concur in the House amendments to **S.B. 75**, CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hickman	Knudson	Mayne	Thomas
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**S.B. 75** was returned to the House for signature of the Speaker.

\* \* \*

**S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, was before the Senate and explained by Senator Waddoups. Senator Arent commented.

On motion of Senator Waddoups, the bill was circled.

### CONSENT CALENDAR

**H.B. 57**, EXPANSION OF PROTECTIVE ORDER, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	Knudson	Valentine
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**H.B. 57** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

### **THIRD READING CALENDAR**

On motion of Senator Hickman, the circle was removed from **3rd Sub. H.B. 78, LIEN RECOVERY FUND – RATE OF INTEREST.**

Senator Jenkins proposed the following amendment:

1. Page 2, Line 34:  
After “Prime Lending Rate” insert “plus 2%”

Senator Jenkins’ motion to amend failed on a voice vote.

Senator Jenkins commented and the bill failed on the following roll call:

**Yeas, 4; Nays, 24; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell	J. Evans	Hellewell	Hillyard
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**Voting in the negative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hickman	Jenkins	Julander	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**3rd Sub. H.B. 78** was returned to the House for filing.

### **COMMITTEE OF THE WHOLE**

On motion of Senator Hickman, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators James Evans and Mayne commented.

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

### **TIME CERTAIN CALENDAR**

**S.B. 153**, ALCOHOLIC BEVERAGE AMENDMENTS, was read the second time.

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

### **ALCOHOLIC BEVERAGE AMENDMENTS**

**1st Sub. S.B. 153**

*John Valentine*

THIS ACT MODIFIES THE ALCOHOLIC BEVERAGE TITLE INCLUDING TECHNICAL CHANGES. THE ACT MODIFIES DEFINITIONS. THE ACT MODIFIES PROVISIONS RELATED TO THE ADMINISTRATION OF THE TITLE BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION AND THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL. THE ACT MODIFIES PROVISIONS RELATED TO STATE STORES. THE ACT MODIFIES PROVISIONS RELATED TO PACKAGE AGENCIES. THE ACT MODIFIES PROVISIONS RELATED TO RESTAURANT LIQUOR LICENSES AND AIRPORT LOUNGE LIQUOR LICENSES. THE ACT ENACTS PROVISIONS PROVIDING FOR LIMITED RESTAURANT LICENSES. THE ACT ENACTS PROVISIONS PROVIDING FOR ON-PREMISE BANQUET LICENSES. THE ACT MODIFIES PROVISIONS RELATED TO PRIVATE CLUB LICENSES INCLUDING THE CREATION OF CLASSES OF PRIVATE CLUB LICENSES. THE ACT MODIFIES PROVISIONS RELATED TO SPECIAL USE PERMITS. THE ACT AMENDS PROVISIONS RELATED TO SINGLE EVENT PERMITS. THE ACT MODIFIES PROVISIONS RELATED TO MANUFACTURING LICENSES, LOCAL INDUSTRY REPRESENTATIVE LICENSES, AND WAREHOUSING LICENSES. THE ACT MODIFIES PROVISIONS RELATED TO BEER RETAIL AND WHOLESALE LICENSES AND ENACTS

PROVISIONS PROVIDING FOR TEMPORARY SPECIAL EVENT BEER PERMITS. THE ACT MODIFIES PROVISIONS RELATED TO CRIMINAL OFFENSES INCLUDING RESTRICTIONS ON SALES, PURCHASE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES OR PRODUCTS; RESTRICTIONS ON OPERATIONS; RESTRICTIONS ON ADVERTISING; RESTRICTIONS ON TRANSPORTATION AND DISTRIBUTION OF ALCOHOLIC BEVERAGES OR PRODUCTS; AND RESTRICTIONS ON TRADE PRACTICES. THIS ACT REPEALS PROVISIONS IN THE SUNSET ACT RELATED TO WINE MARK-UPS. THE ACT ENACTS THE NUISANCE LICENSEES ACT. THIS ACT APPROPRIATES FOR FISCAL YEAR 2002-03 ONLY, \$325,900 FROM THE LIQUOR CONTROL FUND TO THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL AND \$62,000 FROM THE GENERAL FUND TO THE DRIVER LICENSE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY. SUBJECT TO FUTURE BUDGET CONSTRAINTS, AS AN ONGOING APPROPRIATION, THIS ACT APPROPRIATES FOR FISCAL YEAR 2003-04, \$1,396,900 FROM THE LIQUOR CONTROL FUND TO THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL AND \$143,000 FROM THE GENERAL FUND TO THE LIQUOR LAW ENFORCEMENT UNIT OF THE DEPARTMENT OF PUBLIC SAFETY.

Senator Valentine explained the bill. Senators Hickman, Dmitrich, Blackham, Steele, Allen, and Jenkins commented.

Senator Blackham proposed the following amendment:

1. Page 168, Line 5194-5195:  
After "submit" delete "a renewal fee of [~~\$1,000~~] \$2,500 and a completed application to the department" and insert "by"
2. Page 168, Line 5196:  
After "expires" insert:  
":(i) a completed renewal application to the department; and (ii) a renewal fee in the following amount: (A) \$2,500, except for an alcoholic beverage manufacturing license described in Subsection (2)(b)(ii)(B); or (B) \$1,200 for a winery license if the winery licensee produced less than 20,000 gallons of wine in the calendar year preceding the year in which the licensee seeks renewal"

Senator Blackham's motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

B. Evans	J. Evans	Knudson
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**THIRD READING CALENDAR**

**H.J.R. 10**, RESOLUTION ENCOURAGING SHARING EXHIBITS WITH HISTORY MUSEUM, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Bramble	B. Evans	J. Evans	Knudson
Mayne	Wright		

**H.J.R. 10** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 40**, NOTICE OF INTENT TO SELL NONPUBLIC PERSONAL INFORMATION, was read the third time, explained by Senator Bell.

Senator Steele proposed the following amendment:

- 1. Senate Committee Amendments,  
Page 5, Line 131:  
After “services” insert “, including business outsource services”

Senator Steele’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Buttars	Davis	J. Evans	Knudson
Thomas	Wright		

**1st Sub. H.B. 40**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Valentine, the circle was removed from **S.B. 127**, APPEARANCE OF DRIVER LICENSE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Valentine made the motion, after passage, to place the bill on the Third Reading Calendar below **S.B. 153**. The motion passed. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell



Hickman	Jenkins	Julander	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Buttars	Davis	Hatch	Hillyard
Knudson	Thomas	Wright	

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 121, LEAVE OF ABSENCE FOR DISABLED EMPLOYEES,** was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Arent	Buttars	Davis	Hillyard
Knudson	Thomas	Wright	

**H.B. 121** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 104, DISPOSAL OF EVIDENCE IN CRIMINAL PROCEEDINGS,** was read the third time.

On motion of Senator Bell, the bill was circled.

\* \* \*

**H.B. 209, SENTENCING FOR USE OF DANGEROUS WEAPON,** was read the third time.

On motion of Senator Bell, the bill was circled.

\* \* \*

**H.J.R. 15**, RESOLUTION SUPPORTING EFFORTS TO BUILD AND DEPLOY NATIONAL MISSILE DEFENSE SYSTEM, was read the third time and explained by Senator Wright. Senators Steele and James Evans commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 7; Absent, 6.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Jenkins	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	

**Absent or not voting were:** Senators

Bramble	Buttars	Hickman	Hillyard
Knudson	Thomas		

**H.J.R. 15** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Arent, Sandy Tenney read a citation honoring former U. S. Senator Frank E. Moss.

### **COMMITTEE OF THE WHOLE**

On motion of Senator Arent, Brian Moss, son of former U. S. Senator Frank E. Moss, spoke in Committee of the Whole. Senators Julander, Davis, and Mansell commented.

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

### **THIRD READING CALENDAR**

On motion of Senator Bell, the circle was removed from **H.B. 104**, DISPOSAL OF EVIDENCE IN CRIMINAL PROCEEDINGS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hillyard	Jenkins
Julander	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Arent	Bramble	Buttars	Davis
Hale	Hickman	Knudson	Stephenson
Wright			

**H.B. 104** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bell, the circle was removed from **H.B. 209**, SENTENCING FOR USE OF DANGEROUS WEAPON. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Davis
Dmitrich	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	Buttars	B. Evans
Hickman	Knudson	Wright	

**H.B. 209** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**S.B. 187**, EMINENT DOMAIN AMENDMENTS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Davis
Dmitrich	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	Buttars	Eastman
B. Evans	Hickman	Wright	

**S.B. 187** was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, and at 11:45 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2003

The House passed, as substituted, **1st Sub. H.B. 145**, DEPARTMENT OF ADMINISTRATIVE SERVICES AMENDMENTS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed **H.B. 219**, WAGES FOR TIPPED EMPLOYEES, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 232**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 237**, LEGISLATIVE EVALUATION OF APPROVAL OF RADIOACTIVE WASTE FACILITY, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 244**, MUNICIPAL GOVERNMENT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 258**, MOTOR VEHICLE BUSINESS REGULATION – PENALTIES, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 310**, TRANSPORTATION PLANNING TASK FORCE, by Representative J. Dougall, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 145, H.B. 219, 1st Sub. H.B. 232, 1st Sub. H.B. 237, H.B. 244, H.B. 258, and H.B. 310** were read the first time and referred to the Rules Committee.

### THIRD READING CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 98**, MUNICIPAL DISCONNECTION AMENDMENTS.

Senator Bell proposed the following amendment:

1. Page 2, Line 50:  
At the end of line 50 delete “and”
2. Page 2, Line 55:  
After line 55 insert:  
“(b) cause notice of the request to be mailed to each owner of real property located within the area proposed to be disconnected; and”
3. Page 2, Line 56:  
At the beginning of line 56 delete “(b)” and insert “(c)”

Senator Bell’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Mansell			

**Absent or not voting were:** Senators

Buttars	Davis	Walker	Wright
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**H.B. 98**, as amended, was returned to the House.

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**S.B. 221**, UTAH NATIONAL PARKS LICENSE PLATES, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Mansell		

**Absent or not voting were:** Senators

Buttars	Walker	Wright
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**S.B. 221** was transmitted to the House.

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**S.B. 176**, EDUCATION SUPPORT LICENSE PLATE, was read the third time, explained by Senator James Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

**Absent or not voting were:** Senators

Bell	Buttars	B. Evans	Walker
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**S.B. 176** was transmitted to the House.

\* \* \*

**S.B. 138, MEDICAL MALPRACTICE AMENDMENTS**, was read the third time and explained by Senator Blackham. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Wright	Mansell

**Voting in the negative were:** Senators

Hillyard	Stephenson	Waddoups
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**Absent or not voting were:** Senators

Buttars	Walker
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**S.B. 138**, as amended, was transmitted to the House.

**SECOND READING CALENDAR**

On motion of Senator Eastman, the circle was removed from **1st Sub. S.B. 76, UTAH FIREWORKS ACT AMENDMENTS**, and it was before the Senate.

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

**UTAH FIREWORKS ACT AMENDMENTS**

**2nd Sub. S.B. 76**

*Dan R. Eastman*

THIS ACT MODIFIES THE PUBLIC SAFETY CODE BY RAISING THE FEE FOR A STATE LICENSE FOR DISPLAY OR SPECIAL EFFECTS OPERATORS FROM \$10 TO \$30. THE ACT ALSO RAISES THE FEE FOR AN IMPORTER OR WHOLESALER OF PYROTECHNIC DEVICES FROM \$250 TO \$500 AND REQUIRES THAT HALF OF THE MONEY BE USED BY THE STATE FIRE MARSHALL DIVISION TO ESTABLISH A PUBLIC

FIREWORKS EDUCATION PROGRAM. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE.

Senator Eastman explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators

Buttars	Davis
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\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 94**, UTAH CONTROLLED SUBSTANCES – EXTRACTION AND REDUCTION LABS, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Davis	Dmitrich	Hatch
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\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 80**, SPECIAL SERVICE DISTRICT AMENDMENTS, and it was before the Senate.



Senator Valentine explained the bill. Senator Knudson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	J. Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	B. Evans
Gladwell	Hatch	Knudson	Mayne

\* \* \*

On motion of Senator Arent, the circle was removed from **2nd Sub. S.B. 59, AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT**, and it was before the Senate.

Senator Bell proposed the following amendment:

1. Page 3, Line 57:  
After "intermediary:" delete "or"  
Corrected Senate Committee  
Amendments 2-17-2003
2. Page 3, Line 58:  
After "(8)(a) or (8)(b)" delete " ;" and insert ";"  
Corrected Senate Committee  
Amendments 2-17-2003
3. Page 3, Line 58:  
After line 58 insert:  
Corrected Senate Committee  
"(d) owns or is owned by a person described in Subsection (8)(a) or (8)(b); or (e) has a relationship with a person described in Subsection (8)(a) or (8)(b) under which one person has the power to direct the management or policies of the other person."

Senator Bell’s motion to amend passed on a voice vote.

Senator Blackham proposed the following amendment:

Senate Committee Amendments

1. Page 5, Line 131:  
Delete “each” and insert “the”
2. Page 5, Line 131:  
After “prevailing” delete “recipient or email service provider” and insert “party”

Senator Blackham’s motion to amend failed on a voice vote.

Senator Arent explained the bill. Senators James Evans, Thomas, Gladwell, and Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Wright
Mansell			

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 211**, DISABILITIES APPROPRIATIONS NONLAPSING, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Mansell
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\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 116**, PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE, and it was before the Senate. Senator Valentine explained the bill. Senators Hickman, Jenkins, Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Blackham	Buttars	Hatch	Hickman
Hillyard	Mansell		

**STANDING COMMITTEE REPORTS**

Mr. President: February 20, 2003

The Education Committee reports a favorable recommendation on **H.B. 223**, CHANGING STATE SONG, by Representative D. Love.

Bill Wright, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 223** was placed on Second Reading Calendar.

On motion of Senator Steele, **H.B. 223**, CHANGING STATE SONG, will be considered Thursday, February 27, 2003 at 10:30 a.m.

## SECOND READING CALENDAR

On motion of Senator James Evans, the circle was removed from **1st Sub. S.B. 129, STATE AND LOCAL AGENCIES CRITERIA IN AWARDDING BIDS**, and it was before the Senate. Senator James Evans explained the bill. Senators Gladwell, Mayne, and Bramble commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Julander	Mayne	Steele
Thomas	Valentine	Walker	

**Voting in the negative were:** Senators

Hickman	Hillyard	Jenkins	Stephenson
Waddoups	Wright		

**Absent or not voting were:** Senators

Buttars	Hatch	Knudson	Mansell
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**S.B. 163, DRIVER LICENSE SUSPENSION REQUIREMENTS**, was read the second time. Senator Allen explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Buttars	Hellewell	Mansell	
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**S.B. 195**, OBSTRUCTION OF JUSTICE AND TAMPERING WITH EVIDENCE, was read the second time. Senator Thomas explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Buttars	Hellewell	Mansell
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\* \* \*

**2nd Sub. S.B. 154**, PUBLIC EDUCATION AMENDMENTS, was read the second time.

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

**PUBLIC EDUCATION AMENDMENTS**

**3rd Sub. S.B. 154**

*Thomas V. Hatch*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE AND THE ELECTION CODE RELATING TO THE GOVERNANCE AND FUNDING OF THE PUBLIC EDUCATION SYSTEM, THE CORE ACADEMIC SKILLS, ASSESSMENT AND ACCOUNTABILITY, AND SCHOOL CHOICE. THIS ACT MODIFIES THE MEMBERSHIP OF AND THE QUALIFICATIONS USED BY THE NOMINATING COMMITTEE TO SELECT CANDIDATES FOR MEMBERSHIP ON THE STATE BOARD OF EDUCATION. THIS ACT EXPANDS LOCAL SCHOOL BOARD MEMBERSHIP FOR CERTAIN LOCAL SCHOOL BOARDS. THIS ACT EXPANDS THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ANNUAL REPORT. THIS ACT REQUIRES THE CORE CURRICULUM TO INCREASE IN DEPTH AND COMPLEXITY FROM YEAR TO YEAR AND

FOCUS ON CONSISTENT AND CONTINUAL PROGRESS IN THE CORE ACADEMIC AREAS OF ENGLISH AND MATHEMATICS. THIS ACT MODIFIES THE MEMBERSHIP OF THE EDUCATION EVALUATION PROGRAM DISTRICT JOINT COMMITTEES. THIS ACT PROVIDES AN EMPHASIS ON COMPETENCY-BASED EDUCATION AND PROGRESS-BASED ASSESSMENTS AS A CHARACTERISTIC OF THE PUBLIC EDUCATION SYSTEM. THIS ACT ALLOWS LOCAL BOARDS OF EDUCATION TO HIRE A SUPERINTENDENT AND OTHER ADMINISTRATORS WITH OUTSTANDING PROFESSIONAL QUALIFICATIONS WHO DO NOT HOLD AN ADMINISTRATIVE/SUPERVISORY LICENSE. THIS ACT PROHIBITS A LOCAL SCHOOL BOARD FROM ENTERING INTO A COLLECTIVE BARGAINING AGREEMENT THAT PROHIBITS OR LIMITS INDIVIDUAL CONTRACTS OF EMPLOYMENT. THIS ACT ALLOWS TEACHER LICENSES TO BE AWARDED BASED ON THE DEMONSTRATED COMPETENCE OF THE TEACHER. THIS ACT MAKES TEACHERS WITH DISTRICT-SPECIFIC LICENSES AT-WILL EMPLOYEES WHO ARE INELIGIBLE FOR CAREER EMPLOYEE STATUS. THIS ACT INCREASES CURRICULUM AND GRADUATION REQUIREMENTS FOR GRADES 9 THROUGH 12 IN LANGUAGE ARTS, MATHEMATICS, AND SCIENCE. THIS ACT MODIFIES THE BUDGETARY PROCEDURES ACT, AND THE STATE APPROPRIATIONS AND TAX LIMITATION ACT BY CREATING THE EDUCATION BUDGET RESERVE ACCOUNT. THIS ACT SPECIFIES HOW MONEY IN THE EDUCATION BUDGET RESERVE ACCOUNT MAY BE USED. THIS ACT EXCLUDES TRANSFERS INTO OR APPROPRIATIONS FROM THE EDUCATION BUDGET RESERVE ACCOUNT FROM THE DEFINITION OF "APPROPRIATIONS" FOR THE PURPOSE OF A LIMIT ON STATE APPROPRIATIONS. THIS ACT CREATES THE COMPETENCY BASED EDUCATION BLOCK GRANT PROGRAM AND APPROPRIATES, BEGINNING ON JULY 1, 2004, \$24,000,000 TO THE PROGRAM. THIS ACT CREATES THE CLASS SIZE REDUCTION REWARD BLOCK GRANT PROGRAM AND APPROPRIATES, BEGINNING ON JULY 1, 2004, \$24,000,000 TO THE PROGRAM. THIS ACT MODIFIES CORPORATE FRANCHISE AND INCOME TAXES AND THE INDIVIDUAL INCOME TAX ACT PROVISIONS. THIS ACT INCREASES CORPORATE FRANCHISE TAX RATES, CORPORATE INCOME TAX RATES, AND INDIVIDUAL INCOME TAX RATES, BEGINNING WITH THE JANUARY 1, 2004, TAXABLE YEAR. THIS ACT PROVIDES AN ADDITION TO TAXABLE INCOME BASED UPON THE NUMBER OF QUALIFYING CHILDREN FOR WHICH A FEDERAL CHILD TAX CREDIT IS CLAIMED. THIS ACT PROVIDES FOR NONREFUNDABLE TAX CREDITS FOR

CONTRIBUTIONS MADE TO A SCHOLARSHIP GRANTING ORGANIZATION TO BE USED FOR TUITION GRANTS FOR A QUALIFYING STUDENT TO ATTEND A PRIVATE SCHOOL, OR NONREFUNDABLE TAX CREDITS FOR AMOUNTS PAID FOR TUITION TO A PRIVATE SCHOOL ON BEHALF OF A QUALIFYING STUDENT. THIS ACT APPROPRIATES \$1,000,000 FROM THE UNIFORM SCHOOL FUND, FOR FISCAL YEAR 2003-04 ONLY, TO THE STATE BOARD OF EDUCATION FOR DISTRIBUTION TO SCHOOL DISTRICTS WITH DECLINING ENROLLMENT THAT ARE IMPACTED BY THIS ACT. THE ACT PROVIDES DEFINITIONS AND ESTABLISHES PROCEDURES AND REQUIREMENTS FOR ADMINISTERING THE TAX CREDITS. THE ACT ESTABLISHES DUTIES OF SCHOLARSHIP GRANTING ORGANIZATIONS AND PROVIDES PENALTIES. THE ACT AUTHORIZES THE STATE TAX COMMISSION TO MAKE RULES. THIS ACT AUTHORIZES THE DIVISION OF CONSUMER PROTECTION TO ENFORCE CERTAIN PRIVATE SCHOOL REQUIREMENTS. THIS ACT REQUIRES THE STATE BOARD OF EDUCATION TO STUDY, MAKE RECOMMENDATIONS, AND REPORT TO THE EDUCATION INTERIM COMMITTEE ON AN ENUMERATED LIST OF STRATEGIES TO IMPROVE PUBLIC EDUCATION. THIS ACT APPROPRIATES \$150,000 FOR FISCAL YEAR 2002-03 ONLY TO THE OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL TO ALLOW THE EDUCATION INTERIM COMMITTEE TO ISSUE A SPECIFIED REQUEST FOR PROPOSALS. THIS ACT REQUIRES THE PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE TO STUDY AND REPORT ON SPECIFIED FUNDING ISSUES. THIS ACT REQUIRES THE STATE BOARD OF REGENTS TO STUDY AND REPORT ON SPECIFIED ISSUES. THIS ACT AUTHORIZES ADDITIONAL LEGISLATIVE COMMITTEE MEETINGS DURING THE 2003 INTERIM AND APPROPRIATES \$24,500 FROM THE GENERAL FUND, FOR FISCAL YEAR 2002-03 ONLY, TO COVER THE ADDITIONAL MEETING EXPENSES. THIS ACT APPROPRIATES \$5,000,000 FROM THE UNIFORM SCHOOL FUND, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2003, TO THE STATE BOARD OF EDUCATION TO BEGIN IMPLEMENTING COMPETENCY-BASED EDUCATION PROCESSES. THIS ACT AUTHORIZES A STATE EDUCATION SUMMIT MEETING, REQUIRES CERTAIN REPORTS FOR THE SUMMIT, ENUMERATES ITS PARTICIPANTS, AND SPECIFIES ITS PURPOSE. THIS ACT MAKES TECHNICAL CORRECTIONS. THIS ACT HAS RETROSPECTIVE OPERATION FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003.

Senator Hatch explained the bill. Senators Bramble, Stephenson, Blackham, Wright, Steele, Dmitrich, and Thomas commented.

On motion of Senator Hatch, the bill was circled.

\* \* \*

On motion of Senator Waddoups and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, February 24, 2003.



# THIRTY-SIXTH DAY

## MORNING SESSION

The Senate was called to order at 9:45 a.m., with President Al Mansell presiding.

**Prayer** – The Reverend Canon Pablo Ramos, Office of Latino Ministry, Episcopal Diocese of Utah, St. Mark’s Cathedral

**Pledge of Allegiance** – Senator James Evans

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2003

The Speaker of the House has signed **S.B. 45**, LOBBYIST REPORTING REQUIREMENTS, by Senator P. Arent, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 75**, CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS OPERATING WATER SYSTEMS, by Senator C. Walker, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 45** and **S.B. 75** 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, 2003

The House concurred in the Senate amendments and passed **H.B. 17**, AGRICULTURAL PRODUCTS DEALER’S ACT AMENDMENTS, by Representative C. Buttars, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 168**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, 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. 187**, CAMPAIGN CONTRIBUTION RESTRICTIONS, by Representative N. Hansen, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 17, 1st Sub. H.B. 168, and H.B. 187** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 21, 2003

The House passed, as amended, **H.B. 146**, NONTRADITIONAL INSURERS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 242**, PROTECTION OF RIGHTS-OF-WAY – GATES ON COUNTY ROADS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 253**, POWERSPORT DEALER ASSOCIATION AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 146, H.B. 242, and H.B. 253** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: February 20, 2003

The Health and Human Services Committee reports a favorable recommendation on **H.B. 72**, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM, by Representative D. Hogue.

James Evans, Chair

Mr. President: February 20, 2003

The Education Committee reports a favorable recommendation on **H.B. 76**, TRUANCY AMENDMENTS, by Representative D. Bourdeaux, with the following amendments:

1. Page 2, Line 29  
House Floor Amendments  
1-28-2003:  
After “(f)” insert “(i)”
2. Page 2, Line 30  
House Floor Amendments  
1-28-2003:  
After line 30, insert:  
“(i) “Truant minor” does not include a minor who is homeschooled under the provisions of Subsection 53A-11-102(1)(b)(ii).””
3. Page 2, Line 35  
House Floor Amendments  
1-28-2003:  
After “refuse to” reinstate “respond” and after “respond” delete “cooperate with” and insert “to”
4. Page 2, Line 38  
House Floor Amendments  
1-28-2003:  
After “section.” delete “cooperate with school authorities” and insert “respond to a written request”; and

The Education Committee reports a favorable recommendation on **3rd Sub. H.B. 161**, SNOW COLLEGE RICHFIELD CAMPUS, by Representative B. Johnson; and

Bill Wright, Chair

Mr. President:

February 21, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 172**, HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE AND MORATORIUM ON ACCEPTANCE OF CLASS B AND C RADIOACTIVE WASTE, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 175**, REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 225**, LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES, by Senator L. Blackham; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 221**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, by Representative D. Ure.

Curtis S. Bramble, Chair

Mr. President: February 21, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 18**, DEALERS IN AGRICULTURAL PRODUCTS, by Representative C. Buttars, et al; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 148**, UNLAWFUL TAKING OF GAME FISH, by Representative S. Clark; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 157**, CONTROL OF WOLF POPULATION, by Representative M. Styler.

Beverly Ann Evans, Chair

Mr. President: February 21, 2003

The Transportation and Public Utilities and Technology Committee recommends **S.B. 216**, MOTOR CARRIER FEE AMENDMENTS, by Senator J. Hickman, be replaced and favorably recommends **1st Sub. S.B. 216**, MOTOR CARRIER FEE AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 217**, MOTOR VEHICLE – TITLE REQUIREMENTS, by Senator G. Bell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 218**, UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES, by Senator G. Bell, with the following amendments:

1. Page 1, Line 20:  
Before "purpose" insert "sole"; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 154**, VISION SCREENING CHECKOFF

FOR MOTOR VEHICLE REGISTRATION AND DRIVER LICENSE APPLICATION AND RENEWAL, by Representative K. Bryson.

David H. Steele, Chair

Mr. President: February 21, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 251**, FIREARMS REVISIONS, by Senator B. Evans; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 163**, CRIMINAL RESTITUTION AMENDMENTS, by Representative D. Aagard, with the following amendments:

1. Page 2, Line 48b:  
(Lilac copy)  
After "DAMAGE TO]" insert "up to" and after  
"THE VALUE"  
delete ". BUT NOT MORE THAN \$5,000 TOTAL VALUE."

Gregory S. Bell, Chair

Mr. President: February 21, 2003

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 199**, LINE-OF-DUTY DEATH BENEFIT, by Representative R. Bigelow.

John L. Valentine, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 72**, **H.B. 76**, as amended, **3rd Sub. H.B. 161**, **S.B. 172**, **S.B. 175**, **S.B. 225**, **H.B. 221**, **H.B. 18**, **H.B. 148**, **H.B. 157**, **1st Sub. S.B. 216**, **S.B. 217**, **S.B. 218**, as amended, **H.B. 154**, **S.B. 251**, **H.B. 163**, as amended, and **H.B. 199** were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 20, 2003

The Education Committee reports a favorable recommendation on **H.C.R. 4**, RESOLUTION URGING FEDERAL AND STATE ACTION AGAINST

INTERNET ABUSES, by Representative D. Love, and recommends it be considered read for the second time and placed on the Consent Calendar.

Bill Wright, Chair

Mr. President: February 21, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 107**, DNA AMENDMENTS, by Representative J. S. Adams, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

Mr. President: February 21, 2003

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 225**, RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS, by Representative B. Dee, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.C.R. 4**, **H.B. 107**, and **H.B. 225** were considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President: February 20, 2003

The Education Committee has returned **S.B. 168**, HIGHER EDUCATION LEGISLATIVE TASK FORCE, by Senator D. Gladwell, to the Rules Committee.

Bill Wright, Chair

**S.B. 168** was returned to the Rules Committee.

## INTRODUCTION OF BILLS

### JOINT RULE RESOLUTION – REVIEW AND FISCAL NOTING OF TAX EXEMPTIONS

**S.J.R. 12**

*Lyle W. Hillyard*

THIS RESOLUTION MODIFIES JOINT RULES BY ESTABLISHING A REQUIREMENT FOR UTAH TAX REVIEW COMMISSION REVIEW

BEFORE BILLS GOVERNING TAX EXEMPTIONS MAY BE CONSIDERED, was read for the first time and referred to the Rules Committee.

**CONCURRENCE CALENDAR**

**S.B. 106, HIGHWAY PATROL USE OF UNMARKED VEHICLES,** was before the Senate.

On motion of Senator Bell, the bill was circled.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS,** and it was before the Senate.

On motion of Senator Waddoups, the Senate refused to concur in the House amendments and requests the House recede from its amendments. **S.B. 86** was returned to the House.

\* \* \*

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 128, PROTECTIVE ORDER AMENDMENTS.** The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Hatch
Hickman			

**1st Sub. S.B. 128** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.J.R. 8, RESOLUTION RECOGNIZING LIBERTY DAY.** The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble                      Hale

**S.J.R. 8** was returned to the House for signature of the Speaker.

### CONSENT CALENDAR

**S.J.R. 11, RESOLUTION ENCOURAGING CONGRESS TO ENACT MEDICARE PRESCRIPTION DRUG BENEFIT,** was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham                      Bramble                      Hale

**S.J.R. 11** was transmitted to the House.

\* \* \*

**H.B. 204, FELONY MURDER AMENDMENTS,** was read the third time, explained by Senator Julander, and passed on the following roll call:

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



**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Mayne
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**H.B. 204** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bev Evans, the Senate voted to reconsider its action on **3rd Sub. H.B. 78**. The bill was placed at the bottom of the Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Steele, the circle was removed from **S.B. 162, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 6, Line 155:  
Delete “The department” and insert “If the attorney entered into a written agreement with the department, the department shall pay attorney’s fees not to exceed 33% of its total recovery and”
2. Page 6, Line156:  
Reinstate “shall pay a proportionate share of the costs in an action that is commenced with the department’s written consent.”
3. Page 6, Line 157:  
Delete “shall:”
4. Page 6, Lines 158–164:  
Delete lines 158–164

- 5. Page 10, Line 300:  
After “trustee” delete “may” and insert “shall”
- 6. Page 11, Line 308:  
After “Services” insert “, on behalf of the Department of Health.”
- 7. Page 11, Line 312:  
Delete “two years” and insert “one year”
- 8. Page 11, Line 317:  
After “(1)” reinstate “All” and delete “Except as provided in Subsection 75-7-308(3), all”
- 9. Page 11, Line 330:  
After “(3)” reinstate “All” and delete “Except as provided in Subsection 75-7-308(3), all”

Senator Hillyard’s motion to amend passed on a voice vote.

Senator Hickman commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Stephenson	Valentine
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**Absent or not voting was:** Senator

Blackham

**S.B. 162**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 153**, ALCOHOLIC BEVERAGE AMENDMENTS, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 127, APPEARANCE OF DRIVER LICENSE AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Mansell		

**Absent or not voting were:** Senators

Blackham	Walker	Wright
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**S.B. 127** was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 76, UTAH FIREWORKS ACT AMENDMENTS**, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hale
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**2nd Sub. S.B. 76**, as amended, was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 59**, AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, was read the third time and explained by Senator Arent.

Senator Wright proposed the following amendment:

- 1. Page 5, Line 131:  
Senate 2nd Reading Amendments  
2-21-2003  
After “awarded costs and” insert “, if represented by an attorney.”
- 2. Page 5, Line 132:  
Senate 2nd Reading Amendments  
2-21-2003  
After “reasonable attorney fees” insert “not to exceed the damages recovered by a recipient or an email service provider”

Senator Wright’s motion to amend failed on a voice vote.

Senators Stephenson, Hillyard, and James Evans commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Gladwell
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**2nd Sub. S.B. 59** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 129**, STATE AND LOCAL AGENCIES CRITERIA IN AWARDDING BIDS, was read the third time, explained by Senator James Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	J. Evans
Hale	Hatch	Hellewell	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Walker	Mansell	

**Voting in the negative were:** Senators

Buttars	B. Evans	Hickman	Hillyard
Jenkins	Stephenson	Waddoups	Wright

**Absent or not voting were:** Senators

Blackham	Gladwell
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**1st Sub. S.B. 129** was transmitted to the House.

\* \* \*

**S.B. 163, DRIVER LICENSE SUSPENSION REQUIREMENTS,** was read the third time, explained by Senator Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Gladwell
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**S.B. 163** was transmitted to the House.

\* \* \*

**S.B. 195, OBSTRUCTION OF JUSTICE AND TAMPERING WITH EVIDENCE,** was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Gladwell
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**S.B. 195** was transmitted to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 153, ALCOHOLIC BEVERAGE AMENDMENTS**, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

- Page 2, Line 28:  
Delete “\$1,396,900” and insert “\$1,596,900”
- Page 2, Line 29:  
Delete “\$143,000” and insert “\$311,000”
- Page 2, Line 30:  
After line 30 insert: “This act contains a coordination clause that includes, subject to future budget constraints, an ongoing appropriation of \$1,000,000 for fiscal year 2003–04 from the Liquor Control Fund.”
- Page 49, Line 1487:  
After “determined” insert “as follows: (A) until October 31, 2003,”
- Page 49, Line 1488:  
Reinstate “4,500” and insert “; and (B) on or after November 1, 2003, by dividing the population of the state by”
- Page 49, Line 1489:  
Delete “May 5, 2003” and insert “October 31, 2003”

7. Page 49, Line 1491:  
Delete "May 5, 2003" and insert "October 31, 2003"
8. Page 130, Line 4021:  
Delete "(8)(c)" and insert "(8)(c)(ii)"
9. Page 236, Line 7287:  
After line 7287 insert "or"
10. Page 236, Line 7289:  
Delete "; or" and insert ";"
11. Page 236, Line 7290:  
Delete "(e)" and insert "(3) Any of the following or an officer, manager, employee, or agent of the following may not"
12. Page 236, Line 7292:  
Delete "(i)" and insert "(a)"
13. Page 236, Line 7293:  
Delete "(ii)" and insert "(b) a"
14. Page 236, Line 7294:  
Delete "(iii)" and insert "(c)"
15. Page 236, Line 7295:  
Delete "(iv)" and insert "(d)"
16. Page 236, Line 7296:  
Delete "(3)" and insert "(4)"
17. Page 270, Line 8342:  
Delete "\$1,396,900" and insert "\$1,596,900"
18. Page 270, Line 8345:  
Delete "\$143,000" and insert "\$311,000"
19. Page 270, Line 8346:  
After line 8346 insert:  
"Section 131. Coordination clause.  
It is the intent of the Legislature that if this bill, and S.B. 66, Alcoholic Beverage Enforcement and Treatment, both pass that:  
(1) in preparing the Utah Code database for publication the Office of Legislative Research and General Counsel modify Subsection

32A-1-115(2)(b) in S.B. 66 to read:

“(b) The account shall be funded from:

(i) amounts deposited by the state treasurer in accordance with Section 59-15-109;

(ii) any appropriations made to the account by the Legislature; and

(iii) interest described in Subsection (2)(c).”; and

(2) subject to future budget constraints, as an ongoing appropriation, there is appropriated for fiscal year 2003-04 from the Liquor Control Fund \$1,000,000 to the Alcoholic Beverage Enforcement and Treatment Restricted Account created in the General Fund.”

Senator Valentine’s motion to amend passed on a voice vote.

Senator Bev Evans proposed the following amendment:

1. Page 131, Line 4029:  
After “(i)” insert “(A)”
2. Page 131, Line 4030:  
After line 4030 insert “; and (B) when accompanied at all times by a member or holder of a current visitor card who is the minor’s parent, legal guardian, or spouse; or”
3. Page 131, Line 4031:  
After “(ii)” insert “(A)”
4. Page 131, Line 4032:  
After “spouse;” delete “and” and insert “(B) no later than 9:00 p.m.; and”
5. Page 131, Line 4031:  
Delete “(iii)” and insert “(C) if”

Senator Evan’s motion to amend failed on a voice vote.

Senators Knudson, Julander, Davis, Allen, Buttars, Thomas, and Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale



Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

J. Evans

**1st Sub. S.B. 153** as amended, was transmitted to the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 24, 2003

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

**Business and Labor**

**S.B. 220** Funds Related to Workplace Safety and Workers' Compensation (S. Jenkins)  
**H.B. 146** Nontraditional Insurers (J. Ferrin)  
**10th Sub. H.B. 162** Amendments Related to Financial Institutions (J. Alexander)

**Education**

**S.B. 151** Amendments Related to Information Technology (D. Steele)  
**H.B. 105** Internet Privacy and Security Amendments (W. Harper)  
**H.B. 149** School District Administrator Amendments (J. Alexander)  
**1st Sub H.B. 232** Utah College of Applied Technology Amendments (R. Bigelow)  
**H.B. 233** Use of Education Revenues (M. Styler)  
**H.B. 334** Enticing Minors over Internet Amendments (D. Bourdeaux)

**Government Operations and Political Subdivisions**

**1st Sub. H.B. 81** Compensation Study (T. McCartney)  
**1st Sub. H.B. 145** Department of Administrative Services Amendments (L. Pace)  
**H.B. 158** Incorporation of Cities (B. Dee)  
**H.B. 244** Municipal Government Amendments (W. Harper)  
**H.B. 266** Political Issues Reporting Amendments (D. Hogue)

**Health and Human Services**

- S.B. 241** Review of Parent Time, Custody, and Child Support Laws  
(J. Evans)
- S.B. 252** Nurse Practice Act Exemption Amendment (P. Julander)
- H.B. 212** Primary Care Network Amendments for General  
Assistance Recipients (K. Holdaway)
- H.B. 222** Child Welfare Proceedings Amendments (G. Curtis)

**Judiciary, Law Enforcement, and Criminal Justice**

- H.B. 93** Suspension of Driving Privileges for Habitual Truants  
(D. Bourdeaux)
- 1st Sub. H.B. 201** Judiciary Amendments (M. S. Lawrence)

**Natural Resources, Agriculture, and Environment**

- H.B. 242** Protection of Rights-of-way – Gates on County Roads  
(M. Noel)

**Retirement and Independent Entities**

- H.B. 246** Retirement Office Amendments (R. Bigelow)

**Revenue and Taxation**

- S.B. 148** Property Tax – Farmland Assessment Act (T. Hatch)
- S.J. R. 12** Joint Rule Resolution– Review and Fiscal Noting of Tax  
Exemptions (L. Hillyard)
- 2nd Sub. H.B. 114** Management, Enhancement, and Funding of 911 System  
(B. Dee)
- H.B. 219** Wages for Tipped Employees (D. Ure)
- 1st Sub. H.B. 237** Legislative Evaluation of Approval of Radioactive Waste  
Facility (K. Holdaway)

**Transportation and Public Utilities and Technology**

- S.B. 210** Surcharge on Moving Traffic Violations (M. Dmitrich)
- H.B. 253** Powersport Dealer Association Amendments  
(B. Goodfellow)
- H.B. 258** Motor Vehicle Business Regulation – Penalties (D. Clark)
- H.B. 310** Transportation Planning Task Force (J. Dougall)

**Workforce Services and Community and Economic Development**  
**2nd Sub. H.B. 189** Lending Law Amendments (W. Harper)

Lyle Hillyard  
Rules Committee Chair

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

**SECOND READING CALENDAR**

**S.B. 207**, IDENTITY FRAUD AMENDMENTS, was read the second time. Senator Knudson explained the bill.

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

**IDENTITY FRAUD AMENDMENTS**

**1st Sub. S.B. 207**

*Peter C. Knudson*

THIS ACT MODIFIES THE CRIMINAL CODE REGARDING IDENTITY FRAUD OFFENSES BY PROVIDING THAT IN ADDITION TO LAW ENFORCEMENT AGENCIES, THE OFFICE OF THE ATTORNEY GENERAL HAS RESPONSIBILITY FOR INVESTIGATING THESE OFFENSES. THIS ACT ALSO REMOVES THIS RESPONSIBILITY FROM THE DIVISION OF CONSUMER PROTECTION.

On motion of Senator Knudson, under suspension of the rules, **1st Sub. S.B. 207**, IDENTITY FRAUD AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham                      J. Evans

**1st Sub. S.B. 207** was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 54**, REPEAL OF MOBILE HOME PARK RESIDENCY ACT, was read the second time. Senator Evans explained the bill. Senators Bell, Eastman, and Stephenson commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Voting in the negative were:** Senators

Hickman                      Mansell

**Absent or not voting were:** Senators

Bramble                      J. Evans

\* \* \*

**1st Sub. S.B. 164**, COUNTY AMENDMENTS, was read the second time. Senator Gladwell explained the bill.

Senator Gladwell proposed the following amendment:

1. Page 23, Line 686:  
After “real property” delete the remainder of line 686
2. Page 23, Line 687:  
At the beginning of line 687 delete “water rights.”

Senator Gladwell’s motion to amend passed on a voice vote.

Senator Gladwell proposed the following amendment:

1. Page 17, Line 495:  
Delete the word “recorder”

Senator Gladwell's motion to amend passed on a voice vote.

Senator Thomas commented and declared a conflict of interest.

On motion of Senator Gladwell, under suspension of the rules, **1st Sub. S.B. 164** was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**1st Sub. S.B. 164**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Stephenson, **H.B. 46**, HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES, will be considered Tuesday, February 25, 2003 at 10:45 a.m.

\* \* \*

**S.B. 196**, ELECTION LAW – DISCLOSURE REQUIREMENTS, was read the second time. Senator Bev Evans explained the bill.

Senator Evans proposed the following amendment:

1. Page 6, , Line 177:  
After “with a” insert “U.S. Postal Service”

Senator Evans' motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Hatch	Hickman	Mayne
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\* \* \*

**S.B. 179**, NOTICE OF CLAIM OF GOVERNMENT IMMUNITY, was read the second time.

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

**NOTICE OF CLAIM OF GOVERNMENTAL IMMUNITY**

**3rd Sub. S.B. 179**

*David L. Gladwell*

THIS ACT MODIFIES THE UTAH GOVERNMENTAL IMMUNITY ACT. THIS ACT PROVIDES FOR ACTUAL OR MAIL DELIVERY TO THE OFFICE OF A GOVERNMENT ENTITY TO PROVIDE NOTICE OF A LEGAL CLAIM AGAINST A GOVERNMENT ENTITY. THIS ACT MAKES TECHNICAL CHANGES.

Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Hatch	Hickman	Wright
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\* \* \*

On motion of Senator Julander, Sandy Tenney read a citation honoring the late Wayne Owens, former U. S. Congressman from Utah.

### COMMITTEE OF THE WHOLE

On motion of Senator Julander, Steve Owens, son of Wayne Owens, spoke in Committee of the Whole. Senators Mayne, Dmitrich, Hatch, and Arent commented.

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2003

The House passed **H.B. 130**, DAMAGE ON PRIVATE LAND BY BIG GAME ANIMALS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 255**, REGISTERING FOR PRIMARY ELECTIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 280**, MOTOR VEHICLE ACCIDENTS – ACCESS TO POLICE REPORTS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.J.R. 24**, RESOLUTION URGING CONGRESS TO ABOLISH THE ALTERNATIVE MINIMUM TAX, by Representative J. M. Philpot, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 130**, **1st Sub. H.B. 255**, **H.B. 280**, and **H.J.R. 24** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 24, 2003

The House refuses to recede from its amendments to **1st Sub. S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, by Senator C. Walker, and has appointed a Conference Committee consisting of L. Christensen, P. Wallace, and J. Biskupski to meet with a like committee from the Senate on this bill.

President Mansell appointed a Senate Conference Committee consisting of Senators Walker, Gladwell, and Allen to meet with a like committee from the House.

\* \* \*

On motion of Senator Waddoups, and at 11:50 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 19**, EMPLOYMENT SECURITY ACT MODIFICATIONS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 150**, POLL WATCHER AND PRESERVATION OF ELECTION DATE AMENDMENTS, by Representative J. M. Philpot, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 213**, COVENANT MARRIAGE OPTION, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 277**, RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS, by Representative J. M. Philpot, and it is transmitted for consideration; and

The House passed **H.B. 350**, FISCAL YEAR APPROPRIATION LIMIT, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 1**, EXECUTIVE APPROPRIATION COMMITTEE PROCESS AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 3**, RESOLUTION ON OFFERS FOR SETTLEMENT OF CASES, by Representative J. Dougall, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 19**, **3rd Sub. H.B. 150**, **H.B. 213**, **H.B. 277**, **H.B. 350**, **H.J.R. 1**, and **1st Sub. H.J.R. 3** were read the first time and referred to the Rules Committee.



## STANDING COMMITTEE REPORTS

Mr. President:

February 24, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 177, REGULATION OF DEBT CANCELLATION AGREEMENTS AND DEBT SUSPENSION AGREEMENTS**, by Senator J. Valentine, with the following amendments:

1. Page 1, Line 21:  
After "corporations;" delete "or"
2. Page 1, Line 22:  
After "associations" delete "." and insert " or"
3. Page 1, Line 22:  
After line 22, insert:  
"(v) wholly owned subsidiaries of a depository institution listed in this Subsection (1)(a)."
4. Page 3, Line 80:  
After line 80, insert:  
"(e) "Subsidiary" is as defined in Section 7-1-103."
5. Page 4, Line 103:  
After "by an institution" insert "or a subsidiary of an institution"
6. Page 4, Line 105:  
After "(b)" delete "is" and after "jurisdiction of the" delete "institution's"
7. Page 4, Line 105:  
After "primary regulator" delete "." and insert "of:  
(i) the institution; or  
(ii) the subsidiary of an institution."; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 203, CONDOMINIUM LAW AMENDMENTS**, by Senator M. Waddoups; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 206, VEHICLE SALE AND SECURITY INTEREST AMENDMENTS**, by Senator D. Steele, with the following amendments:

1. Page 1, Line 22:  
After "affect" insert " (a)"

2. Page 1, Line 23:  
After "chapter" insert  
"; or  
(b) the calculation of sales and use tax payable under Title 59, Chapter 12, Sales and Use Tax Act"

Parley Hellewell, Chair

Mr. President: February 24, 2003

The Health and Human Services Committee recommends **S.B. 208**, WARRANT FOR REMOVAL OF MINOR FROM HOME, by Senator B. Wright, be replaced and favorably recommends **2nd Sub. S.B. 208**, WARRANT FOR REMOVAL OF MINOR FROM HOME with the following amendments:

1. Page 2, Line 26:  
Delete "criminal"
2. Page 4, Line 100:  
Delete "78-3a-106(a)(i)" and insert "78-3a-106(2)(a)(i)"; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 7**, RESOLUTION SUPPORTING ORGAN DONATION, by Senator K. Hale.

James Evans, Chair

Mr. President: February 24, 2003

The Education Committee reports a favorable recommendation on **H.B. 86**, PUBLIC SCHOOL CHOICE ENROLLMENT, by Representative C. Moss, with the following amendments:

1. Page 2, Line 36:  
House Committee Amendments  
2-7-2003:  
Reinstate "February 28" and delete "the second Friday in February"

Bill Wright, Chair

Mr. President: February 21, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 191**, COUNTY OVERSIGHT OF LOCAL MENTAL HEALTH AUTHORITIES, by Senator C. Walker, with the following amendments:

1. Page 3, Line 61:  
After "authority" delete ", and each contract provider to a local mental health authority."
2. Page 5, Line 127:  
After "other" insert "county"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 95**, ANNEXATION OF UNINCORPORATED COUNTY ISLANDS INTO CITIES, by Representative T. Kiser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 194**, SHERIFF CERTIFICATION REQUIREMENTS, by Representative J. Murray.

Carlene M. Walker, Chair

Mr. President: February 21, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 188**, FUEL TAX CREDIT, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 11:  
Delete "refund" and insert "discharge"
2. Page 2, Line 54:  
Delete "receipt of the notice of" and insert "the date of the"
3. Page 3, Line 70:  
Delete "a refund" and insert "the discharge"
4. Page 5, Line 127:  
Delete "receipt of the notice of" and insert "the date of the"
5. Page 5, Line 143:  
Delete "a refund" and insert "the discharge"; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 209**, REGISTRATION FOR ATV'S AND NONAUTOMOBILES, by Senator C. Bramble, with the following amendments:

1. Page 1, Line 13;  
Delete "October 1, 2003" and insert "January 1, 2004"

2. Page 6, Line 164;  
Delete "October 1, 2003" and insert "January 1, 2004"

Curtis S. Bramble, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 177**, as amended, **S.B. 203**, **S.B. 206**, as amended, **S.B. 208**, as amended, **S.C.R. 7**, **H.B. 86**, as amended, **S.B. 191**, as amended, **H.B. 95**, **2nd Sub. H.B. 194**, **S.B. 188**, as amended, and **S.B. 209**, as amended, were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 24, 2003

The Business and Labor Committee deleted **S.B. 137**, REGULATION OF COERCIVE RESTRAINT PRACTICES, by Senator P. Hellewell, and replaced it with **2nd Sub. S.B. 137**, REGULATION OF COERCIVE RESTRAINT PRACTICES, and has returned it to the Rules Committee.

**2nd Sub. S.B. 137** was returned to the Rules Committee.

### COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Rick Kinnersley, retiring after 35 years of service as a legislative advocate for the Hospitals Health Systems and the employees of the State of Utah, spoke in Committee of the Whole. Senators Dmitrich and Julander commented.

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

### SECOND READING CALENDAR

**S.B. 200**, STATE AUDITOR – EXPANSION OF DUTIES, was read the second time. Senator Waddoups explained the bill. Senators Thomas, James Evans, and Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson

Mayne  
Valentine  
Mansell

Steele  
Waddoups

Stephenson  
Walker

Thomas  
Wright

\* \* \*

On motion of Senator Hatch, the circle was removed from **3rd Sub. S.B. 154, PUBLIC EDUCATION AMENDMENTS**, and it was before the Senate. Senator Hatch explained the bill.

Senator Eastman proposed the following amendment:

- 1. Page 36, Line 1104:  
After “is” delete “50%” and insert “5%”

Senator Eastman’s motion to amend failed on a voice vote.

###

Senator Hillyard proposed the following substitute amendment:

- 1. Page 36, Line 1104:  
After “is” delete “50%” and insert “25%”

Senator Hillyard’s substitute motion to amend failed on a voice vote.

###

Senator Blackham proposed the following amendment:

- 1. Page 36, Line 1104:  
After “is” delete “50%” and insert “10%”

Senator Blackham’s motion to amend failed on a voice vote.

###

Senator Valentine proposed the following amendment:

- 1. Page 36, Line 1104:  
After “is” delete “50%” and insert “20%”

Senator Valentine’s motion to amend passed on a voice vote.

###

Senator Hale proposed the following amendment:

1. Page 29, Line 872:  
Delete "2007" and insert "2008"

Senator Hale's motion to amend failed on a voice vote.

###

Senator Hale proposed the following amendment:

1. Page 35, Line 1054:  
After "school" insert ", but is not also:  
(I) enrolled in or attending a public school; and  
(II) participating in dual enrollment under Section 53A-11-102.5"

Senator Hale's motion to amend passed on a voice vote.

###

Senator Hale proposed the following amendment:

1. Page 35, Line 1059:  
Delete "and" and after line 1059 insert: "(D) who is a Utah resident;  
and"
2. Page 35, Line 1060:  
Delete "(D)" and insert "(E)"

Senator Hale's motion to amend passed on a voice vote.

###

Senator Mayne proposed the following amendment:

1. Page 21, Line 636 to 639:  
Delete Lines 636, 637, 638, and 639

Senator Mayne's motion to amend failed on a voice vote.

###

Senator Arent proposed the following amendment:

1. Page 57, Line 1745:  
After "trades," insert "the State Board of Regents"

Senator Arent’s motion to amend passed on a voice vote.

###

Senator Arent proposed the following amendment:

1. Page 5, Line 141:  
After “(i)” delete “seven” and insert “nine”
2. Page 5, Line 143:  
After “(ii)” delete “seven” and insert “four”
3. Page 5, Line 144:  
After “(iii)” delete “one member shall be a public member:” and insert “two members shall be public members:”

Senator Arent’s motion to amend failed on a voice vote.

###

Senator Arent proposed the following amendment:

1. Page 9, Line 272:  
Delete “school and”

Senator Arent’s motion to amend failed on a voice vote.

Senators Buttars, Arent, Blackham, Thomas, Hale, Waddoups, Steele, Hickman, Allen, Dmitrich, Davis, James Evans, Mayne, and Wright commented.

On motion of Senator Hatch, under suspension of the rules, **3rd Sub. S.B. 154, PUBLIC EDUCATION AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Knudson	Valentine
Waddoups	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
B. Evans	J. Evans	Hale	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Walker		

**3rd Sub. S.B. 154**, as amended, was transmitted to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 24, 2003

The House refuses to recede from its amendments to **S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS**, by Senator M. Waddoups, and has appointed a Conference Committee consisting of Representatives Dunnigan, Kiser, and Biskupski to meet with a like committee from the Senate on this bill.

President Mansell appointed a Senate Conference Committee consisting of Senators Waddoups, Arent, and Thomas to meet with a like committee from the House.

\* \* \*

On motion of Senator Waddoups and at 4:15 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 25, 2003.



# THIRTY-SEVENTH DAY

## MORNING SESSION

The Senate was called to order at 9:30 a.m., with President Al Mansell presiding.

**Prayer** – Reverend Gwyneth Murphy, St. Mark’s Cathedral

**Pledge of Allegiance** – Senator Tom Hatch

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2003

The House passed, **S.B. 112**, GOVERNMENT RECORDS PROTECTIONS FOR FEDERAL MISSION OF NATIONAL GUARD, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 128**, PROTECTIVE ORDER AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 8**, RESOLUTION RECOGNIZING LIBERTY DAY, by Senator E. Mayne, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 112**, **1st Sub. S.B. 128**, and **S.J.R. 8** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 24, 2003

The House passed, as substituted and amended, **2nd Sub. H.B. 122**, LOCAL GOVERNMENT AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 152**, LEGISLATIVE AUDITS OF CHILD WELFARE, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 179**, IMPOUNDING UNINSURED MOTORIST VEHICLE, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 241**, PARTIAL BIRTH ABORTION AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 248**, PRIVACY OF STATE DATABASE HEALTH RECORDS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 260**, 2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 302**, PRIVATIZATION POLICY BOARD AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 308**, HEALTH AND HUMAN SERVICES BOARDS AND COMMISSION AMENDMENT, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed **H.B. 309**, SPECIAL FUNCTION OFFICERS FOR DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING, by Representative J. M. Philpot, and it is transmitted for consideration; and

The House passed **H.J.R. 26**, RESOLUTION RECOGNIZING COMPETITIVE ACADEMIC ACHIEVEMENT AMONG HIGH SCHOOLS IN UTAH, by Representative B. Last, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 122**, **1st Sub. H.B. 152**, **H.B. 179**, **H.B. 241**, **H.B. 248**, **H.B. 260**, **1st Sub. H.B. 302**, **H.B. 308**, **H.B. 309**, **H.J.R. 26** were read the first time and referred to the Rules Committee.

## INTRODUCTION OF BILLS

### PRIVILEGE TAX – PUBLIC LAND

**S.B. 253**

*Thomas V. Hatch*

THIS ACT MODIFIES THE PRIVILEGE TAX CODE TO PROVIDE THAT THE POSSESSION OR OTHER BENEFICIAL USE OF PUBLIC LAND

OCCUPIED UNDER THE TERMS OF CERTAIN AGRICULTURAL LEASES OR PERMITS IS NOT SUBJECT TO THE PRIVILEGE TAX. THIS ACT MAKES TECHNICAL CHANGES. THIS ACT TAKES EFFECT ON JANUARY 1, 2004, was read for the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Buttars, the Senate voted to hold an Advise and Consent Session for the Utah Supreme Court nominees on Wednesday, February 26, 2003, at 10:00 a.m.

**CONCURRENCE CALENDAR**

On motion of Senator Bramble, the circle was removed from **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, and it was before the Senate. Senator Bramble explained the bill. Senators Hickman and Stephenson commented.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES. The bill, as amended, passed on the following roll call:

**Yeas, 17; Nays, 12; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	J. Evans	Gladwell	Hale
Hillyard	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Walker
Mansell			

**Voting in the negative were:** Senators

Blackham	Davis	Dmitrich	Eastman
B. Evans	Hatch	Hellewell	Hickman
Jenkins	Stephenson	Waddoups	Wright

**S.B. 106** was returned to the House for signature of the Speaker.

**THIRD READING CALENDAR**

**2nd Sub. S.B. 54**, REPEAL OF MOBILE HOME PARK RESIDENCY ACT, was read the third time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 196**, ELECTION LAW – DISCLOSURE REQUIREMENTS, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

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

**S.B. 196**, as amended, was transmitted to the House.

\* \* \*

**3rd Sub. S.B. 179**, NOTICE OF CLAIM OF GOVERNMENTAL IMMUNITY, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**3rd Sub. S.B. 179**, as amended, was transmitted to the House.

\* \* \*

**S.B. 200, STATE AUDITOR – EXPANSION OF DUTIES**, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Mayne
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**S.B. 200**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, **S.B. 253, PRIVILEGE TAX – PUBLIC LAND**, was assigned to the Revenue and Taxation Standing Committee.

**SECOND READING CALENDAR**

**S.B. 204, GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME**, was read the second time. Senator Bramble explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Hickman                      Wright

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **S.B. 240**, TERM LIMIT REPEAL, was considered read the second and third times. Senator Bramble explained the bill. Senators Knudson commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 12; Absent, 0.****Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Jenkins	Julander	Knudson	Thomas
Walker			

**Voting in the negative were:** Senators

Arent	Blackham	Eastman	Hickman
Hillyard	Mayne	Steele	Stephenson
Valentine	Waddoups	Wright	Mansell

**S.B. 240** was transmitted to the House.

\* \* \*

**S.B. 140**, PRESCRIPTION DRUG ASSISTANCE PROGRAM, was read the second time. Senator James Evans explained the bill. Senator Arent commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble                      Hatch                      Hickman

\* \* \*

**S.B. 190**, EXPANSION OF USES OF PUBLICLY FUNDED SHOOTING RANGES, was read the second time.

On motion of Senator Wright, the bill was circled.

\* \* \*

**S.B. 211**, CONSUMER SALES PRACTICES ACT AMENDMENTS, was read the second time. Senator Arent explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Thomas	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Eastman	B. Evans	Steele	Stephenson
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**Absent or not voting were:** Senators

Bramble	Hickman	Valentine
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\* \* \*

Senator Bell made the motion to lift **1st Sub. H.B. 5**, PROHIBITION OF COERCIVE RESTRAINT PRACTICES, from the Rules Committee and place it at the bottom of the Second Reading Calendar. Senators Hellewell and Buttars commented. The motion failed on a standing vote.

\* \* \*

**S.B. 214**, UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senators Stephenson and Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	B. Evans	Hillyard
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\* \* \*

**S.B. 170, AMENDMENTS TO WORKERS' COMPENSATION,** was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 205, TOBACCO MARKETING PRACTICES RESTRICTIONS,** was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 184, MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS,** was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 219, GOVERNMENTAL IMMUNITY ACT AMENDMENTS,** was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**S.B. 30, UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS,** was read the second time. Senator Stephenson explained the bill. Senators Steele and Arent commented. The bill passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Wright

**Absent or not voting were:** Senators

Blackham	Eastman	Hickman	Walker
Mansell			

\* \* \*

On motion of Senator Wright, the circle was removed from **S.B. 190**, EXPANSION OF USES OF PUBLICLY FUNDED SHOOTING RANGES, and it was before the Senate.

Senator Wright proposed the following amendment:

1. Page 1, Line 19a  
Senate Committee Amendments,  
2-20-2003:  
After “installation” insert “and is not within a secure correctional facility as defined in Section 64-13-1”
  
2. Page 2, Lines 44-47  
Senate Committee Amendments,  
2-20-2003:  
Delete lines 44 through 47 and insert:  
“(4) Each state agency, institution of higher education, and political subdivision that operates or controls a nonmilitary range shall establish a written procedure that provides reasonable terms and conditions designed to facilitate use of the nonmilitary range by the public.”

Senator Wright’s motion to amend passed on a voice vote.

Senator Wright explained the bill. Senators Steele, Hickman, Eastman, Bell, Bev Evans, and Jenkins commented. The bill failed on the following roll call:

**Yeas, 9; Nays, 18; Absent, 2.**

**Voting in the affirmative were:** Senators

Buttars	Hatch	Hellewell	Hillyard
Jenkins	Mayne	Stephenson	Waddoups
Wright			

**Voting in the negative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hickman	Julander
Knudson	Steele	Thomas	Valentine
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Gladwell
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**S.B. 190** was returned to the staff for filing.

**TIME CERTAIN CALENDAR**

On motion of Senator Stephenson, the circle was removed from **H.B. 46**, HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES, and it was before the Senate. Senator Stephenson explained the bill.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 46**, HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Stephenson	Valentine
Walker	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	Gladwell	Mayne
Thomas	Waddoups	Wright	

**H.B. 46** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**COMMITTEE OF THE WHOLE**

On motion of Senator Stephenson, Dr. Peter Moser, Ambassador of the Republic of Austria spoke in Committee of the Whole. Sandy Tenney read a

declaration from the Senate honoring Dr. Moser. Senators Bell and Allen commented.

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

### SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **S.B. 184**, MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS, and it was before the Senate. Senator Walker explained the bill. Senators Stephenson, Jenkins, Bell, and Steele commented.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 149**, BONDING LAW AMENDMENTS – STATE FINANCING CONSOLIDATION ACT, was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**1st Sub. S.B. 180**, EMERGENCY MEDICAL SERVICES, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 3, Line 63:  
Delete "July" insert "January"
2. Page 5, Line 128:  
Senate Committee Amendments  
dated 2-21-2003:  
After "(b)" insert "The provisions of this section and Section 26-8a-405.1 do not require a political subdivision to issue a request for proposal for ambulance or paramedic services."
3. Page 7, Lines 206-208:  
After "Section 26-8a-405.1" delete lines 206-208 and insert "no written notice from an applicant approved under Section 26-8a-405 to the department and the political subdivision informing the political subdivision of an approved applicant's desire to submit a bid to the

political subdivision for ambulance or paramedic services. If notice is provided to the department and the political subdivision under this subsection, the political subdivision must enter into a public bid process under Section 26-8a-405.2, or follow the requirements of Sections 26-8a-406 through 26-8a-409.”

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 182, INDIVIDUAL INCOME TAX – CONTRIBUTION TO BOYS AND GIRLS CLUBS OF AMERICA**, was read the second time. Senator Buttars explained the bill. Senators Hillyard, Arent, Hale, Bev Evans, and Bramble commented. Senator Bramble declared a conflict of interest. The bill failed on the following roll call:

**Yeas, 10; Nays, 16; Absent, 3.**

**Voting in the affirmative were:** Senators

Buttars	Hatch	Hellewell	Jenkins
Mayne	Stephenson	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hickman
Hillyard	Knudson	Steele	Thomas

**Absent or not voting were:** Senators

Blackham	Julander	Valentine
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**S.B. 182** was returned to the staff for filing.

\* \* \*

**S.B. 226, STATE TAX COMMISSION AMENDMENTS**, was read the second time. Senator Stephenson explained the bill. Senators Thomas, Bramble, Hillyard, Steele, and Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	B. Evans	J. Evans

Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Valentine
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\* \* \*

On motion of Senator Waddoups, and at 11:45 a.m. the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2003

The House concurred in the Senate amendments and passed **H.B. 98**, MUNICIPAL DISCONNECTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 98** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 25, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 37**, RESTRUCTURE SPEND DOWN PROVISION FOR MEDICAID, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 45**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 137**, RESIDENTIAL FACILITIES FOR THE DISABLED AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 142**, MANUFACTURED HOME AND MOBILE HOME AMENDMENTS, by Representative W HARPER, and it is transmitted for consideration; and

The House passed, as substituted and amended, **4th Sub. H.B. 186**, ELEMENTARY SCHOOL VENDING MACHINE SALES, by Representative P. Jones, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 273**, UTILITY COSTS TO HOMEOWNER, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed **H.B. 301**, MOTOR VEHICLE PURCHASE AMENDMENTS, by Representative D. Bush, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 37**, **H.B. 45**, **1st Sub. H.B. 137**, **1st Sub. H.B. 142**, **4th Sub. H.B. 186**, **H.B. 273**, and **H.B. 301** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 25, 2003

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

#### **Government Operations and Political Subdivisions**

**2nd Sub. H.B. 122** Local Government Amendments (A. Hardy)

**1st Sub. H.B. 255** Registering for Primary Elections (S. Allen)

#### **Workforce Services and Community and Economic Development**

**1st Sub. H.B. 19** Employment Security Act Modifications (M. Newbold)

**H.B. 130** Damage on Private Land by Big Game Animals  
(S. Urquhart)

**H.B. 248** Privacy of State Database Health Records (C. Bennion)

**H.B. 277** Residential Mortgage Practices Amendments  
(J. M. Philpot)

**H.B. 280** Motor Vehicle Accidents – Access to Police Reports  
(L. Christensen)

**1st Sub. H.B. 302** Privatization Policy Board Amendments (R. Bigelow)

Lyle Hillyard

Rules Committee Chair

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

## STANDING COMMITTEE REPORTS

Mr. President:

February 24, 2003

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 186**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE, by Senator D. Eastman, with the following amendments:

1. Page 6, Line 161:  
Bracket “relative” and insert “dependent”
2. Page 6, Line 164:  
After “covered person” insert “, the covered person’s parents.” and delete “resident relative” and insert “parent’s dependent”
3. Page 8, Line 238:  
After “policy” insert “(i)”
4. Page 8, Lines 242–244:  
After “[~~(b)(i)~~” insert “(ii)” and reinstate the deleted language on the remainder of line 242 through 244
5. Page 9, Line 246:  
After line 246 insert “(iii) Subsection (10)(a)(ii) applies to all persons except a covered person as defined under Subsections (10)(b)(i) and (ii).”
6. Page 9, Line 252:  
After “households” insert “and who is injured while occupying or using a motor vehicle that is not owned, leased, or furnished to the covered person, the covered person’s parents, or the covered person’s parent’s dependent”; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 223**, REVISIONS TO PARENT TIME, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 88**, PAYMENT OF REWARD UPON ARREST AND CONVICTION, by Representative D. Love; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 119**, JUDICIAL CONDUCT COMMISSION REVISIONS, by Representative K. Bryson.

Gregory S. Bell, Chair

Mr. President:

February 25, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 147**, STREAMLINED SALES TAX PROJECT AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Line 44:  
Delete “January” and insert “July”
2. Page 56, Line 1713:  
Delete “December 31, 2003” and insert “June 30, 2004”
3. Page 101, Line 3105:  
Delete “January” and insert “July”
4. Page 101, Line 3107:  
Delete “January” and insert “July”
5. Page 120, Line 3697:  
Delete “January” and insert “July”
6. Page 121, Line 3740:  
Delete “January” and insert “July”
7. Page 125, Line 3842:  
Delete “January” and insert “July”
8. Page 126, Line 3877:  
Delete “January” and insert “July”
9. Page 129, Line 3974:  
Delete “January” and insert “July”
10. Page 130, Line 4015:  
Delete “January” and insert “July”
11. Page 135, Line 4160:  
Delete “January” and insert “July”



12. Page 136, Line 4210:  
Delete "January" and insert "July"
13. Page 141, Line 4347:  
Delete "January" and insert "July"
14. Page 142, Line 4394:  
Delete "January" and insert "July"
15. Page 147, Line 4542:  
Delete "January" and insert "July"
16. Page 148, Line 4577:  
Delete "January" and insert "July"
17. Page 151, Line 4664:  
Delete "January" and insert "July"
18. Page 152, Line 4708:  
Delete "January" and insert "July"
19. Page 157, Line 4837:  
Delete "January" and insert "July"
20. Page 158, Line 4884:  
Delete "January" and insert "July"
21. Page 164, Line 5078:  
Delete "January" and insert "July"
22. Page 166, Line 5122:  
Delete "January" and insert "July"
23. Page 171, Line 5291:  
Delete "January" and insert "July"
24. Page 173, Line 5335:  
Delete "January" and insert "July"
25. Page 175, Line 5412:  
Delete "January" and insert "July"
26. Page 177, Line 5456:  
Delete "January" and insert "July"

27. Page 180, Line 5564:  
Delete "January" and insert "July"
28. Page 182, Line 5608:  
Delete "January" and insert "July"
29. Page 185, Line 5720:  
Delete "January" and insert "July"

Curtis S. Bramble, Chair

On motion of Senator Valentine, the committee reports were adopted. **S.B. 186**, as amended, **S.B. 223**, **1st Sub. H.B. 88**, **H.B. 119**, and **S.B. 147**, as amended, were placed on Second Reading Calendar.

\* \* \*

Mr. President:

February 25, 2003

The Government Operations and Political Subdivisions Committee deleted **1st Sub. S.B. 56**, LOCAL GOVERNMENT BOARDS OF EXAMINERS, by Senator J. Evans, and replaced it with **2nd Sub. S.B. 56**, LOCAL GOVERNMENT BOARDS OF EXAMINERS, and has returned it to the Rules Committee, and recommends it be sent to Interim Study.

Carlene M. Walker, Chair

**2nd Sub. S.B. 56** was returned to the Rules Committee for Interim Study.

\* \* \*

On motion of Senator Bramble, the Senate voted to spread the following memo from Colonel Scott T. Duncan, Superintendent of the Utah Highway Patrol, upon the pages of the Senate Journal.

Dear Speaker Stephens:

February 24, 2003

I appreciate your support of S. B. 106 – Highway Patrol use of Unmarked Vehicles. I realize the Legislature is putting a lot of trust in the Utah Highway Patrol by allowing the use of unmarked vehicles. I assure you we will not violate that trust.

Prior to this bill becoming a law, I will put out an internal memorandum to all Utah Highway Patrol troopers with the following guidelines and expectations.

“If you are involved in a Utah Highway Patrol Enforcement/Education Blitz and choose to use an unmarked vehicle, you will be expected to abide by the following guidelines:

- You must wear the approved Utah Highway Patrol uniform.
- Your enforcement efforts must be directed towards the following traffic violations.

- 1) Aggressive Driving/Reckless Driving
- 2) Driving under the influence of alcohol and/or drugs
- 3) Speeding violations for exceeding the posted speed limit by 21 or more miles per hour.
- 4) Speeding in school zones
- 5) Violations of pedestrian crosswalks
- 6) Left lane restrictions found in 41–6–53.5

• The unmarked vehicle will not be used for routine traffic enforcement, especially for speed enforcement except as outlined above.

• The unmarked vehicle is a tool the Legislature has allowed us to use to prevent crashes caused especially by aggressive driving.

Please do not violate that trust and ultimately cause us to lose this important tool.”

Once again, thank you for your support.

Colonel Scott T. Duncan  
Superintendent

## SECOND READING CALENDAR

**S.B. 155, PROFESSIONAL EMPLOYER ORGANIZATIONS**, was read the second time. Senator Mayne explained the bill.

Senator Valentine proposed the following amendment:

1. Page 16, Line 462:  
Delete line 462
2. Page 16, Line 471:  
After Line 471 insert:  
“(vii) (A) The Department of Insurance may audit on a random basis, or

upon finding a reasonable need, any health benefit plan which is not fully insured by an authorized insurer.

(B) The cost of the audit shall be borne by the PEO if there is material noncompliance.”

3. Page 18, Line 533:  
After “(8)” insert “upon collecting cleared funds from the client.”

Senator Valentine’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham	Wright
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\* \* \*

**S.B. 194, COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT**, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 3, Line 82:  
Senate Committee Amendments 2–21–2003  
After “solicitor;” delete “or”
2. Page 3, Line 83:  
Senate Committee Amendments 2–21–2003  
After “relationship” delete “.” and insert “; or”
3. Page 3, Line 83:  
Senate Committee Amendments 2–21–2003

After line 83 insert:

“(c) by or on behalf of a charitable organization as defined in Section 13-22-2.”

- 4. Page 6, Line 160:

Senate Committee Amendments 2-21-2003

After “telephone solicitation to” delete “the” and insert “a”

- 5. Page 6, Line 161f:

Senate Committee Amendments 2-21-2003

After line 161f insert:

“(3) This section does not apply to a telephone solicitation made by or on behalf of a charitable organization as defined in Section 13-22-2”

Senator Thomas’ motion to amend passed on a voice vote.

Senators Hickman, Bramble, and Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker			

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators

Blackham	Wright	Mansell
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\* \* \*

On motion of Senator Bramble, under suspension of the rules, **S.B. 172, HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE AND MORATORIUM ON ACCEPTANCE OF CLASS B AND C RADIOACTIVE WASTE**, was considered read the second and third times. Senator Bramble explained the bill. Senators Arent, Hillyard, Valentine, Stephenson, and Knudson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hickman	Mansell
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**S.B. 172** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 213, SALES AND USE TAX EXEMPTIONS**, from the Rules Committee and assign it to the Revenue and Taxation Standing Committee.

\* \* \*

**S.B. 175, REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Davis	Eastman	Mansell
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\* \* \*

**S.B. 225, LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES**, was read the second time. Senator Blackham explained the bill.

Senators Jenkins, Stephenson, Thomas, Hellewell, Bell, and Knudson commented. Senator Thomas declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Steele	Thomas	Valentine
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Davis	Jenkins	Mayne	Stephenson
Waddoups			

**Absent or not voting was:** Senator

Bramble

\* \* \*

**1st Sub. S.B. 216, MOTOR CARRIER FEE AMENDMENTS,** was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Davis
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\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.B. 50, MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT**

AMENDMENTS, and it was before the Senate. On motion of Senator Waddoups, the Senate voted to strike the enacting clause on the bill.

\* \* \*

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 26, 2003.



# THIRTY-EIGHTH DAY

## MORNING SESSION

The Senate was called to order at 9:30 a.m., with President Pro Tem Michael Waddoups presiding.

**Prayer** – Pastor Mike Menning, Mountain Springs Community Church

**Pledge of Allegiance** – Senator Howard Stephenson

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2003

The Speaker of the House has signed **S.B. 106**, HIGHWAY PATROL USE OF UNMARKED VEHICLES, by Senator C. Bramble, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 106** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 25, 2003

The House passed, as amended, **H.B. 77**, HIGH SCHOOL GRADUATION REQUIREMENTS – FINANCIAL LITERACY, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 109**, INFORMED CONSENT FOR ELECTROCONVULSIVE TREATMENT AND REPORTING REQUIREMENTS, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 240**, VENTURE CAPITAL ENHANCEMENT ACT, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed **H.B. 247**, POWER OF ATTORNEY IN RELATION TO A TRUST, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, REDEVELOPMENT AGENCIES – TAX INCREMENT AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 274**, RIGHTS–OF–WAY ACROSS FEDERAL LAND, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 290**, EXEMPTIONS RELATED TO EXCHANGE OF SECURITIES, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 295**, STATE LANDS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 332**, INSURANCE COVERAGE OF HEALTH CARE PROFESSIONALS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 348**, LIMITATION ON ALIMONY, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 349**, PRACTICE OF LAW AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.C.R. 7**, RESOLUTION PROMOTING CHARACTER AND CITIZENSHIP EDUCATION, by Representative K. Morgan, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 77**, **1st Sub. H.B. 109**, **H.B. 240**, **H.B. 247**, **H.B. 272**, **H.B. 274**, **1st Sub. H.B. 290**, **H.B. 295**, **H.B. 332**, **H.B. 348**, **1st Sub. H.B. 349**, and **2nd Sub. H.C.R. 7** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 227**, FEE INCREASE, from the Rules Committee and assign it to the Workforce Services and Community and Economic Development Standing Committee.

### THIRD READING CALENDAR

**1st Sub. S.B. 204**, GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME, was

read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Davis	Gladwell	Mansell
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**1st Sub. S.B. 204** was transmitted to the House.

\* \* \*

**S.B. 140**, PRESCRIPTION DRUG ASSISTANCE PROGRAM, was read the third time, explained by Senator James Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Davis	Eastman	Mansell
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**S.B. 140** was transmitted to the House.

\* \* \*

**S.B. 211**, CONSUMER SALES PRACTICES ACT AMENDMENTS, was read the third time.

On motion of Senator Arent, the bill was circled.

\* \* \*

**S.B. 214, UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS,** was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**S.B. 30, UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS,** was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Wright			

**Absent or not voting were:** Senators

Davis	Hickman	Walker	Mansell
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**S.B. 30** was transmitted to the House.

\* \* \*

**S.B. 226, STATE TAX COMMISSION AMENDMENTS,** was read the third time and explained by Senator Stephenson. Senators Hillyard and Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright



Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

\* \* \*

On motion of Senator Buttars, the Senate voted to confirm the appointment of Judge Ronald E. Nehring on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator Stephenson

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

### COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Justice Jill N. Parrish and Justice Ronald E. Nehring spoke in Committee of the Whole. Senators Arent, Dmitrich, and Buttars commented.

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

### THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **S.B. 214, UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS**, and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Arent	Bell	Davis
Hale	Hillyard		

**S.B. 214** was transmitted to the House.

\* \* \*

**S.B. 155, PROFESSIONAL EMPLOYER ORGANIZATIONS**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Blackham	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Allen	Bell	Bramble	Davis
Hickman	Hillyard	Stephenson	Mansell

**S.B. 155**, as amended, was transmitted to the House.

\* \* \*

**S.B. 194, COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT**, was read the third time.

On motion of Senator Thomas, the bill was circled.

\* \* \*

**S.B. 175**, REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**S.B. 225**, LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES, was read the third time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**1st Sub. S.B. 216**, MOTOR CARRIER FEE AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Blackham	Buttars	Davis
Dmitrich	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Allen	Bell	Bramble	J. Evans
Hillyard	Thomas	Mansell	

**1st Sub. S.B. 216** was transmitted to the House.

**SECOND READING CALENDAR**

**S.B. 217**, MOTOR VEHICLE – TITLE REQUIREMENTS, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 218**, UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES, was read the second time.



On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 251, FIREARMS REVISIONS**, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Valentine	Walker	Wright	

**Absent or not voting were:** Senators

Allen	Bell	Blackham	Bramble
J. Evans	Hickman	Hillyard	Thomas
Waddoups	Mansell		

\* \* \*

**S.B. 177, REGULATION OF DEBT CANCELLATION AGREEMENTS AND DEBT SUSPENSION AGREEMENTS**, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Dmitrich	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Walker
Wright			

**Absent or not voting were:** Senators

Allen	Bramble	Davis	Eastman
B. Evans	J. Evans	Waddoups	Mansell

\* \* \*

On motion of Senator Walker, the circle was removed from **S.B. 184, MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS**, and it was before the Senate.

Senator Walker proposed the following amendment:

1. Page 1, Line 9  
Senate Committee Amendments,  
2-21-2003:  
After “assessment.” insert “The act limits the use of funds from an assessment for a special improvement district for cable television and telecommunications facilities and prohibits nondistrict municipal funds from being used for those facilities.”
2. Page 3, Line 72  
Senate Committee Amendments,  
2-21-2003:  
After “(5)” insert “(a)” and after “Subsection (1)(p):” delete “(a)” and insert “(i)”
3. Page 3, Line 74a  
Senate Committee Amendments,  
2-21-2003:  
At the beginning of line 74a delete “(b)” and insert “(ii)”
4. Page 3, Line 74c  
Senate Committee Amendments,  
2-21-2003:  
After line 74c insert:  
“(b) Notwithstanding any other provision of law, a municipality that creates a district to make the improvements set forth in Subsection (1)(p) may not use municipal funds, other than those derived from an assessment levied under this part on property within that district, to pay for those improvements.  
(c) Notwithstanding any other provision of this part, funds derived from an assessment levied under this part on property within a district created to make the improvements set forth in Subsection (1)(p) may be used only for the purpose of making those improvements.”

Senator Walker’s motion to amend passed on a voice vote.

Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Davis	B. Evans	J. Evans	Gladwell

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Walker	Wright	

**Absent or not voting were:** Senators

Allen	Bramble	Dmitrich	Eastman
Waddoups	Mansell		

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 229**, TAX AMENDMENTS, from the Rules Committee and assign it to the Revenue and Taxation Standing Committee.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 149**, BONDING LAW AMENDMENTS – STATE FINANCING CONSOLIDATION ACT, and it was before the Senate. Senator Blackham explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Davis	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Walker
Wright			

**Absent or not voting were:** Senators

Allen	Bramble	Dmitrich	Eastman
J. Evans	Mayne	Waddoups	Mansell

\* \* \*

On motion of Senator Bell, the circle was removed from **S.B. 217**, MOTOR VEHICLE – TITLE REQUIREMENTS, and it was before the Senate. Senator Bell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Valentine	Wright		

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hickman	Thomas
Waddoups	Walker	Mansell	

\* \* \*

On motion of Senator Bell, the circle was removed from **S.B. 218**, UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES, and it was before the Senate.

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

**UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES****1st Sub. S.B. 218***Gregory S. Bell*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY ADDING RESTRICTIONS TO PARKING A VEHICLE FOR THE PURPOSE OF DISPLAYING THE VEHICLE FOR SALE. THIS ACT PROHIBITS A PERSON FROM DISPLAYING A VEHICLE FOR SALE ON A PARKING LOT, VACANT LOT, OR PUBLIC RIGHT-OF-WAY UNLESS THE PERSON IS THE OWNER OR LIENHOLDER OF THE VEHICLE, AND THE PERSON IS THE OWNER OF THE PROPERTY OR OBTAINS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY. THIS ACT PROVIDES WRITTEN CONSENT REQUIREMENTS. THIS ACT PROVIDES THAT A VIOLATION IS A CLASS C MISDEMEANOR.

Senator Bell explained the bill. The bill passed on the following roll call:

**Yeas, 19; Nays, 1; Absent, 9.****Voting in the affirmative were:** Senators

Arent	Bell	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Valentine	Wright	

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators

Allen	Blackham	Bramble	Davis
Mayne	Thomas	Waddoups	Walker
Mansell			

\* \* \*

**S.B. 203, CONDOMINIUM LAW AMENDMENTS,** was read the second time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**S.B. 206, VEHICLE SALE AND SECURITY INTEREST AMENDMENTS,** was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Wright			

**Absent or not voting were:** Senators

Blackham	Bramble	J. Evans	Julander
Mayne	Waddoups	Walker	Mansell

\* \* \*

**2nd Sub. S.B. 208, WARRANT FOR REMOVAL OF MINOR FROM HOME,** was read the second time. Senator Wright explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	Gladwell

Hale	Hatch	Hellewell	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	J. Evans
Hickman	Hillyard	Mayne	Walker
Mansell			

\* \* \*

**S.C.R. 7, RESOLUTION SUPPORTING ORGAN DONATION**, was read the second time. Senator Hale explained the bill. The bill passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	J. Evans
Hatch	Hickman	Mayne	Walker
Mansell			

\* \* \*

**S.B. 191, COUNTY OVERSIGHT OF LOCAL MENTAL HEALTH AUTHORITIES**, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 188, FUEL TAX CREDIT**, was read the second time. Senator Jenkins explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.****Voting in the affirmative were:** Senators

Bell	Blackham	Buttars	Davis
Dmitrich	Eastman	B. Evans	Gladwell

Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Wright			

**Absent or not voting were:** Senators

Allen	Arent	Bramble	J. Evans
Hickman	Mayne	Walker	Mansell

\* \* \*

**S.B. 209, REGISTRATION OF ATV'S AND NONAUTOMOBILES,** was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**S.B. 186, UNINSURED AND UNDERINSURED MOTORIST COVERAGE,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Wright

**Absent or not voting were:** Senators

J. Evans	Hickman	Mayne	Walker
Mansell			

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 209, REGISTRATION FOR ATV'S AND NONAUTOMOBILES,** and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

J. Evans	Hickman	Mansell
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\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.B. 203**, CONDOMINIUM LAW AMENDMENTS, and it was before the Senate.

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

**CONDOMINIUM LAW AMENDMENTS****2nd Sub. S.B. 203***Michael G. Waddoups*

THIS ACT MODIFIES THE REAL ESTATE CODE. THE ACT ADDS DEFINITIONS. THE ACT ENTITLES THE ASSOCIATION OF UNIT OWNERS TO RECOVER ALL EXPENSES INCURRED BY THE ASSOCIATION IN COLLECTING UNPAID ASSESSMENTS, ATTORNEYS' FEES, AND OTHER FEES ASSOCIATED WITH COLLECTION. THE ACT PROVIDES THAT UPON FAILURE TO PAY AN ASSESSMENT, THE ASSOCIATION MAY TERMINATE AN OWNER'S UTILITY SERVICES AND ACCESS AND USE OF RECREATIONAL FACILITIES UNTIL PAYMENT IS RECEIVED UNLESS AN OWNER HAS REQUESTED AN INFORMAL HEARING TO DISPUTE THE ASSESSMENT. THE ACT PROVIDES THE ASSOCIATION THE OPPORTUNITY TO COLLECT ALL FUTURE LEASE PAYMENTS FROM A TENANT WHO FAILS TO PAY ANY ASSESSMENT FOR A PERIOD OF MORE THAN 30 DAYS. THE ACT ADDS PROVISIONS FOR SETTING UP AN ACCOUNT FOR ASSESSMENT FUNDS PAID TO THE ASSOCIATION. THE ACT INDICATES THAT FUNDS RECEIVED ARE TO BE DISBURSED TO THE ASSOCIATION UNTIL THE ASSESSMENT IS PAID IN FULL, AFTER WHICH ANY REMAINING FUNDS WILL BE PAID TO THE UNIT OWNER. THE ACT PROVIDES AN ARBITRATION PROVISION. THE ACT MAKES TECHNICAL CHANGES.



Senator Waddoups explained the bill. Senator Davis commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	J. Evans	Hatch	Hickman
Thomas	Mansell		

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 180, EMERGENCY MEDICAL SERVICES**, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Valentine	Walker	Wright

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

J. Evans	Thomas	Waddoups	Mansell
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\* \* \*

**S.B. 223, REVISIONS TO PARENT TIME**, was read the second time. Senator Hillyard explained the bill.

Senator Gladwell proposed the following amendment:

1. Page 2, Line 39:  
After “(e)” delete “Interviews” and insert “If interviews”; before “shall” insert “are conducted by the court pursuant to Subsection (d) they”

Senator Gladwell’s motion to amend passed on a voice vote.

Senators Valentine, Eastman, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Hickman	Thomas
Mansell			

\* \* \*

On motion of Senator Waddoups, and at 11:50 a.m., the Senate recessed.

## **AFTERNOON SESSION**

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

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 26, 2003

The House passed, **1st Sub. S.B. 29**, LEGISLATIVE REPORTING AND ACCESS TO CERTAIN INFORMATION, 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. 65**, RECLAMATION SURETY FOR MINING OPERATIONS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 68**, VOTER IDENTIFICATION REQUIREMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 87**, LIBRARY AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 121**, FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 126**, WORKERS' COMPENSATION AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 131**, INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 141**, LOCAL GOVERNMENT CAPITAL PROJECTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 143**, MOTOR VEHICLE DISCLOSURE REQUIREMENTS – PURCHASER'S RIGHTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 2**, RESOLUTION REGARDING CLINICAL TRIALS FOR WOMEN'S HEALTH CARE, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 3**, RESOLUTION DESIGNATING LEGISLATORS BACK TO SCHOOL WEEK, 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

**1st Sub. S.B. 29, S.B. 65, S.B. 68, 1st Sub. S.B. 87, S.B. 121, S.B. 126, 1st Sub. S.B. 131, 1st Sub. S.B. 141, S.B. 143, S.C.R. 2, and S.C.R. 3** were signed by

the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 26, 2003

The House passed, as substituted, **6th Sub. H.B. 123**, PROHIBITION OF PUBLIC FUNDING FOR ABORTION, by Representative J. M. Philpot, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **6th Sub. H.B. 123** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 26, 2003

The House passed, as amended, **S.B. 32**, DRIVER EDUCATION COURSES, by Senator C. Walker, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 53**, AMENDMENTS TO CONTROLLED SUBSTANCE ACT, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 58**, YOUTH CORRECTIONS – DIVISION NAME AMENDMENT, by Senator P. Hellewell, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **2nd Sub. S.B. 67**, REVISIONS TO BOARDS AND COMMISSIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **2nd Sub. S.B. 79**, DISABLED PARKING FINE, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 165**, GUBERNATORIAL NOMINEE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 26, 2003

The House adopted the Joint Conference Committee Report dated February 26, 2003, and passed **1st Sub. S.B. 7, AUTOMOBILE HOMICIDE AMENDMENTS**, by Senator C. Walker, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President:

February 26, 2003

The Joint Conference Committee comprised of Sens. Walker, Valentine, and Allen, and Reps. Christensen, Wallace, and Biskupski, recommends **1st Sub. S.B. 7, AUTOMOBILE HOMICIDE AMENDMENTS**, by Senator C. Walker, with the following amendments:

- 1. Page 1, Line 8:  
After line 8 insert:  
“58–37–8, as last amended by Chapters 12 and 303, Laws of Utah 1999”
- 2. Page 1, Line 10:  
After line 10 insert:  
“Section 1. Section 58–37–8 is amended to read:  
58–37–8. Prohibited acts — Penalties.  
(1) Prohibited acts A — Penalties:  
(a) Except as authorized by this chapter, it is unlawful for any person to knowingly and intentionally:  
(i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance;  
(ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance;  
(iii) possess a controlled or counterfeit substance with intent to distribute; or  
(iv) engage in a continuing criminal enterprise where:  
(A) the person participates, directs, or engages in conduct which results in any violation of any provision of Title 58, Chapters 37, 37a, 37b, 37c, or 37d that is a felony; and  
(B) the violation is a part of a continuing series of two or more violations of Title 58, Chapters 37, 37a, 37b, 37c, or 37d on separate

occasions that are undertaken in concert with five or more persons with respect to whom the person occupies a position of organizer, supervisor, or any other position of management.

(b) Any person convicted of violating Subsection (1)(a) with respect to:

(i) a substance classified in Schedule I or II or a controlled substance analog is guilty of a second degree felony and upon a second or subsequent conviction is guilty of a first degree felony;

(ii) a substance classified in Schedule III or IV, or marijuana, is guilty of a third degree felony, and upon a second or subsequent conviction is guilty of a second degree felony; or

(iii) a substance classified in Schedule V is guilty of a class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree felony.

(c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier of fact finds a firearm as defined in Section 76–10–501 was used, carried, or possessed on his person or in his immediate possession during the commission or in furtherance of the offense, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently.

(d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree felony punishable by imprisonment for an indeterminate term of not less than seven years and which may be for life. Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.

(2) Prohibited acts B — Penalties:

(a) It is unlawful:

(i) for any person knowingly and intentionally to possess or use a controlled substance, unless it was obtained under a valid prescription or order, directly from a practitioner while acting in the course of his professional practice, or as otherwise authorized by this chapter;

(ii) for any owner, tenant, licensee, or person in control of any building, room, tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to be occupied by persons unlawfully possessing, using, or distributing controlled substances in any of those locations; or

(iii) for any person knowingly and intentionally to possess an altered or forged prescription or written order for a controlled substance.

(b) Any person convicted of violating Subsection (2)(a)(i) with respect to:

(i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

(ii) a substance classified in Schedule I or II, marijuana, if the amount is more than 16 ounces, but less than 100 pounds, or a controlled substance analog, is guilty of a third degree felony; or

(iii) marijuana, if the marijuana is not in the form of an extracted resin from any part of the plant, and the amount is more than one ounce but less than 16 ounces, is guilty of a class A misdemeanor.

(c) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or any public jail or other place of confinement shall be sentenced to a penalty one degree greater than provided in Subsection (2)(b).

(d) Upon a second or subsequent conviction of possession of any controlled substance by a person, that person shall be sentenced to a one degree greater penalty than provided in this Subsection (2).

(e) Any person who violates Subsection (2)(a)(i) with respect to all other controlled substances not included in Subsection (2)(b)(i), (ii), or (iii), including less than one ounce of marijuana, is guilty of a class B misdemeanor. Upon a second conviction the person is guilty of a class A misdemeanor, and upon a third or subsequent conviction the person is guilty of a third degree felony.

(f) Any person convicted of violating Subsection (2)(a)(ii) or (2)(a)(iii) is:

(i) on a first conviction, guilty of a class B misdemeanor;

(ii) on a second conviction, guilty of a class A misdemeanor; and

(iii) on a third or subsequent conviction, guilty of a third degree felony.

(g) A person is subject to the penalties under Subsection (4)(c) who, in an offense not amounting to a violation of Section 76-5-207:

(i) violates Subsection (2)(a)(i) by knowingly and intentionally having in his body any measurable amount of a controlled substance; and

(ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner, causing serious bodily injury as defined in Section 76-1-601 or the death of another.

(3) Prohibited acts C -- Penalties:

(a) It is unlawful for any person knowingly and intentionally:

(i) to use in the course of the manufacture or distribution of a controlled substance a license number which is fictitious, revoked, suspended, or issued to another person or, for the purpose of obtaining a controlled

substance, to assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person;

(ii) to acquire or obtain possession of, to procure or attempt to procure the administration of, to obtain a prescription for, to prescribe or dispense to any person known to be attempting to acquire or obtain possession of, or to procure the administration of any controlled substance by misrepresentation or failure by the person to disclose his receiving any controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, or the use of a false name or address;

(iii) to make any false or forged prescription or written order for a controlled substance, or to utter the same, or to alter any prescription or written order issued or written under the terms of this chapter; or

(iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling so as to render any drug a counterfeit controlled substance.

(b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree felony.

(4) Prohibited acts D — Penalties:

(a) Notwithstanding other provisions of this section, a person not authorized under this chapter who commits any act declared to be unlawful under this section, Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation Controlled Substances Act, is upon conviction subject to the penalties and classifications under Subsection (4)(b) if the act is committed:

(i) in a public or private elementary or secondary school or on the grounds of any of those schools;

(ii) in a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions;

(iii) in those portions of any building, park, stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under Subsections (4)(a)(i) and (ii);

(iv) in or on the grounds of a preschool or child-care facility;

(v) in a public park, amusement park, arcade, or recreation center;

(vi) in a church or synagogue;

(vii) in a shopping mall, sports facility, stadium, arena, theater, movie house, playhouse, or parking lot or structure adjacent thereto;



- (viii) in a public parking lot or structure;
  - (ix) within 1,000 feet of any structure, facility, or grounds included in Subsections (4)(a)(i) through (viii); or
  - (x) in the immediate presence of a person younger than 18 years of age, regardless of where the act occurs.
- (b) A person convicted under this Subsection (4) is guilty of a first degree felony and shall be imprisoned for a term of not less than five years if the penalty that would otherwise have been established but for this subsection would have been a first degree felony. Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.
- (c) If the classification that would otherwise have been established would have been less than a first degree felony but for this Subsection (4), a person convicted under Subsection (2)(g) or this Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that offense.
- (d) It is not a defense to a prosecution under this Subsection (4) that the actor mistakenly believed the individual to be 18 years of age or older at the time of the offense or was unaware of the individual's true age; nor that the actor mistakenly believed that the location where the act occurred was not as described in Subsection (4)(a) or was unaware that the location where the act occurred was as described in Subsection (4)(a).
- (5) Any violation of this chapter for which no penalty is specified is a class B misdemeanor.
- (6) (a) Any penalty imposed for violation of this section is in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.
- (b) Where violation of this chapter violates a federal law or the law of another state, conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.
- (7) In any prosecution for a violation of this chapter, evidence or proof which shows a person or persons produced, manufactured, possessed, distributed, or dispensed a controlled substance or substances, is prima facie evidence that the person or persons did so with knowledge of the character of the substance or substances.
- (8) This section does not prohibit a veterinarian, in good faith and in the course of his professional practice only and not for humans, from prescribing, dispensing, or administering controlled substances or from causing the substances to be administered by an assistant or orderly under his direction and supervision.

- (9) Civil or criminal liability may not be imposed under this section on:
  - (a) any person registered under the Controlled Substances Act who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research; or
  - (b) any law enforcement officer acting in the course and legitimate scope of his employment.
- (10) If any provision of this chapter, or the application of any provision to any person or circumstances, is held invalid, the remainder of this chapter shall be given effect without the invalid provision or application.”

Renumber remaining sections accordingly.

Sen. Carlene M. Walker and  
Rep. LaVar Christensen, Chairs

On motion of Senator Walker, the Senate voted to adopt the committee report on **1st Sub. S.B. 7, AUTOMOBILE HOMICIDE AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Waddoups
Walker			

**Absent or not voting were:** Senators

Blackham	B. Evans	J. Evans	Stephenson
Thomas	Valentine	Wright	Mansell

**1st Sub. S.B. 7**, as amended, was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

February 26, 2003

The House adopted the Joint Conference Committee Report dated February 26, 2003, and passed **S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF**

SERVICE CONTRACTS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President: February 25, 2003

The Joint Conference Committee comprised of Sens. Waddoups, Arent, and Thomas, and Reps. Dunnigan, Kiser, and Biskupski, recommends **S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS**, by Senator M. Waddoups, with the following amendments:

1. Include all the Senate amendments on Page 2 of the goldenrod copies dated 1-27-2003.
2. Include all the House amendments on Pages 1, 2, and 2a of the lilac copies dated 2-19-2003.
3. Also include the following amendment:  
 Page 2, Line 43  
 House Floor Amendments 2-19-2003:  
 After "mail \_OR" delete "IN" and insert "prominently displayed on the first page of"

Sen. Michael G. Waddoups and  
Rep. Jim Dunnigan, Chairs

On motion of Senator Waddoups, the Senate voted to adopt the committee report on **S.B. 86, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACT**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Thomas	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

B. Evans	Steele	Stephenson	Valentine
Wright			

**S.B. 86**, as amended, was returned to the House for signature of the Speaker.

### STANDING COMMITTEE REPORTS

Mr. President: February 25, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 145**, APPLICATION OF UTAH PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 146**, NONTRADITIONAL INSURERS, by Representative J. Ferrin; and

The Business and Labor Committee reports a favorable recommendation on **10th Substitute H.B. 162**, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander, with the following amendments:

1. Page 6, Lines 175–178  
Passed – House Floor Amendments  
2–14–2003:  
Delete lines 175–178
2. Page 6, Lines 178a  
Passed – House Floor Amendments  
2–14–2003:  
Delete “(3)(a) TO BE A CREDIT UNION EXEMPT FROM TAXATION UNDER SECTION 7–9–34 A” and insert “(2)(a) A”
3. Page 6, Lines 178b  
Passed – House Floor Amendments  
2–14–2003:  
Delete “AND CONTINUALLY ADHERE TO”
4. Page 6, Lines 178c  
Passed – House Floor Amendments  
2–14–2003:  
Delete “SUBSECTIONS (1) AND (2)” and insert “Subsection (1)”
5. Page 6, Lines 178e  
Passed – House Floor Amendments  
2–14–2003:  
Delete “SUBSECTIONS (1) AND (2)” and insert “Subsection (1)”
6. Page 6a, Line 178f  
House Floor Amendments

2-18-2003:

Delete "CASH RETAINED EARNINGS" and insert "net income"

7. Page 6a, Line178h

House Floor Amendments

2-18-2003:

Delete "CASH RETAINED EARNINGS" and insert "net income"

8. Page 6a, Line178j

House Floor Amendments

2-18-2003:

Delete "RETAINED EARNINGS" and insert "net income" and delete "CONSTRUCTION" and insert "improvements"

9. Page 6a, Line178k

House Floor Amendments

2-18-2003:

Delete "CONTINUING"

10. Page 7, Lines 186-186a

Passed - House Floor Amendments

2-14-2003:

Delete "AS DETERMINED BY THE COMMISSIONER"

11. Page 7, Lines 187-187a

Passed - House Floor Amendments

2-14-2003:

Delete "AS DETERMINED BY THE COMMISSIONER"

12. Page 25, Line 751:

After "(3)" insert "or (5)"

13. Page 25, Line 757:

Delete "Subsection 7-9-52(5)" and insert "Subsection 7-9-52(6)"

14. Page 26, Line 773:

After line 773 insert:

"(5) Notwithstanding Section 7-9-53, a credit union may have a field of membership that is less restrictive than the field of membership described in Subsection (1), under the following conditions:

(a) if the field of membership of a credit union includes all residents of any county, the field of membership of the credit union includes no more than all the residents of two counties; and

(b) any county described in Subsection (5)(a) is a county of the third through sixth class, as classified in Section 17-50-501.

15. Page 26, Line 779:  
Bracket “one” and insert “a”
16. Page 26, Line 781:  
Delete “(5)” and insert “(6)”
17. Page 27, Line 822:  
After “county” insert “except to the extent permitted by Subsection 7-9-51(5)”
18. Page 34, Lines 1036a-1036h  
Passed – House Floor Amendments  
2-14-2003:  
Delete lines 1036a-1036h and insert:  
“(1)(a) A credit union organized under this chapter is a nonexempt credit union under this section on the day on which:  
(i) on or after May 5, 2003 the credit union has a field of membership as evidenced by the bylaws of the credit union that includes all residents of two or more counties; and  
(ii) at least two of the counties described in Subsection (1)(a)(i) are counties of the first or second class as classified by Section 17-50-501.”
19. Pages 34, Lines 1036r-1036s  
Passed – House Floor Amendments  
2-14-2003:  
Delete lines 1036r-1036s
20. Page 34a, Line 1036z  
Passed – House Floor Amendments  
2-14-2003:  
After line 1036z insert:  
“(3) Regardless of whether or not a credit union has located branches in two or more counties in this state, a credit union organized under this chapter does not become a nonexempt credit union if the field of membership of the credit union does not meet the requirements of Subsection (1).”
21. Page 49, Line 1504:  
After “other fees on” insert “banks and”

22. Page 50a, Line 1538  
House Floor Amendments  
2-18-2003:  
After “(2)” insert “(a)” and after “.” insert “and (b) bracket Subsection 7-9-3(9) and renumber the remaining subsections of Section 7-9-3 accordingly.”
23. Page 51, Line 1556:  
After “(3)” insert “or (5)”
24. Page 51, Line 1560:  
After “(3)” delete the remainder of line 1560 and insert “.(4), and (5):”
25. Page 51, Line 1561:  
Delete line 1561
26. Page 51, Line 1562:  
Delete “(b)” and insert “(9)(a)” and delete “and”
27. Page 51, Line 1563:  
Delete “(c)” and insert “(b)” and after “accordingly.” insert “and (c) change all cross references to Subsection 7-9-52(6) in this bill to Subsection 7-9-52(5).”

Parley Hellewell, Chair

Mr. President:

February 25, 2003

The Health and Human Services Committee reports a favorable recommendation on **S.B. 241**, REVIEW OF PARENT TIME, CUSTODY, AND CHILD SUPPORT LAWS, by Senator J. Evans; and

The Health and Human Services Committee recommends **S.B. 252**, NURSE PRACTICE ACT EXEMPTION AMENDMENT, by Senator P. Julander, be replaced and favorably recommends **1st Sub. S.B. 252**, NURSE PRACTICE ACT EXEMPTION AMENDMENT; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 212**, PRIMARY CARE NETWORK AMENDMENTS FOR GENERAL ASSISTANCE RECIPIENTS, by Representative K. Holdaway, with the following amendments:

1. Page 1, Line 10:  
After “2003.” insert “The enrollment fee cap sunsets on July 1, 2004.”

2. Page 1, Line 25:  
After line 25 insert “(c) The enrollment fee cap under Subsection (2)(b) sunsets on July 1, 2004.”

James Evans, Chair

Mr. President: February 25, 2003

The Education Committee reports a favorable recommendation on **S.B. 151**, AMENDMENTS RELATED TO INFORMATION TECHNOLOGY, by Senator D. Steele, with the following amendments:

1. Page 19, Line 582:  
Delete “and”
2. Page 19, Line 583:  
After “Education” insert:  
“: (d) a political subdivision of the state;  
(e) an agency of the federal government; or  
(f) independent entity as defined in  
Section 63E-1-102;”
3. Page 21, Line 630:  
Bracket “state’s”
4. Page 23, Line 698:  
delete “two” and insert “three”; and

The Education Committee reports a favorable recommendation on **H.B. 149**, SCHOOL DISTRICT ADMINISTRATOR AMENDMENTS, by Representative J. Alexander; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 232**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow, with the following amendments:

1. Page 8, Line 223  
House Floor Amendments  
2-21-2003:  
Reinstate “direct the Utah College of Applied Technology and”
2. Page 16, Line 488  
House Committee Amendments



2-21-2003:

Delete "campus board of directors" and insert "board of trustees"

Bill Wright, Chair

Mr. President: February 26, 2003

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 253**, POWERSPORT DEALER ASSOCIATION AMENDMENTS, by Representative B. Goodfellow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 258**, MOTOR VEHICLE BUSINESS REGULATION – PENALTIES, by Representative D. Clark; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 310**, TRANSPORTATION PLANNING TASK FORCE, by Representative J. Dougall.

David H. Steele, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 145, H.B. 146, 10th Sub. H.B. 162,**as amended, **S.B. 241, 1st Sub. S.B. 252, H.B. 212,** as amended, **S.B. 151,** as amended, **H.B. 149, 1st Sub. H.B. 232,** as amended, **H.B. 253, H.B. 258,** and **H.B. 310** were placed on Second Reading Calendar.

\* \* \*

Mr. President: February 26, 2003

The Transportation and Public Utilities and Technology Committee has returned **S.B. 210**, SURCHARGE ON MOVING TRAFFIC VIOLATIONS, by Senator M. Dmitrich, to the Rules Committee.

David H. Steele, Chair

On motion of Senator Waddoups, the committee report was adopted. **S.B. 210** was returned to the Rules Committee.

**SECOND READING CALENDAR**

**S.B. 147**, STREAMLINED SALES TAX PROJECT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Dmitrich, Stephenson, Steele, and Mansell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hickman	Mayne
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\* \* \*

On motion of Senator Walker, the circle was removed from **S.B. 191**, COUNTY OVERSIGHT OF LOCAL MENTAL HEALTH AUTHORITIES, and it was before the Senate. Senator Walker explained the bill.

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

**COUNTY OVERSIGHT OF LOCAL  
MENTAL HEALTH AUTHORITIES**

**1st Sub. S.B. 191**

*Carlene M. Walker*

THIS ACT MODIFIES PROVISIONS RELATED TO SPECIAL DISTRICTS. THE ACT CLARIFIES THAT COUNTIES MAY JOINTLY PROVIDE MENTAL HEALTH SERVICES AND SUBSTANCE ABUSE SERVICES THROUGH AN INTERLOCAL AGREEMENT. THE ACT PROVIDES FOR THE DESIGNATION OF OFFICERS FOR COMBINED LOCAL MENTAL HEALTH OR SUBSTANCE ABUSE AUTHORITIES AND FOR THE ADOPTION OF POLICIES FOR THE COMBINED AUTHORITIES. THE ACT EXPANDS THE RECORDS THAT A CONTRACT PROVIDER IS REQUIRED TO MAKE AVAILABLE FOR INSPECTION AND EXPANDS THOSE WHO MAY INSPECT THOSE RECORDS. THE ACT EXPANDS MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES TO INCLUDE THOSE FOR INCARCERATED PERSONS. THE ACT MODIFIES THE OVERSIGHT RESPONSIBILITY OF A LOCAL MENTAL HEALTH OR SUBSTANCE ABUSE AUTHORITY OVER CONTRACT PROVIDERS AND THEIR EMPLOYEES. THE ACT PROVIDES A COORDINATION CLAUSE.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hatch	Hellewell	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Bramble	J. Evans	Hale
Hickman	Julander	Mayne	

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 2, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, from the Rules Committee and place it at the top of the Second Reading Calendar.

**S.B. 2, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

Senator Eastman made the motion to set a Time Certain for **10th Sub. H.B. 162, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS**, for Thursday, February 27, 2003 at 11:00 a.m. The motion failed on a standing vote.

On motion of Senator Hillyard, the Senate voted to place **10th Sub. H.B. 162, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS**, on the Time Certain Calendar for Friday, February 28, 2003 at 10:30 a.m.

\* \* \*

On motion of Senator Wright, the circle was removed from **S.B. 146, WASTE FEE AMENDMENTS**, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 1, Line 7:  
After “per ton.” insert “This act imposes an annual facility fee on any municipal waste facility operated by a political subdivision primarily to receive its own municipal waste.”
2. Page 1, Line 9:  
After “facility” insert “and that these facilities, if they accept solely municipal waste, are not subject to gubernatorial and legislative approval of operation plans”
3. Page 6, Line 182:  
Delete Line 182
4. Page 7, Line 183:  
Delete Line 183 and insert:  
“(ii) that is solely under contract with a political subdivision within the state to dispose of nonhazardous solid waste generated within the boundaries of the political subdivision.”
5. Page 13, Line 374:  
After Line 374 insert:  
“(5)(a) Each waste facility that is owned by a political subdivision and operated primarily for the purpose of receiving waste generated within that political subdivision shall pay an annual facility fee. The fee shall be paid to the department on or before July 15 of each year. The fee is:  
(i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal waste each year;  
and  
(ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of municipal waste each year;  
(iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of municipal waste each year;  
(iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of municipal waste each year;  
(v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of municipal waste each year;  
(vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of municipal waste each year; and  
(vi) \$66,000 if the facility receives 500,000 or more tons of municipal waste each year.  
(b) The department shall deposit all fees received under this Subsection (5) into the Environmental Quality Restricted Account created in Section 19-1-108.

(c) Municipal waste subject to the facility fee under this Subsection (5) is not subject to the fee under Subsection 9-16-119(1)(c)”

Senator Valentine’s motion to amend passed on a voice vote.

Senator Wright explained the bill. Senators Waddoups and Valentine commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 10; Absent, 2.**

**Voting in the affirmative were:** Senators

Buttars	Eastman	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	B. Evans	Hale	Julander
Mayne	Thomas		

**Absent or not voting were:** Senators

Blackham	Bramble
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On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 94, UTAH CONTROLLED SUBSTANCE – EXTRACTION AND REDUCTION LABS,** was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 80, SPECIAL SERVICE DISTRICT AMENDMENTS,** was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 211, DISABILITIES APPROPRIATIONS NONLAPSING,** was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 116, PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE,** was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**3rd Sub. H.B. 78, LIEN RECOVERY FUND – RATE OF INTEREST,** under reconsideration, was before the Senate and explained by Senator Hickman.

Senator Bell proposed the following amendment:

- 1. Page 2, Line 33:  
After “claimant” insert “but not more than 10% per annum”

Senator Bell’s motion to amend passed on a voice vote.

Senators Allen, Bev Evans, and Jenkins commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Dmitrich
Eastman	B. Evans	J. Evans	Hatch
Hellewell	Hickman	Hillyard	Knudson
Steele	Thomas	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Bell	Buttars	Davis	Gladwell
Hale	Jenkins	Mayne	Stephenson

**Absent or not voting were:** Senators

Blackham	Julander	Valentine
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**3rd Sub. H.B. 78,** as amended, was returned to the House.

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On motion of Senator Bramble, the circle was removed from **S.B. 175, REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS,** and it was

before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hatch	Valentine
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**S.B. 175** was transmitted to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 211**, DISABILITIES APPROPRIATIONS NONLAPSING. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Dmitrich	Hale	Hatch
Valentine			

**H.B. 211** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups and at 3:50 p.m., the Senate adjourned until 8:00 a.m., Thursday, February 27, 2003.

# THIRTY-NINTH DAY

## MORNING SESSION

The Senate was called to order at 8:50 a.m., with President Pro Tem Michael Waddoups presiding.

**Prayer** – Jackson Olsen, Student Body President at Logan High School

**Pledge of Allegiance** – Senator Peter Knudson

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 75**, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 230**, PARENTAL RELOCATION AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 249**, LICENSING MORTGAGE LOAN OFFICERS, by Representative B. Parker, and it is transmitted for consideration; and

The House passed **H.B. 264**, DIVISION OF PARKS AND RECREATION – RESTRICTED ACCOUNT, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 278**, MUNICIPAL ANNEXATIONS ACROSS COUNTY LINES, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 307**, CHILD BIGAMY AMENDMENT, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 330**, VETERANS GROUP LICENSE PLATE REVISIONS, by Representative S. Mascaro, and it is transmitted for consideration; and



The House passed **H.B. 353**, VEHICLE DISCLOSURE REQUIREMENTS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 358**, COUNTY FUND BALANCES, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 372**, CAPTIVE INSURERS ACT, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 373**, INSURANCE LAW REVISIONS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 374**, INSURANCE PRODUCERS AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 75, 1st Sub. H.B. 230, 2nd Sub. H.B. 249, H.B. 264, H.B. 278, 1st Sub. H.B. 307, H.B. 330, H.B. 353, H.B. 358, H.B. 372, H.B. 373, and H.B. 374** were read the first time and referred to the Rules Committee.

**CONSENT CALENDAR**

**H.C.R. 4**, RESOLUTION URGING FEDERAL AND STATE ACTION AGAINST INTERNET ABUSES, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Dmitrich
Eastman	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Davis
B. Evans	J. Evans	Gladwell	Hickman
Mansell			

**H.C.R. 4** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 107**, DNA AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Dmitrich
Eastman	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Davis
B. Evans	J. Evans	Gladwell	Wright
Mansell			

**H.B. 107** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 225**, RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Dmitrich	Eastman	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	B. Evans
J. Evans	Gladwell	Valentine	Mansell

**H.B. 225** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**CONCURRENCE CALENDAR**

On motion of Senator Walker, the Senate voted to concur in the House amendments to **S.B. 32, DRIVER EDUCATION COURSES**. Senator Wright commented and the bill, as amended, passed on the following roll call:

**Yeas, 17; Nays, 7; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Eastman	J. Evans	Hale	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker			

**Voting in the negative were:** Senators

Dmitrich	B. Evans	Hatch	Hellewell
Hickman	Stephenson	Wright	

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Gladwell
Mansell			

**S.B. 32** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 53, AMENDMENTS TO CONTROLLED SUBSTANCE ACT**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Davis
Gladwell	Hickman	Mansell	

**1st Sub. S.B. 53** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hellewell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 58, YOUTH CORRECTIONS – DIVISION NAME AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Davis
Gladwell	Hickman	Mansell	

**2nd Sub. S.B. 58** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the Senate refused to concur in the House amendments and requests the House recede from its amendments. **2nd Sub. S.B. 67** was returned to the House for further consideration.

\* \* \*

**2nd Sub. S.B. 79, DISABLED PARKING FINE**, was before the Senate.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Hillyard, the Senate refused to concur in the House amendments and requests the House recede from its amendments. **S.B. 165** was returned to the House for further consideration.

### **THIRD READING CALENDAR**

**S.B. 251, FIREARMS REVISIONS**, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hellewell	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Gladwell
Hatch	Hickman	Jenkins	Mansell

**S.B. 251** was transmitted to the House.

\* \* \*

**S.B. 177, REGULATION OF DEBT CANCELLATION AGREEMENTS AND DEBT SUSPENSION AGREEMENTS,** was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Gladwell
Mansell			

**S.B. 177** was transmitted to the House.

\* \* \*

**S.B. 184, MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS,** was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Gladwell
Mansell			

**S.B. 184** was transmitted to the House.

\* \* \*

On motion of Senator Thomas, the circle was removed from **S.B. 194**, COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT, and it was before the Senate.

Senator Thomas proposed the following amendment:

1. Page 2, Line 36:  
After “(4)” insert “(a)”
2. Page 2, Line 37:  
Delete “(a)” and insert “(i)”
3. Page 2, Line 39:  
Delete “(b)” and insert “(ii)”
4. Page 2, Line 41:  
Delete “(c)” and insert “(iii)”
5. Page 2, Line 42:  
Delete “(i)” and insert “(A)”
6. Page 2, Line 43:  
Delete “(ii)” and insert “(B)”
7. Page 2, Line 43:  
After “the passage of” delete “180 days” and insert “18 months”

- 8. Page 2, Line 44:  
After line 44 insert:  
“(b) ‘Established business relationship’ includes a relationship with an affiliate as defined in Section 16–10a–102.”
  
- 9. Page 6, Line 160:  
Senate 2nd Reading Amendments  
2–25–2003  
After “telephone solicitation” insert “within Utah”
  
- 10. Page 6, Line 180:  
Senate 2nd Reading Amendments  
2–25–2003  
After “exceed” delete “15” and insert “90”
  
- 11. Page 7, Line 187:  
Senate Committee Amendments  
2–21–2003  
After “no–call database” insert “, which may not be greater than those imposed for a violation of the national database described in Subsection (5)”

Senator Thomas’ motion to amend passed on a voice vote.

Senator Thomas explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

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

Bramble	Buttars	Gladwell	Mansell
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**S.B. 194**, as amended, was transmitted to the House.

\* \* \*

**S.B. 149**, BONDING LAW AMENDMENTS – STATE FINANCING CONSOLIDATION ACT, 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

Allen	Arent	Bell	Blackham
Davis	Dmitrich	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Buttars	Eastman	Gladwell
Mansell			

**S.B. 149** was transmitted to the House.

\* \* \*

**S.B. 217**, MOTOR VEHICLE – TITLE REQUIREMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Buttars	Davis	Mansell
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**S.B 217** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 218**, UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES, was read the third time and explained by Senator Bell. Senator Stephenson commented and the bill passed on the following roll call:



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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Waddoups	Wright	

**Voting in the negative were:** Senators

Stephenson	Walker
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**Absent or not voting were:** Senators

Bramble	Buttars	Valentine	Mansell
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**1st Sub. S.B. 218** was transmitted to the House.

\* \* \*

**S.B. 206, VEHICLE SALE AND SECURITY INTEREST 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

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Buttars	Valentine	Mansell
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**S.B. 206** was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 208, WARRANT FOR REMOVAL OF MINOR FROM HOME,** was read the third time, explained by Senator Wright, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Mayne	Valentine	Mansell
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**2nd Sub. S.B. 208**, as amended, was transmitted to the House.

\* \* \*

**S.C.R. 7, RESOLUTION SUPPORTING ORGAN DONATION**, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Buttars	Valentine	Mansell
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**S.C.R. 7** was transmitted to the House.

\* \* \*

**S.B. 188, FUEL TAX CREDIT**, was read the third time and explained by Senator Jenkins. Senator Steele commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Hillyard	Valentine	Mansell
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**S.B. 188**, as amended, was transmitted to the House.

\* \* \*

**S.B. 186**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE, was read the third time.

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

**UNINSURED AND UNDERINSURED MOTORIST COVERAGE**

**1st Sub. S.B. 186**

*Dan R. Eastman*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY AMENDING UNINSURED AND UNDERINSURED MOTORISTS PROVISIONS. THIS ACT PROVIDES THAT A PERSON WHO EXERCISES UNAUTHORIZED CONTROL OVER A VEHICLE, A PASSENGER WHO HAS KNOWLEDGE THAT THE DRIVER IS EXERCISING UNAUTHORIZED CONTROL, OR A PERSON WHO IS COMMITTING A FELONY MAY NOT COLLECT UNINSURED OR UNDERINSURED MOTORIST COVERAGE. THIS ACT PROVIDES THAT A DEPENDENT MINOR OF PARENTS WHO RESIDE IN SEPARATE HOUSEHOLDS MAY RECOVER UNINSURED OR UNDERINSURED BENEFITS FROM EACH PARENT’S POLICY AND EACH PARENT’S POLICY IS LIABLE ONLY FOR THE PERCENTAGE OF DAMAGE THAT THE LIMIT BEARS TO THE TOTAL OF ALL UNINSURED COVERAGE APPLICABLE TO THE ACCIDENT. THIS ACT PROVIDES THAT AN UNDERINSURED MOTOR VEHICLE DOES NOT INCLUDE A NAMED INSURED’S OWN VEHICLE. THIS ACT MAKES TECHNICAL CHANGES.

Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Buttars	Valentine	Mansell
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**1st Sub. S.B. 186** was transmitted to the House.

\* \* \*

**S.B. 209**, REGISTRATION FOR ATV'S AND NONAUTOMOBILES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Mayne	Stephenson	Mansell
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**S.B. 209**, as amended, was transmitted to the House.

\* \* \*

**2nd Sub. S.B. 203**, CONDOMINIUM LAW AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	J. Evans	Stephenson	Mansell
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**2nd Sub. S.B. 203** was transmitted to the House.

\* \* \*

**1st Sub. S.B. 180**, EMERGENCY MEDICAL SERVICES, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Arent, the circle was removed from **S.B. 211**, CONSUMER SALES PRACTICES ACT AMENDMENTS, and it was before the Senate.

Senator Arent proposed the following amendment:

1. Page 1, Lines 7–8  
Senate Committee Amendments  
dated 2–20–2003:  
After “be in” delete the rest of lines 7–8 and insert “in at least 10–point font type size.”
2. Page 1, Lines 15–17  
Senate Committee Amendments  
dated 2–20–2003:  
After “be” delete “:” and lines 16–17 and insert “in at least 10–point font type size.”
3. Page 1, Line 19  
Senate Committee Amendments  
dated 2–20–2003:

After line 19 insert:

“(3) This section does not apply to written consumer contracts of entities regulated under Title 41, Chapter 3, Motor Vehicle Business Regulation Act.”

Senator Arent’s motion to amend passed on a voice vote.

Senator Arent explained the bill. Senators Valentine and Eastman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright			

**Voting in the negative was:** Senator  
Stephenson

**Absent or not voting were:** Senators

Buttars	Hickman	Mansell
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**S.B. 211**, as amended, was transmitted to the House.

\* \* \*

**S.B. 223**, REVISIONS TO PARENT TIME, was read the third time and explained by Senator Hillyard. Senator James Evans commented.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 147**, STREAMLINED SALES TAX PROJECT 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

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Hickman	Mayne	Mansell
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**S.B. 147**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 22, PROPERTY TAX RELIEF**. Senator Jenkins commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Buttars	Mayne	Mansell
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**1st Sub. H.B. 22**, as substituted by the Senate was returned to the House for further consideration.

\* \* \*

On motion of Senator Steele, and at 10:05 a.m., the Senate sauntered.

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

**TIME CERTAIN**

On motion of Senator Gladwell, Sandy Tenney read a citation honoring Martha Williamson and the television show “Touched by an Angel.”

**COMMITTEE OF THE WHOLE**

On motion of Senator Gladwell, Martha Williamson, Executive Producer of “Touched by and Angel” spoke in Committee of the Whole.

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

**TIME CERTAIN CALENDAR**

On motion of Senator Steele, under suspension of the rules, **H.B. 223**, CHANGING STATE SONG, was considered read the second and third times. Senator Steele explained the bill. Senator Valentine commented.

Senator Steele proposed the following amendment:

1. Page 1, Line 6:  
After “state” delete “ANTHEM” and insert “hymn”
2. Page 2, Line 37:  
After “state” delete “ANTHEM” and insert “hymn”

Senator Steele’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Arent                      Hale

**Absent or not voting was:** Senator

Bramble

**H.B. 223**, as amended, was returned to the House.



On motion of Senator Steele, the following letter is to be spread upon the pages of the Senate Journal:

Representative Dana Love: February 13, 2003

In 1996 the Utah State Centennial Commission provided us with a grant to produce the program "Utah...This is the Place." Every school in the state received a free copy which they used to celebrate the state's 100th birthday. Inasmuch as the state commissioned this production, we have never received royalties that would come from being authors of this work.

We feel the state song should belong to everyone in the state. Therefore, if "Utah...This is the Place" becomes the state song, we relinquish all rights as copyright holders to the citizens of Utah for public domain use. This will insure that everyone can use and enjoy the state song without copyright restrictions.

Gary Francis and Sam Francis

**COMMITTEE OF THE WHOLE**

On motion of Senator Steele, students from Cook Elementary in Syracuse, Utah performed the song "Utah...This is the Place" in Committee of the Whole.

On motion of Senator Steele, the Committee of the Whole was dissolved

**THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **S.B. 223, REVISIONS TO PARENT TIME**, and it was before the Senate. Senator Hillyard explained the bill. Senator James Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Eastman	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bramble	Buttars	Dmitrich	B. Evans
Hatch	Julander	Mayne	

**S.B. 223**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 191**, COUNTY OVERSIGHT OF LOCAL MENTAL HEALTH AUTHORITIES, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 1, Line 25:  
After “county” delete “legislative” and insert “executive”
2. Page 3, Line 63:  
After “county” delete “legislative” and insert “executive”
3. Page 8, Line 212:  
After “county” delete “legislative” and insert “executive”
4. Page 9, Line 250:  
After “county” delete “legislative” and insert “executive”

Senator Walker’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Dmitrich	Hatch	Julander
Mayne	Waddoups		

**1st Sub. S.B. 191**, as amended, was transmitted to the House.

\* \* \*

**S.B. 146**, WASTE FEE AMENDMENTS, was read the third time and explained by Senator Wright.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 33:  
Delete “or”
2. Page 2, Line 35:  
Reinstate “or” and delete the period
3. Page 2, Lines 36 and 37:  
Restore deleted language

Senator Wright made a substitute motion to circle.

Senators Buttars, Walker, Valentine, James Evans, Bell, Walker, and Stephenson commented.

On motion of Senator Wright, the bill was circled.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 94**, UTAH CONTROLLED SUBSTANCES – EXTRACTION AND REDUCTION LABS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hatch	Hillyard	Wright
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**H.B. 94** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 80**, SPECIAL SERVICE DISTRICT AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Buttars	Hatch	Hillyard	Wright
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**H.B. 80**, as amended, was returned to the House.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 116**, PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Hatch	Hillyard	Steele	Wright
Mansell			

**H.B. 116** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Buttars, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 79**, DISABLED PARKING FINE, and it was before the Senate.

On motion of Senator Buttars, the Senate refused to concur in the House amendments and requests the House recede from their amendments. **2nd Sub. S.B. 79** was returned to the House for further consideration.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**S.B. 145**, APPLICATION OF UTAH PUBLIC OFFICERS’ AND EMPLOYEES’ ETHICS ACT, was read the second time.

On motion of Senator Hellewell, the bill was circled.

\* \* \*

**S.B. 241**, REVIEW OF PARENT TIME, CUSTODY AND CHILD SUPPORT LAWS, was read the second time. Senator James Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Hatch	Hillyard	Wright
Mansell			

\* \* \*

**1st Sub. S.B. 252**, NURSE PRACTICE ACT EXEMPTION AMENDMENTS, was read the second time. Senator Julander explained the bill. Senator Bev Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Mayne	Steele	Stephenson
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Hatch	Hillyard	Knudson	Thomas
Wright	Mansell		

\* \* \*

**S.B. 151, AMENDMENTS RELATED TO INFORMATION TECHNOLOGY,** was read the second time. Senator Steele explained the bill.

Senator Steele proposed the following amendment:

1. Page 1, Line 12:  
After “changes.” insert “This act provides a coordination clause.”
2. Page 42, Line 1289:  
After line 1289 insert:  
“Section 34. Coordination clause.  
If this bill and H.B. 105, Internet Privacy and Security Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication:  
(1) renumber Title 63D, Chapter 1, Part 4 as enacted in H.B. 105 to Title 63D, Chapter 1a, Part 4;  
(2) delete Subsection 63D-1-402(2) as enacted in H.B. 105 and replace it with the following:  
“(2) “Governmental entity” means:  
(a) an executive branch agency;  
(b) a political subdivision of the state;  
(i) as defined in Section 17B-2-101; and  
(ii) including a school district;  
(c) the legislative branch;  
(d) the judicial branch;  
(e) the State Board of Education;”

- (f) the Board of Regents; or
- (g) institutions of higher education.”;
- (3) delete Subsection 63D-1-402(6) as enacted in H.B. 105; and
- (4) renumber the remaining subsections accordingly.”

Senator Steele’s motion to amend passed on a voice vote.

Senator Hale commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Thomas	Valentine
Waddoups	Walker		

**Absent or not voting were:** Senators

Blackham	Eastman	Hatch	Mayne
Stephenson	Wright	Mansell	

**STANDING COMMITTEE REPORTS**

Mr. President: February 26, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 122**, LOCAL GOVERNMENT AMENDMENTS, by Representative A. Hardy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 145**, DEPARTMENT OF ADMINISTRATIVE SERVICES AMENDMENTS, by Representative L. Pace; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 158**, INCORPORATION OF CITIES, by Representative B. Dee; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 244**, MUNICIPAL GOVERNMENT AMENDMENTS, by Representative W. Harper; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 255**, REGISTERING FOR PRIMARY ELECTIONS, by Representative S. Allen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 266**, POLITICAL ISSUES REPORTING AMENDMENTS, by Representative D. Hogue.

Carlene M. Walker, Chair

Mr. President: February 26, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 148**, PROPERTY TAX – FARMLAND ASSESSMENT ACT, by Senator T. Hatch, with the following amendment:

1. Page 6, Line 178:After “not” insert “it is” and after “land” insert “who”; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 253**, PRIVILEGE TAX – PUBLIC LAND, by Senator T. Hatch; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 219**, WAGES FOR TIPPED EMPLOYEES, by Representative D. Ure.

Curtis S. Bramble, Chair

Mr. President: February 26, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 227**, FEE INCREASE, by Senator J. Hickman, with the following amendments:

1. Page 2, Line 44:  
Delete “\$1” and insert “\$11”

David L. Thomas, Chair

On motion of Senator Valentine, the committee reports were adopted. **2nd Sub. H.B. 122, 1st Sub. H.B. 145, H.B. 158, H.B. 244, 1st Sub. H.B. 255, H.B. 266, S.B. 148**, as amended, **S.B. 253, H.B. 219**, and **S.B. 227** as amended, were placed on Second Reading Calendar.



\* \* \*

Mr. President:

February 26, 2003

The Revenue and Taxation Committee has returned **2nd Sub. H.B. 114**, MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM, by Representative B. Dee, to the Rules Committee.

Curtis S. Bramble, Chair

**2nd Sub. H.B. 114** was returned to the Rules Committee.

\* \* \*

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

## AFTERNOON SESSION

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2003

The Speaker of the House has signed **1st Sub. S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, by Senator M. Waddoups, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 7** and **S.B. 86** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 27, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 6**, SHARED PARENTING BY DIVORCING PARENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 296**, MUNICIPAL ANNEXATION AMENDMENTS, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed **H.B. 305**, INDIVIDUAL INCOME TAX CONTRIBUTION – WOLF DEPREDATION AND MANAGEMENT RESTRICTED ACCOUNT, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 333**, GOVERNMENT INVESTMENT STANDARDS AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed **H.B. 352**, ELECTION LAW VOTER REGISTRATION AND ELECTION NOTICE AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 6**, **H.B. 296**, **H.B. 305**, **H.B. 333**, and **H.B. 352** were read the first time and referred to the Rules Committee.

#### **NOTIFICATION OF BILLS RETURNED TO RULES**

The following bills were heard in committee but received no committee action and are returned to Rules.

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

**1st Sub. S.B. 39** Amendments to the Utah Antidiscrimination Act  
(E. Mayne)

#### **Governmental Operations and Political Subdivisions Standing Committee**

**2nd Sub. H.B. 215** State Agency – Lobbyist Restriction Amendments  
(W. Harper) (M. Waddoups)

#### **Natural Resources, Agriculture and Environment Standing Committee**

**S.J.R. 5** Resolution on Municipal Water Rights (S. Jenkins)

#### **Judiciary, Law Enforcement and Criminal Justice Standing Committee**

**S.B. 199** Limitations on Informal Judicial Reprimands  
(D. Thomas)

The following bill was substituted and amended in committee, but no committee report was adopted.

#### **Health and Human Services Standing Committee**

**S.B. 174** Lien of Chiropractic Providers (D. C. Buttars)

The following bills failed in committee and are returned to Rules.

**Education Standing Committee**

- S.B. 139** Voted Leeway Amendments (L. Hillyard)  
**H.B. 69** Appropriation for School District Impacted by Fee  
Waivers (L. Shurtliff) (K. Hale)

**Governmental Operations and Political Subdivisions Standing Committee**

- S.B. 166** Community and Economic Development Amendments  
(C. Walker)

**Revenue and Taxation Standing Committee**

- S.B. 224** Use of Transportation Fund (S. Jenkins)

**Natural Resources, Agriculture and Environment Standing Committee**

- S.C.R. 1** Resolution Urging Light Pollution Prevention (R. Allen)

The following bills were not heard in committee and are returned to Rules.

**Business and Labor Standing Committee**

- S.B. 77** Independent Escrow Agents Amendments (T. Hatch)  
**S.B. 101** Procurement Code Requirements of Health Care Benefits  
(E. Mayne)  
**S.B. 113** Midwife Certification Act (T. Hatch)  
**S.B. 119** Motor Vehicle Insurance – Personal Injury Protection  
(M. Dmitrich)  
**S.B. 220** Funds Related to Workplace Safety and Workers’  
Compensation (S. Jenkins)  
**H.B. 166** Payday Lending (T. McCartney) (E. Mayne)

**Health and Human Services Standing Committee**

- S.B. 60** Health Care – Uniform Data Formatting Standards  
(G. Bell)  
**S.B. 212** Miners Health and Safety (E. Mayne)  
**H.B. 222** Child Welfare Proceedings Amendments (G. Curtis)  
(L. Hillyard)

**Education Standing Committee**

- S.B. 64** Alternative Teacher Licensing (B. Wright)  
**S.B. 63** Core Curriculum Amendments (B. Wright)  
**S.B. 185** School Personnel – Procedural Rights (D. C. Buttars)

- H.B. 105** Internet Privacy and Security Amendments (W. Harper)  
(D. Gladwell)
- H.B. 233** Use of Education Revenues (M. Styler) (T. Hatch)
- H.B. 334** Enticing Minors over Internet Amendments  
(D. Bourdeaux) (R. Allen)

**Governmental Operations and Political Subdivisions Standing Committee**

- 1st Sub. H.B. 81** Compensation Study (T. McCartney) (B. Evans)

**Revenue and Taxation Standing Committee**

- S.B. 22** Telecommunications Related Taxes, Fees, and Charges  
(C. Bramble)
- 1st Sub. H.B. 237** Radioactive Waste – Prohibition of B and C Waste  
(K. Holdaway)

**Workforce Service and Community and Economic  
Development Standing Committee**

- 1st Sub. H.B. 19** Employment Security Act Modifications (M. Newbold)  
(E. Mayne)
- H.B. 130** Damage on Private Land by Big Game Animals  
(S. Urquhart) (T. Hatch)
- 2nd Sub. H.B. 189** Lending Law Amendments (W. Harper) (E. Mayne)
- H.B. 248** Privacy of State Database Health Records (C. Bennion)  
(P. Knudson)
- H.B. 277** Residential Mortgage Practices Amendments  
(J. M. Philpot) (T. Hatch)
- H.B. 280** Motor Vehicle Accidents – Access to Police Reports  
(L. Christensen) (L. Hillyard)
- 1st Sub. H.B. 302** Privatization Policy Board Amendments (R. Bigelow)  
(M. Waddoups)

**Natural Resources, Agriculture and Environment Standing Committee**

- S.B. 248** Bottle and Can Deposit Requirements (G. Davis)
- H.B. 242** Protection of Rights-of-way – Gates on County Roads  
(M. Noel) (T. Hatch)

**Judiciary, Law Enforcement and Criminal Justice Standing Committee**

- S.B. 150** Uniform Trust Act (L. Hillyard)
- S.J.R. 3** Resolution Providing for Contested Judicial Elections  
(D. Thomas)

- H.B. 93**                    Suspension of Driving Privileges for Habitual Truants  
                                  (D. Bourdeaux) (G. Davis)
- 1st Sub. H.B. 201**      Judiciary Amendments (M. S. Lawrence) (L. Hillyard)

**Retirement & Independent Entities Standing Committee**

- S.B. 81**                    Public Safety Retirement Amendments (M. Dmitrich)
- H.B. 100**                State Retirement Conversion Window (B. King)  
                                  (M. Dmitrich)
- H.B. 246**                Retirement Office Amendments (R. Bigelow) (J. Evans)

**SECOND READING CALENDAR**

**H.B. 82, INITIATIVES – ONE SUBJECT REQUIREMENT**, was before the Senate for reconsideration.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**H.B. 66, COUNTY GENERAL FUND EXPENSES**, was read the second time. Senator Wright explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Davis	Hale
Hickman	Stephenson		

\* \* \*

**H.B. 235, FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Hale	Hickman
Knudson	Stephenson		

\* \* \*

**H.B. 228**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**2nd Sub. H.J.R. 7**, RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 14**, TOURISM PROMOTION PROGRAMS, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

J. Evans	Hickman
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**10th Sub. H.B. 162**, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS, was read the second time. Senator Eastman explained the bill.

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

### AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS

#### **12th Sub. H.B. 162**

*Jeff Alexander*

THIS ACT MODIFIES THE FINANCIAL INSTITUTIONS TITLE TO ADDRESS PROVISIONS RELATED TO CREDIT UNIONS AND MUTUAL ASSOCIATIONS AND TO MAKE TECHNICAL CHANGES. THE ACT ADDRESSES NONEXEMPT CREDIT UNIONS ESTABLISHING BRANCHES. THIS ACT ADDRESSES VOTING REQUIREMENTS FOR MUTUAL ASSOCIATIONS. THIS ACT MODIFIES DEFINITIONS. THE ACT ADDRESSES LOAN LIMITATIONS. THE ACT ADDRESSES CREDIT UNION SERVICE ORGANIZATIONS. THE ACT ADDRESSES MERGERS INVOLVING CREDIT UNIONS. THE ACT ADDRESSES OPERATIONS OF OUT-OF-STATE CREDIT UNIONS. THE ACT REPEALS CERTAIN PROVISIONS RELATED TO FIELDS OF MEMBERSHIP AND GRANDFATHERING AND MODIFIES OTHER PROVISIONS RELATED TO FIELDS OF MEMBERSHIP. THIS ACT PROVIDES FOR CREDIT UNIONS BECOMING NONEXEMPT CREDIT UNIONS. THIS ACT PROVIDES FOR A COMPETITIVE EQUITY ASSESSMENT AND PENALTIES FOR FAILURE TO PAY THE COMPETITIVE EQUITY ASSESSMENT. THIS ACT MODIFIES CORPORATE FRANCHISE AND INCOME TAX PROVISIONS TO ADDRESS THE TAXATION OF NONEXEMPT CREDIT UNIONS. THIS ACT ESTABLISHES A LEGISLATIVE TASK FORCE TO STUDY ISSUES RELATED TO CREDIT UNIONS AND BANKS. THE ACT ESTABLISHES TASK FORCE MEMBERSHIP, DUTIES, AND SALARIES AND DESIGNATES STAFF FOR THE TASK FORCE. THE ACT REQUIRES THE TASK FORCE TO PREPARE A REPORT. THE ACT MAKES A ONE-TIME APPROPRIATION OF \$39,500 FROM THE GENERAL FUND FOR FISCAL YEAR 2002-2003 TO PAY FOR TASK FORCE EXPENSES. THIS ACT PROVIDES INTENT LANGUAGE. THE ACT PROVIDES REPEAL DATES. THIS ACT PROVIDES EFFECTIVE DATES.

**12th Sub HB 162** remains on Time Certain to be heard on Friday, February 28 at 10:30 a.m.

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**H.B. 159**, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, was read the second time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**H.B. 229**, PROVIDING LOCATION INFORMATION TO NONCUSTODIAL PARENTS WITH VISITATION RIGHTS, was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Gladwell
Hickman	Valentine		

\* \* \*

**H.B. 231**, HEALTH CARE FACILITY LICENSURE AMENDMENTS, was read the second time. Senator Hale explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell



**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Hickman
Valentine			

\* \* \*

**H.B. 254, MOTOR VEHICLE REGISTRATION – RESIDENT EXEMPTION**, was read the second time. Senator Hale explained the bill. Senators Mansell and Thomas commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Davis	Gladwell
Hickman	Valentine		

\* \* \*

On motion of Senator Buttars, the circle was removed from **H.B. 62, EMERGENCY RESPONSE COSTS**, and it was before the Senate. On motion of Senator Buttars, the bill was returned to the Rules Committee.

\* \* \*

**H.B. 155, AMENDMENTS TO ELECTION LAW**, was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Hickman
Thomas	Valentine		

\* \* \*

**H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS, was read the second time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**H.B. 72**, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM, was read the second time. Senator Knudson explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Valentine
Wright			

On motion of Senator Hickman, **H.B. 72** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 76**, TRUANCY AMENDMENTS, was read the second time. Senator Hale explained the bill.

Senator Hale proposed the following amendment:

1. Page 2, Line 35  
Senate Committee Amendments  
2-24-2003:  
Delete "in response to" and insert "after having received"
  
2. Page 2, Lines 38 – 38a  
Senate Committee Amendments  
2-24-2003:  
Delete "a written request" and insert "school authorities"

Senator Hale’s motion to amend passed on a voice vote.

Senator Wright proposed the following amendment:

1. Page 2, Line 33-37:  
Senate Committee Amendments  
Delete lines 33-37

Senator Wright’s motion to amend failed on a voice vote.

Senators Buttars, Wright, Steele, and Waddoups commented. The bill failed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	Waddoups

**Voting in the negative were:** Senators

Bell	Blackham	Buttars	Eastman
B. Evans	J. Evans	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Steele
Stephenson	Thomas	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Gladwell	Hatch	Valentine
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**H.B. 76** was returned to the House for filing

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**3rd Sub. H.B. 161**, SNOW COLLEGE RICHFIELD CAMPUS NAME CHANGE, was read the second time. Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Bramble	Hale	Wright
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\* \* \*

Senator Ron Allen assumed the chair as President Pro Tem

\* \* \*

**H.B. 221, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES,** was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**H.B. 18, DEALERS IN AGRICULTURAL PRODUCTS,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Bramble	Buttars	Hellewell	Wright
Mansell			

\* \* \*

**H.B. 148, UNLAWFUL TAKING OF GAME FISH,** was read the second time. Senator Hatch explained the bill. Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Bramble	Buttars	Hellewell	Wright
Mansell			

\* \* \*

**H.B. 157, CONTROL OF WOLF POPULATION,** was read the second time. Senator Blackham explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Gladwell	Mansell
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\* \* \*

**H.B. 154, VISION SCREENING CHECKOFF FOR MOTOR VEHICLE REGISTRATION AND DRIVER LICENSE APPLICATION AND RENEWAL,** was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Voting in the negative was:** Senator Hillyard

**Absent or not voting were:** Senators

Gladwell	Hale	Wright	Mansell
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\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 180, EMERGENCY MEDICAL SERVICES**, and it was before the Senate.

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

### **EMERGENCY MEDICAL SERVICES**

**2nd Sub. S.B. 180**

*Curtis S. Bramble*

THIS ACT MODIFIES THE HEALTH CODE. THE ACT MODIFIES THE UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT. THE ACT PERMITS AMBULANCE AND PARAMEDIC LICENSE APPLICANTS WHO HAVE MET THE DEPARTMENT OF HEALTH'S MINIMUM REQUIREMENTS AND STANDARDS TO ENTER INTO A COMPETITIVE BID PROCESS TO PROVIDE SERVICES TO LOCAL GOVERNMENTS FOR 911 AMBULANCE AND PARAMEDIC CALLS. THE ACT PERMITS LOCAL GOVERNMENTS IN COUNTIES OF THE FIRST AND SECOND CLASS TO SELECT A LICENSE APPLICANT THROUGH AN OPEN PROCUREMENT PROCESS. THE ACT REQUIRES A LOCAL GOVERNMENT THAT ELECTS TO USE THE BID PROCESS TO CONSIDER CERTAIN FACTORS WHEN SELECTING A PROVIDER. THE ACT REQUIRES THE DEPARTMENT TO ISSUE A LICENSE TO THE APPLICANT SELECTED BY A LOCAL GOVERNMENT EXCEPT IN CERTAIN LIMITED CIRCUMSTANCES. THE ACT MAKES OTHER TECHNICAL AND CONFORMING AMENDMENTS. THIS ACT TAKES EFFECT JANUARY 1, 2004. THIS ACT HAS A COORDINATING CLAUSE.

Senator Bramble explained the bill. Senators Walker, Stephenson, Blackham, and Mayne commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hale	Mansell
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**2nd Sub. S.B. 180**, as substituted, was transmitted to the House.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 163**, CRIMINAL RESTITUTION AMENDMENTS, was read the second time. Senator Steele explained the bill.

Senator Steele proposed the following amendment:

1. Page 1, Line 6:  
Delete “, to include crimes that do not”
2. Page 1, Line 7:  
Delete entire line and insert “that involves theft or damage to the victim’s tools used in his current employment.”
3. Page 2, Line 48b:  
Senate Committee Amendments  
2–24–03  
Delete “three times the value”
4. Page 2, Line 48b:  
Senate Committee Amendments

2-24-03  
Delete "of"

5. Page 2, Line 48b1:  
Senate Committee Amendments  
2-24-03  
Delete "stolen or damaged" and insert "five days of the individual victim's determinable wages that are lost due to theft of or damage to"

Senator Steele's motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Buttars	Mansell
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On motion of Senator Hickman, **H.B. 163** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 199, LINE-OF-DUTY DEATH BENEFIT**, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Valentine	Waddoups	Walker	Wright



**Absent or not voting were:** Senators

Blackham	J. Evans	Gladwell	Thomas
Mansell			

\* \* \*

On motion of Senator Hale, the Senate voted to allow her to change her vote on **H.B. 76** from nay to aye.

\* \* \*

**H.B. 86, PUBLIC SCHOOL CHOICE ENROLLMENT**, was read the second time. Senator Hale explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Bramble	Eastman	Hickman	Hillyard
Valentine	Mansell		

\* \* \*

**H.B. 95, ANNEXATION OF UNINCORPORATED COUNTY ISLANDS INTO CITIES**, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Bramble	Eastman	Hickman	Hillyard
Steele	Valentine	Mansell	

\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Third Reading Table. On motion of Senator Blackham the Senate voted to remove **H.B. 163** from the Third Reading Table and place it on the Third Reading Calendar.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Blackham, the circle was removed from **S.B. 225**, LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES, and it was before the Senate. Senator Blackham explained the bill.

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

### **LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES**

**1st Sub. S.B. 225**

*Leonard Blackham*

THIS ACT MODIFIES THE JUDICIAL CODE BY ESTABLISHING LIMITS ON JUDGMENTS THAT MAY BE AWARDED AGAINST GOVERNMENT ENTITIES. THIS ACT ESTABLISHES A MECHANISM FOR ADJUSTING THE AMOUNT OF THOSE LIMITATIONS FOR INFLATION. THIS ACT PROVIDES A SUNSET DATE.

On motion of Senator Blackham, the bill was circled.

On motion of Senator Blackham, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### **SECOND READING CALENDAR**

**2nd Sub. H.B. 194**, SHERIFF CERTIFICATION REQUIREMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright		

**Absent or not voting were:** Senators

Bramble	Valentine	Mansell
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\* \* \*

On motion of Senator Hillyard, and at 4:30 p.m., the Senate sauntered.

The Senate was called to order at 4:42 p.m., with President Pro Tem Ron Allen presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 27, 2003

The Speaker of the House has signed **S.B. 32, DRIVER EDUCATION COURSES**, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 53, AMENDMENTS TO CONTROLLED SUBSTANCE ACT**, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 58, YOUTH CORRECTIONS – DIVISION NAME AMENDMENT**, by Senator P. Hellewell, and it is transmitted for the signature of the President; and

The House receded from its amendments and passed **S.B. 165, GUBERNATORIAL NOMINEE AMENDMENTS**, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 32, 1st Sub. S.B. 53, 2nd Sub. S.B. 58, and S.B. 165** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 27, 2003

The House passed, as substituted and amended, **2nd Sub. H.B. 112**, COUNTY CORRECTIONAL FACILITY REIMBURSEMENT, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 342**, PRESIDENTIAL PRIMARY AMENDMENTS, by Representative M. S. Lawrence, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 112** and **H.B. 342** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 27, 2003

The House refuses to recede from its amendments to **2nd Sub. S.B. 67**, REVISIONS TO BOARDS AND COMMISSIONS, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives D. Aagard, M. Dayton, and B. King to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

President Pro Tem Allen assigned a Senate Joint Conference Committee consisting of Senators Stephenson, Hillyard, and Dmitrich to meet with a like committee from the House.

\* \* \*

Mr. President: February 27, 2003

The House refuses to recede from its amendments to **2nd Sub. S.B. 79**, DISABLED PARKING FINE, by Senator D. C. Buttars, and has appointed a Conference Committee consisting of Representatives B. Johnson, G. Snow, and B. King to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

President Pro Tem Allen assigned a Senate Joint Conference Committee consisting of Senators Buttars, Eastman, and Mayne to meet with a like committee from the House.

## SECOND READING CALENDAR

**1st Sub. H.B. 88**, PAYMENT OF REWARD UPON ARREST AND CONVICTION, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Dmitrich	Hale	Hickman	Knudson
Mansell			

\* \* \*

**H.B. 119, JUDICIAL CONDUCT COMMISSION REVISIONS,** was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 146, NONTRADITIONAL INSURERS,** was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 212, PRIMARY CARE NETWORK AMENDMENTS FOR GENERAL ASSISTANCE,** was read the second time. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Dmitrich	Knudson	Mayne
Steele			

On motion of Senator Hickman, **H.B. 212** was placed on Third Reading Table due to fiscal impact.

President Mansell resumed the Chair.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 119**, JUDICIAL CONDUCT COMMISSION REVISIONS, and it was before the Senate. Senator Waddoups explained the bill. Senators Thomas, Valentine, Arent, and James Evans commented.

Senator Hillyard proposed the following amendment:

1. Page 5, Line 135:  
House Committee Amendments  
After “formal” insert “or informal”

Senator Hillyard withdrew his motion.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hellewell	Hickman	Hillyard
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Arent	Dmitrich	Hale	Hatch
Julander			

**Absent or not voting were:** Senators

Blackham	Jenkins
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\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 146**, NONTRADITIONAL INSURERS, and it was before the Senate. Senator Gladwell explained the bill. Senator Bev Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Jenkins	Steele
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\* \* \*

**H.B. 149, SCHOOL DISTRICT ADMINISTRATOR AMENDMENTS**, was read the second time. Senator Bramble explained the bill. Senators Hillyard, Stephenson, and Dmitrich commented.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 30 and 31:  
Restore the deleted language, and delete “15,000” and insert “5,000”

Senator Hillyard’s motion to amend failed on a voice vote.

The bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
B. Evans	Hale	Hillyard	Julander
Mayne	Steele		

**Absent or not voting was:** Senator

Jenkins
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\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 5, Line 125:  
Senate Committee Amendments dated 2–21–2003  
Delete “ five” and restore “three”

Senator Valentine’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

B. Evans	Jenkins
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\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 221**, EXTENDING THE SALES AND USE EXEMPTION FOR POLLUTION CONTROL FACILITIES, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Julander	Knudson



Mayne  
Valentine  
Mansell

Steele  
Waddoups

Stephenson  
Walker

Thomas  
Wright

**Voting in the negative were:** Senators

Arent                      B. Evans                      Hale

**Absent or not voting was:** Senator

Jenkins

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 205**, TOBACCO MARKETING PRACTICES RESTRICTIONS, and it was before the Senate.

Senator Bramble proposed the following amendment:

- 1. Page 4, Lines 100–115:  
Delete lines 100–115 and insert:  
“(c) It is unlawful for a cigarette manufacturer:  
(i) to condition a retailer’s receipt of or participation in a  
manufacturer’s cigarette marketing program upon the manner in which  
the retailer treats another manufacturer’s cigarette products; or  
(ii) to prevent, restrict, or limit the competitive cigarette brands that a  
retailer markets or sells, and/or the manner in which the retailer sells,  
offers to sell, advertises, displays, or otherwise markets a competitor’s  
cigarette products.”

Senator Bramble’s motion to amend failed on a voice vote.

Senator Waddoups made a substitute motion to delete the word “cigarette” on all lines of Senator Bramble’s amendment #1, dated Feb. 25, 2003.

Senator Waddoup’s motion to amend failed on a voice vote.

Senator Bramble explained the bill. Senators Waddoups, James Evans, Hickman, Valentine, and Eastman commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Blackham, under suspension of rules, the Senate voted to lift **S.B. 173**, DEPARTMENT OF AGRICULTURE AMENDMENTS, from the Rules Committee and place it at the bottom of the Second Reading Calendar.

\* \* \*

On motion of Senator Waddoups, and at 5:55 p.m., the Senate recessed.

## EVENING SESSION

The Senate reassembled at 7: 05 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2003

The House passed **H.B. 136**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 325**, COURT-ORDERED COUNSELING, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.C.R. 11**, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 136**, **1st Sub. H.B. 325**, and **H.C.R. 11** were read the first time and referred to the Rules Committee.

### SECOND READING CALENDAR

**1st Sub. H.B. 232**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, was read the second time. Senator Blackham explained the bill. Senator Bev Evans commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars                      Hellewell

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 228**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Buttars                      B. Evans                      Hellewell

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 205**, TOBACCO MARKETING PRACTICES RESTRICTIONS, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to return the bill to Rules.

\* \* \*

**H.B. 253**, POWERSPORT DEALER ASSOCIATION AMENDMENTS, was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale

Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hellewell
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\* \* \*

**H.B. 258, MOTOR VEHICLE BUSINESS REGULATIONS – PENALTIES,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hellewell
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\* \* \*

**H.B. 310, TRANSPORTATION PLANNING TASK FORCE,** was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
Buttars                      Hellewell

On motion of Senator Hickman, **H.B. 310** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Bev Evans, the circle was removed from **S.B. 2, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, and it was before the Senate.

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

**GENERAL OBLIGATION BOND AND  
CAPITAL FACILITIES AUTHORIZATIONS**

**1st Sub. S.B. 2**

*Beverly Ann Evans*

THIS ACT MODIFIES THE BONDING CODE BY AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS BY THE STATE BONDING COMMISSION FOR CAPITAL FACILITIES AND FOR CERTAIN HIGHWAYS AND RELATED FACILITIES. THIS ACT SPECIFIES THE USE OF THE BOND PROCEEDS AND THE MANNER OF ISSUANCE. THIS ACT APPROVES THE ISSUANCE OF CERTAIN OBLIGATIONS BY THE STATE BUILDING OWNERSHIP AUTHORITY AND AUTHORIZES OTHER CAPITAL FACILITY EXPENDITURES.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 82, INITIATIVES – ONE SUBJECT REQUIREMENT**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 40:  
After line 40 insert:  
“(6) In accordance with the provisions of Section 20A-1-401, courts, the lieutenant governor, and election officers shall construe the provisions of this section liberally to carry out the intent of this section.”

## 2. Page 3, Line 62:

After line 62 insert:

“(4) In accordance with the provisions of Section 20A-1-401, courts and election officers shall construe the provisions of this section liberally to carry out the intent of this section.”

Senator Bramble’s motion to amend passed on a voice vote.

Senator Stephenson commented. The bill failed on the following roll call:

**Yeas, 7; Nays, 18; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Steele	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas		

**Absent or not voting were:** Senators

Blackham	Buttars	Gladwell	Hellewell
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**H.B. 82**, as amended, was returned to the House for filing

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On motion of Senator Waddoups and at 7:45 p.m., the Senate adjourned until 9:00 a.m., Friday, February 28, 2003.

# FORTIETH DAY

## MORNING SESSION

The Senate was called to order at 9:20 a.m., with President Al Mansell presiding.

**Prayer** – France A. Davis, Pastor of the Calvary Baptist

**Pledge of Allegiance** – Senator John Valentine

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2003

The House concurred in the Senate amendments and passed **1st Sub. H.B. 40**, NOTICE OF INTENT TO SELL NONPUBLIC PERSONAL INFORMATION, by Representative D. Aagard, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 40** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 28, 2003

The House passed, as amended, **H.B. 85**, HATE CRIMES AMENDMENTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 126**, MEDICAID BENEFIT AMENDMENTS, by Representative R. Lockhart, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 133**, EXPEDITED CHILD WELFARE PROCEDURES, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 316**, AEROSPACE AND AVIATION DEVELOPMENT ZONE, by Representative B. Dee, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 85**, **1st Sub. H.B. 126**, **H.B. 133**, and **H.B. 316** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 27, 2003

The House passed, as amended, **S.B. 108**, DANGEROUS WEAPONS AMENDMENTS, by Senator M. Waddoups, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 123**, INHERENT RISK OF LIVESTOCK ACTIVITIES, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mansell, the bills were placed on the Concurrence Calendar.

### THIRD READING CALENDAR

**1st Sub. S.B. 225**, LIMITATION OF JUDGMENTS AGAINST GOVERNMENTAL ENTITIES, was before the Senate.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**S.B. 241**, REVIEW OF PATENT TIME, CUSTODY AND CHILD SUPPORT LAWS, was read the third time and explained by Senator James Evans.

Senator James Evans proposed the following amendment:

1. Page 3, Line 59:

After line 59, insert:

“Section 2. Coordination clause.

If this bill and HB 308, Health and Human Services Boards and Commission Amendment, both pass, it is the intent of the Legislature that the amendments to Subsection 78-45-7.13(4)(b) in HB 308 shall supercede the amendments to the same subsection in this bill.”

Senator James Evan’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich



B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Eastman	Hillyard	Stephenson	Wright
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**S.B. 241**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 252**, NURSE PRACTICE ACT EXEMPTION AMENDMENT, was read the third time, explained by Senator Julander, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Eastman	Hillyard	Stephenson	Wright
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**1st Sub. S.B. 252** was transmitted to the House.

\* \* \*

**S.B. 151**, AMENDMENTS RELATED TO INFORMATION TECHNOLOGY, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Eastman	J. Evans	Wright
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**S.B. 151** was transmitted to the House.

\* \* \*

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 225, LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES**, and it was before the Senate. Senator Blackham explained the bill. Senators Jenkins, Stephenson, Thomas, and Bell commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Jenkins	Stephenson
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**1st Sub. S.B. 225** was transmitted to the House.

\* \* \*

**H.B. 66, COUNTY GENERAL FUND EXPENSES**, was read the third time and explained by Senator Wright. Senator Thomas declared a conflict of interest and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**H.B. 66** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 235, FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD**, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Hillyard
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**H.B. 235**, as amended, was returned to the House.

\* \* \*

**1st Sub. H.B. 14, TOURISM PROMOTION PROGRAMS**, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Hillyard	Knudson
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**1st Sub. H.B. 14**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 229**, PROVIDING LOCATION INFORMATION TO NONCUSTODIAL PARENTS WITH VISITATION RIGHTS, 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

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Arent	Hillyard	Stephenson
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**H.B. 229** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 231**, HEALTH CARE FACILITY LICENSURE AMENDMENTS, was read the third time, explained by Senator Hale, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Gladwell	Hillyard	Stephenson	Waddoups
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**H.B. 231** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 254, MOTOR VEHICLE REGISTRATION – RESIDENT EXEMPTION**, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Walker
Mansell			

**Absent or not voting were:** Senators

Davis	Stephenson	Waddoups	Wright
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**H.B. 254** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 155, AMENDMENTS TO ELECTION LAW**, 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

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Bramble                      Wright

**H.B. 155** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**3rd Sub. H.B. 161**, SNOW COLLEGE RICHFIELD CAMPUS NAME CHANGE, 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

Arent	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen                      Buttars                      Hickman

**3rd Sub. H.B. 161** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 18**, DEALERS IN AGRICULTURAL PRODUCTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**H.B. 18** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 148**, UNLAWFUL TAKING OF GAME FISH, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**H.B. 148** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Knudson, and at 10:00 a.m., the Senate sauntered.

The Senate was called to order at 11:20 a.m., with President Mansell presiding.

#### TIME CERTAIN

**12th Sub. H.B. 162**, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS, was before the Senate and explained by Senator Eastman. Those commenting on the bill were: Senators Hickman, Arent, Blackham, Hillyard, Valentine, Thomas, Bramble, Allen, and Bell.

Senator Eastman proposed the following amendment:

1. Page 26, Line 779:  
After (b) delete “any county” and insert “both counties” After (a) delete “is” and insert “must be”

Senator Eastman’s motion to amend passed on a voice vote.

###

Senator Valentine proposed the following amendment:

1. Page 46, Line 1411:  
After “tax” delete “in the same manner as a state chartered bank.”

Senator Valentine’s motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 6, Line 170:  
After “(2)” delete “(a)”
2. Page 6, Lines 172–177:  
Delete lines 172–177

Senator Blackham’s motion to amend passed on a voice vote.

###

Senator Steele proposed the following amendment:

1. Page 1, Lines 7–8:  
Delete “The act addresses nonexempt credit unions establishing branches.”
2. Page 1, Line 13:  
Delete “This act provides for credit”
3. Page 1, Lines 14–16:  
Delete lines 14–16
4. Page 1, Line 17:  
Delete “nonexempt credit unions.”



5. Page 1, Lines 21–23:  
Delete “This act provides intent language.” and delete “This act provides effective dates.”
6. Page 1, Line 25:  
Delete line 25
7. Page 2, Line 36:  
Delete line 36
8. Page 2, Lines 44–50:  
Delete lines 44–50
9. Pages 2–4, Lines 55–107:  
Delete lines 55–107
10. Pages 8–9, Lines 242–243:  
Delete lines 242–243
11. Page 9, Line 244:  
Delete “(10)” and insert “(9)”
12. Page 9, Line 246:  
Delete “(11)” and insert “(10)”
13. Page 9, Line 250:  
Delete “(12)” and insert “(11)”
14. Pages 20–21, Lines 613–627:  
Delete lines 613–627
15. Pages 32–46, Lines 976–1416:  
Delete lines 975–1416
16. Pages 48–49, Lines 1477–1489:  
Delete lines 1477–1489
17. Pages 49–51, Lines 1499–1553:  
Delete lines 1499–1553  
Renummer remaining sections accordingly.

Senator Steele’s motion to amend was disposed of due to a substitute motion.

###

Senator Gladwell proposed the following substitute amendment:

1. Page 1, Lines 14–15:  
Delete “This act provides for a competitive equity assessment and penalties for failure to pay the competitive equity assessment.”
2. Page 1, Line 17:  
After “unions.” delete the remainder of line 17
3. Page 1, Lines 17–22:  
Delete lines 17–22
3. Page 2, Line 44:  
Delete line 44
4. Page 2, Lines 49–50:  
Delete lines 49–50
5. Page 2, Line 53:  
Delete line 53
6. Pages 33–40, Lines 1002–1205:  
Delete lines 1002–1205
7. Pages 46–51, Lines 1420–1556:  
Delete lines 1420–1556  
Renumber remaining sections accordingly.

Senator Gladwell’s motion to amend failed on a voice vote.

Senator Gladwell assumed the Chair as President Pro Tem

###

Senator Hillyard proposed a substitute to Senator Steele’s amendment. Senator Hillyard divided his amendment. The motion to adopt the following items failed.

1. Page 1, Lines 14–15:  
Delete “This act provides for a competitive equity assessment and penalties for failure to pay the competitive equity assessment.”
2. Page 1, Lines 21–22:  
Delete “This act provides intent language.”
3. Page 1, Line 22:  
After “effective dates.” insert “This act provides a coordination clause.”

4. Page 2, Line 44:  
Delete line 44
5. Page 2, Lines 49–50:  
Delete lines 49–50
10. Pages 33–40, Lines 1002–1205:  
Delete lines 1002–1205
11. Pages 48–49, Lines 1477–1489:  
Delete lines 1477–1489

Senator Hillyard proposed the following amendment:

6. Page 10, Line 295:  
Delete “May 5, 2003” and insert “May 3, 2004”
7. Page 10, Line 299:  
Delete “May 5, 2003” and insert “May 3, 2004”
8. Page 18, Line 538:  
Delete “May 5, 2003” and insert “May 3, 2004”
9. Page 32, Line 980:  
Delete “May 5, 2003” and insert “May 3, 2004”
12. Pages 49–51, Lines 1499–1556  
Delete lines 1499–1556 and insert:  
“Section 26. Effective date and repeal date.  
(1) This act takes effect May 3, 2004 except that the sections creating and funding the Financial Institutions Task Force take effect May 5, 2003.  
(2) The section creating the Financial Institutions Task Force is repealed November 30, 2003.  
Section 27. Coordination clause.  
Notwithstanding the coordination clause in S.B. 157, Regulation of Credit Union Service Organizations, if S.B. 157 and 12th Sub. H.B. 162 both pass, it is the intent of the Legislature that:  
(1) this coordination clause supersede the coordination clause in S.B. 157; and  
(2) the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication make the following changes:  
(a) Subsection 7–9–3(4) in S.B. 157 supersedes Subsection 7–9–3(4) in

this bill when this section takes effect on May 3, 2004;  
(b) the definition of “service center” which is deleted in S.B. 157  
Subsection 7–9–3(8) shall not be reinstated in the code when  
Subsection 7–9–3(10) of this bill takes effect on May 3, 2004; and  
(c) Subsection 7–9–5(12) in this bill supersedes Subsection 7–9–5(12)  
in S.B. 157 when this section takes effect on May 3, 2004.”  
 Renumber remaining sections accordingly.

Senator Hillyard’s motion to amend passed on a voice vote.

###

Senator Stephenson proposed the following amendment:

1. Page 1, Line 17:  
 After “unions.” insert “The act modifies provisions related to the minimum school program and the certified revenue levy. This act requires the State Tax Commission to separately account for the net revenues the State Tax Commission collects from nonexempt credit unions.”
2. Page 2, Line 43:  
 After line 43 insert:  
 “53A–17a–103, as last amended by Chapter 279, Laws of Utah 2002  
 53A–17a–135, as last amended by Chapter 279, Laws of Utah 2002”
3. Page 35, Line 1063:  
 After line 1063 insert:  
“(c)(i) The State Tax Commission shall separately account for the net revenues the State Tax Commission collects:  
(A) in accordance with this Subsection (5); and  
(B) from credit unions.  
(ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Tax Commission may by rule define “net revenues the State Tax Commission collects from credit unions.”
4. Page 36, Line 1106:  
 After line 1106 insert:  
 “Section 23. Section 53A–17a–103 is amended to read:  
 53A–17a–103. Definitions.  
 As used in this chapter:  
 (1) “Basic state–supported school program” or “basic program” means public education programs for kindergarten, elementary, and

secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each district by \$2,132, except as otherwise provided in this chapter.

(2) “Certified revenue levy” means a property tax levy that provides an amount of revenue equal to the difference between:

(a) the sum of:

(i) the same amount of ad valorem property tax revenue as was collected for the prior year, plus new growth, but exclusive of revenue from collections from redemptions, interest, and penalties[-]; and

(ii) the net revenues the State Tax Commission collects from credit unions for the collection period immediately preceding the collection period described in Subsection (2)(b); and

(b) the net revenues the State Tax Commission collects from credit unions for the collection period that ends on the November 30 immediately preceding the current calendar year.

(3) “Collection period” means a time period beginning on December 1 of a calendar year and ending on November 30 of the next calendar year.

~~[(3)]~~ (4) “Leeway program” or “leeway” means a state-supported voted leeway program or board leeway program authorized under Section 53A-17a-133 or 53A-17a-134.

(5)(a) “Net revenues the State Tax Commission collects from credit unions” means the amount of net revenues the State Tax Commission collects:

(i)(A) from nonexempt credit unions under Section 59-7-102; and

(B) from credit unions under Section 7-9-56 if that section takes effect on May 3, 2004; and

(ii) for a collection period.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Tax Commission may by rule define “net revenues the State Tax Commission collects from credit unions.”

(6) “Nonexempt credit union” is as defined in Section 7-9-3.

~~[(4)]~~ (7) “Pupil in average daily membership (ADM)” means a full-day equivalent pupil.

~~[(5)]~~ (8) (a) “State-supported minimum school program” or “minimum school program” means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection [(5)] (8).

(b) The minimum school program established in the districts shall include the equivalent of a school term of nine months as determined by the State Board of Education.

(c) (i) The board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.

(ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by local school boards, shall receive full support by the State Board of Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.

(d) The program shall be operated and maintained for the total of the following annual costs:

(i) the cost of a basic state-supported school program;

(ii) other amounts appropriated in Chapter 17a in addition to the basic program; and

(iii) school construction aid programs authorized under Title 53A, Chapter 21, Public Education Capital Outlay Act.

~~[(6)]~~ (9) “Weighted pupil unit or units” means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each district.

Section 24. Section 53A-17a-135 is amended to read:

53A-17a-135. Certified revenue levy.

(1) (a) In order to qualify for receipt of the state contribution toward the basic program and as its contribution toward its costs of the basic program, each school district shall impose a minimum basic tax rate per dollar of taxable value that ~~[generates]~~ provides an amount of revenue statewide equal to the difference between:

(i) the sum of:

(A) \$206,690,578 ~~[in revenues statewide.]; and~~

(B) the net revenues the State Tax Commission collects from credit unions for the collection period immediately preceding the collection period described in Subsection (1)(a)(ii); and

(ii) the net revenues the State Tax Commission collects from credit unions for the collection period that ends on the November 30 immediately preceding the current calendar year.

(b) The preliminary estimate for the 2002-03 tax rate is .001813.

(c) The State Tax Commission shall certify on or before June 22 the rate that generates ~~[\$206,690,578 in revenues statewide]~~ the amount described in Subsection (1)(a).

(d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section ~~[59-2-102]~~ 53A-17a-103, the state is subject to the notice requirements of Section 59-2-926.

(2) (a) The state shall contribute to each district toward the cost of the

basic program in the district that portion which exceeds the proceeds of the levy authorized under Subsection (1).

(b) In accord with the state strategic plan for public education and to fulfill its responsibility for the development and implementation of that plan, the Legislature instructs the State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each of the coming five years to develop budgets that will fully fund student enrollment growth.

(3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the cost of the basic program in a school district, no state contribution shall be made to the basic program.

(b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of the basic program shall be paid into the Uniform School Fund as provided by law.”

Renumber remaining sections accordingly

- 5. Page 46, Line 1416:

After line 1416 insert:

“(c)(i) The commission shall separately account for the net revenues the commission collects:

(A) in accordance with this Subsection (5); and

(B) from nonexempt credit unions.

(ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may by rule define “net revenues the commission collects from credit unions.”

Senator Stephenson’s motion to amend failed on a voice vote.

\* \* \*

On motion of Senator Hillyard, the Senate voted to recall from the House **S.B. 157** for Senate reconsideration.

\* \* \*

On motion of Senator Waddoups, and at 12:15 p.m., the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 2:25 p.m., with President Mansell presiding.

\* \* \*

On motion of Senator Waddoups, **12th Sub. H.B. 162** was circled.

### STANDING COMMITTEE REPORTS

Mr. President:

February 28, 2003

The Revenue and Taxation Committee recommends **S.B. 213**, AMENDMENTS TO SALES AND USE TAX, by Senator E. Mayne, be replaced and favorably recommends **1st Sub. S.B. 213**, AMENDMENTS TO SALES AND USE TAX.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee report was adopted. **1st Sub. S.B. 213** was placed on Second Reading Calendar.

\* \* \*

On motion of Senator Waddoups, **S.B. 227** and **S.B. 173** were lifted from Rules and placed on the top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Bev Evans, the circle was removed from **1st Sub. S.B. 2**, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES, and it was before the Senate. Senator Bev Evans explained the bill.

Senator Hatch proposed the following amendment:

1. Page 1, Line 22:  
After "exceed" delete "\$55,200,000" and insert "\$63,800,000"
2. Page 2, Lines 33–48:  
Delete lines 33–48 and insert:  
PROJECT AMOUNT ESTIMATED  
DESCRIPTION FUNDED OPERATIONS  
AND  
MAINTENANCE  
Archives Building \$1,500,000 \$143,000  
Utah State University  
Library \$16,000,000 \$600,000  
Dixie Health Sciences \$1,000,000 \$385,000  
Weber State University—  
Swenson Remodel \$5,499,000 \$75,400  
Southern Utah University —  
Teacher Education \$9,000,000 \$509,500  
University of Utah  
Library \$6,000,000 \$299,400



Utah College of Applied  
Technology – Vernal \$9,500,000 \$309,600  
Utah Valley State College –  
Vineyard Elementary  
purchase \$3,100,000 \$629,800  
Salt Lake Community  
College – Health Sciences  
(West Jordan) \$1,500,000 \$612,000  
Capitol Restoration \$10,000,000 \$0  
**TOTAL CAPITAL AND  
ECONOMIC  
DEVELOPMENT \$63,099,000 \$3,563,700**

Senator Hatch’s motion to amend passed on a voice vote.

Senators Thomas and Dmitrich commented.

On motion of Senator Bev Evans, under suspension of the rules, **1st Sub. S.B. 2, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	

**Voting in the negative were:** Senators

Bramble	Hellewell	Stephenson	Wright
Mansell			

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

**1st Sub. S.B. 2**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **S.B. 227, FEE INCREASE**, was considered read the second and third times. Senator Hickman explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

Stephenson            Mansell

**Absent or not voting was:** Senator

Allen

**S.B. 227**, as amended, was transmitted to the House.

\* \* \*

**1st Sub. S.B. 213**, AMENDMENTS TO SALES AND USE TAX, was read the second time. Senator Mayne explained the bill.

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Blackham, under suspension of the rules, **S.B. 173**, DEPARTMENT OF AGRICULTURE AMENDMENTS, was considered read the second and third times.

Senator Blackham proposed the following amendment:

1. Page 1, Line 7:  
After “year” delete “2004–05” and insert “2003–04”
2. Page 2, Line 28:  
After “[1998–99]” delete “2004–05” and insert “2003–04”
3. Page 2, Line 32:  
After “year” delete “2004–05” and insert “2003–04”

Senator Blackham’s motion to amend passed on a voice vote.

Senator Blackham explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	J. Evans
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**S.B. 173**, as amended, was transmitted to the House.

\* \* \*

Senator Eastman made the motion to uncircle **12th Sub. H.B. 162**. The motion failed on a standing vote.

\* \* \*

**2nd Sub. H.B. 122**, LOCAL GOVERNMENT AMENDMENTS, was read the second time. Senator Thomas explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Blackham	Bramble	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Arent	Bell	Hellewell
Hickman	Hillyard	Knudson	

\* \* \*

On motion of Senator Hatch, under suspension of the rules, **S.B. 148**, PROPERTY TAX – FARMLAND ASSESSMENT ACT, was considered read the second and third times. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hellewell	Knudson	Stephenson
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**S.B. 148**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Hatch, under suspension of the rules, **S.B. 253**, PRIVILEGE TAX – PUBLIC LAND, was considered read the second and third times. Senator Hatch explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**S.B. 253** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 28, 2003

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 78**, LIEN RECOVERY FUND – RATE OF INTEREST, by Representative G. Snow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**3rd Sub. H.B. 78** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 28, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 10**, PARENT–TIME AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 238**, UTAH CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed **H.B. 271**, AIRPORT TO UNIVERSITY OF UTAH LIGHT RAIL RESTRICTED ACCOUNT AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 294**, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 299**, TRUST LAW AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 326**, PARENT–TIME SCHEDULE AMENDMENTS, by Representative S. Daniels, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 346**, OUTDOOR ADVERTISING AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed **H.C.R. 14**, RESOLUTION ENCOURAGING CONGRESSIONAL FUNDING OF INDIVIDUALS WITH DISABILITIES

EDUCATION ACT, by Representative K. Holdaway, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 10, H.B. 238, H.B. 271, H.B. 294, 1st Sub. H.B. 299, H.B. 326, H.B. 346, and H.C.R. 14** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 28, 2003

The House adopted the Joint Conference Committee Report dated February 28, 2003, and passed **2nd Sub. S.B. 67, REVISIONS TO BOARDS AND COMMISSIONS**, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President:

February 27, 2003

The Joint Conference Committee comprised of Sens. Stephenson, Hillyard, and Dmitrich, and Reps. Aagard, Dayton, and King, recommends **2nd Sub. S.B. 67, REVISIONS TO BOARDS AND COMMISSIONS**, by Senator H. Stephenson, with the following amendments:

1. Include the House floor amendments on Page 14, Lines 405–406, of the Lilac copy dated 2–26–2003.

Sen. Howard Stephenson and  
Rep. Doug Aagard, Co–Chairs

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 67, REVISIONS TO BOARDS AND COMMISSIONS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hickman	Jenkins
Knudson	Stephenson	Valentine	Waddoups
Wright	Mansell		

**Voting in the negative were:** Senators

Arent	Hale	Hillyard	Julander
Mayne	Steele	Thomas	Walker

**Absent or not voting were:** Senators

B. Evans	Hatch	Hellewell
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**2nd Sub. S.B. 67** was returned to the House for signature of the Speaker.

\* \* \*

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 28, 2003

The Rules Committee recommends **2nd Sub. H.B. 189**, Lending Law Amendments (W. Harper), be deleted in body and title and replaced with **3rd Sub. H.B. 189**, Lending Law Amendments (W. Harper).

Lyle Hillyard  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 28, 2003

The Rules Committee recommends the assignment of the following bills to the Second Reading Calendar:

- H.B. 45** Reauthorization of Administrative Rules (D. Ure)
- 1st Sub. H.B. 75** Nonresident Tuition for Higher Education Amendments (L. Pace)
- 1st Sub. H.B. 142** Manufactured Home and Mobile Home Amendments (W. Harper)
- 1st Sub. H.B. 201** Judiciary Amendments (M. S. Lawrence)
- 2nd Sub. H.B. 249** Licensing Mortgage Loan Officers (B. Parker)
- H.B. 280** Motor Vehicle Accidents – Access to Police Reports (L. Christensen)
- 1st Sub. H.B. 290** Exemptions Related to Exchange of Securities (C. Bennion)
- 1st Sub. H.B. 307** Child Bigamy Amendment (M. S. Lawrence)
- H.B. 353** Vehicle Disclosure Requirements (D. Bowman)
- H.B. 213** Covenant Marriage Option (D. Agard)
- 1st Sub. H.B. 81** Compensation Study (T. McCartney)

- H.B. 278** Municipal Annexations Across County Lines  
(D. G. Buxton)
- H.B. 316** Aerospace and Aviation Development Zone (B. Dee)
- 1st Sub. H.B. 37** Restructure Spend Down Provision for Medicaid  
(R. Lockhart)
- 3rd Sub. H.B. 189** Lending Law Amendments (W. Harper)

Lyle Hillyard  
Rules Committee Chair

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

### STANDING COMMITTEE REPORT

Mr. President: February 28, 2003  
The Revenue and Taxation Committee has held its last scheduled meeting and returns the following bill to the Rules Committee. The bill was heard, but no action was taken.

**S.J.R. 12** Joint Rule Resolution – Review and Fiscal Noting of Tax Exemptions (L. Hillyard)

Curtis S. Bramble, Chair

On motion of Senator Hillyard, the committee report was adopted. **S.J.R. 12** was returned to the Rules Committee.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2003  
The House requests the return of **H.B. 85**, HATE CRIMES AMENDMENTS, by Representative D. Litvack, for reconsideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 85** was returned to the House.

\* \* \*

On motion of Senator Wright, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

**S.B. 146**, WASTE FEE AMENDMENTS, was read the third time and explained by Senator Wright.



Senator Valentine proposed the following amendment:

1. Page 1, Line 6  
2-26-03  
Senate 2nd Reading Amendments:  
After “demolition waste” insert “and facilities solely under contract with a political subdivision to receive municipal waste”
2. Page 1, Line 7b:  
2-26-03  
Senate 2nd Reading Amendments:  
Delete Lines 7b through 11
3. Page 2, Line 33:  
Delete “or”
4. Page 2, Line 35:  
Reinstate “; or” and delete “;”
5. Page 2, Line 36:  
Reinstate Lines 36 and 37
6. Page 6, Line 176:  
2-26-03  
Senate 2nd Reading Amendments:  
Delete “;”
7. Page 6, Line 177  
2-26-03  
Senate 2nd Reading Amendments:  
Delete “(i)”
8. Page 6, Line 181  
2-26-03  
Senate 2nd Reading Amendments:  
Reinstate “.” and delete “; or”
9. Page 7, Line 183a  
2-26-03  
Senate 2nd Reading Amendments:  
Delete Lines 183a, 183b, and 183c
10. Page 12, Line 346:  
After “(c)” bracket “An” and insert “(i) On and after January 1, 2004,  
an”

11. Page 12, Line 347:  
Delete "or that receives municipal waste"  
Bracket "is not"  
Insert "shall"
12. Page 12, Line 348:  
Bracket "required to"  
After "pay" bracket "the" and insert "a"  
Bracket "under Subsection (1)(a)" and insert "fee of 50 cents per ton, or fraction of a ton."  
After "waste" delete "or"
13. Page 12, Line 349:  
Delete "municipal waste" and after "disposal" reinstate the "."  
Leave "(2)" bracketed and after "(2)" insert as the start of a new paragraph "(ii)" and reinstate "An owner or operator of any"
14. Page 12, Line 350:  
Reinstate entire line
15. Page 12, Line 351:  
Reinstate "municipal incinerator ash"  
After "(1)" delete "x" and bracket "but"
16. Page 12, Line 352:  
Delete "construction and demolition waste and"
17. Page 12, Line 353:  
Delete "all"
18. Page 12, Line 354:  
After Line 354 insert:  
"(iii) On and after January 1, 2004, the owner or operator of any facility under Subsection 19-6-102(3)(a)(iii) shall pay a fee of 50 cents per ton, or fraction of a ton, on all municipal waste received at the facility or site for disposal.  
(d) Facilities subject to the fee under Subsections (1)(c)(i), (ii), and (iii) are not subject to the fee under Subsection (1)(a)."
19. Page 13, Line 374d  
2-26-03  
Senate 2nd Reading Amendments:  
Delete "July" and insert "January"

Senator Valentine’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

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

Blackham	Bramble	Gladwell	Steele
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**S.B. 146**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**1st Sub. H.B. 145**, DEPARTMENT OF ADMINISTRATIVE SERVICES AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent	Bell	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Allen	Blackham	Bramble	Davis
Julander	Thomas	Wright	

\* \* \*

Senator Steele made the motion to recall **1st Sub. S.B. 2** from the House. The motion failed on a standing vote.

\* \* \*

**H.B. 158, INCORPORATION OF CITIES**, was read the second time. Senator Eastman explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Davis	Wright
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\* \* \*

Senator Eastman made the motion to uncircle **12th Sub. H.B. 162**. The motion passed on the following roll call vote:

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
Hatch	Hellewell	Hickman	Mayne
Stephenson	Valentine	Wright	Mansell

**Voting in the negative were:** Senators

Arent	Bell	J. Evans	Gladwell
Hale	Hillyard	Jenkins	Julander
Knudson	Steele	Thomas	Waddoups
Walker			

On motion of Senator Eastman, the circle was removed from **12th Sub. H.B. 162, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS**, and it was before the Senate.

Senator Blackham made the motion to reconsider Senator Hillyard’s amendment to the bill. The motion failed on a standing vote.

Senator Gladwell proposed the following amendment:

- 1. Page 32, Line 981:  
Delete “and”
- 2. Page 32, Line 983:  
After “17-50-501” insert “and ; (iii) on or after May 5, 2003, the assets of the credit union exceed \$500,000,000”

Senator James Evans proposed the following substitute amendment:

- 1. Page 32 and 33, Line 977 through 1073:  
Delete lines 977 through 1073

Senator Evans withdrew his motion to amend.

Senator Gladwell withdrew his motion to amend.

Senators Hillyard, Hale, Steele, James Evans, and Davis commented.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**H.B. 244**, MUNICIPAL GOVERNMENT AMENDMENTS, was read the second time. Senator Hatch explained the bill. Senators Buttars commented.

On motion of Senator Hatch, the bill was circled.

\* \* \*

**1st Sub. H.B. 255**, REGISTERING FOR PRIMARY ELECTIONS, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Thomas	Waddoups	Walker	Mansell

**Voting in the negative were:** Senators

Hellewell	Jenkins	Stephenson	Wright
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**Absent or not voting was:** Senator

Valentine

\* \* \*

**H.B. 266**, POLITICAL ISSUES REPORTING AMENDMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Blackham	Buttars	Davis	Dmitrich
Hatch			

\* \* \*

**H.B. 219**, WAGES FOR TIPPED EMPLOYEES, was read the second time. Senator Stephenson explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Davis	Hatch
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\* \* \*

On motion of Senator Waddoups, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:40 p.m., with President Pro Tem Valentine presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2003

The House concurred in the Senate amendments and passed **1st Sub. H.B. 22**, PROPERTY TAX RELIEF, by Representative W. Harper, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 80**, SPECIAL SERVICE DISTRICT 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 **H.B. 223**, CHANGING STATE SONG, by Representative D. Love, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 22**, **H.B. 80**, and **H.B. 223** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 28, 2003

The House passed, as amended, **H.B. 289**, HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative J. M. Philpot, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 289** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 28, 2003

The House transmits **S.B. 157**, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS, by Senator L. Hillyard, for further consideration.

Carole E. Peterson, Chief Clerk

Communication filed. The bill will be placed at the top of the Third Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Mayne, the circle was removed from **1st Sub. S.B. 213**, AMENDMENTS TO SALES AND USE TAX, and it was before the Senate.

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

**AMENDMENTS TO SALES AND USE TAX****2nd Sub. S.B. 213***Ed P. Mayne*

THIS ACT MODIFIES THE SALES AND USE TAX ACT TO MODIFY THE TRANSACTIONS THAT ARE SUBJECT TO SALES AND USE TAX. THE ACT PROVIDES AND REPEALS DEFINITIONS. THE ACT REDUCES THE AMOUNT OF CERTAIN SALES AND USE TAX EXEMPTIONS. THE ACT ESTABLISHES THE PERSON REQUIRED TO COLLECT AND REMIT SALES AND USE TAXES TO THE STATE TAX COMMISSION UNDER CERTAIN CIRCUMSTANCES. THE ACT MAKES TECHNICAL CHANGES. THIS ACT TAKES EFFECT ON JULY 1, 2003.

Senator Mayne explained the bill.

Senator Bramble proposed the following amendment:

1. Page 8, Lines 213–224:  
Reinstate Lines 213–224
2. Page 42, Lines 1288–1289:  
Reinstate Lines 1288–1289

Senator Bramble's motion to amend passed on a voice vote.

###

Senator Bramble proposed the following amendment:

1. Page 35, Lines 1053–1055:  
Reinstate Lines 1053–1055

Senator Bramble's motion to amend failed on a voice vote.

###

Senator Dmitrich proposed the following amendment:



1. Page 40, Line 1221:  
Delete the colon
2. Page 40, Line 1222:  
Delete “(a)” and delete “and”
3. Page 40, Lines 1223–1225:  
Delete Lines 1223–1225

Senator Dmitrich’s motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 38, Line 1143:  
Delete “10%” and insert “75%”

Senator Blackham’s motion to amend passed on a voice vote.

###

Senator Stephenson proposed the following amendment:

1. Page 37, Line 1121:  
Delete “subject to Subsection (13) (b).”
2. Page 37, Line 1136–1142:  
Reinstate stricken language on lines 1136–1142
3. Page 38, Line 1143–1146:  
Delete lines 1143–1146

Senator Stephenson’s motion to amend failed on a roll call vote.

**Yeas, 10; Nays, 17; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Gladwell	Hellewell	Hillyard
Jenkins	Stephenson	Thomas	Valentine
Waddoups	Wright		

**Voting in the negative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Hale	Hickman
Julander	Knudson	Mayne	Steele
Walker			

**Absent or not voting were:** Senators

Hatch	Mansell
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Senator Arent proposed the following substitute amendment:

1. Page 39, Line 1192:  
Reinstate the language on line 1192

Senator Arent's motion to amend failed on a voice vote.

###

Senator Davis proposed the following amendment:

1. Page 22, Line 681–686:  
Delete lines 681–686

Senator Davis's motion to amend failed on a voice vote.

Senators Hellewell, Arent, Steele, Blackham, Knudson, Buttars, Hatch, Stephenson, Hale, Julander, Dmitrich, and James Evans commented.

On motion of Senator Mayne, under suspension of the rules, **2nd Sub. S.B. 213, AMENDMENTS TO SALES AND USE TAX**, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 17; Nays, 10; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Hale
Jenkins	Julander	Knudson	Mayne
Steele	Valentine	Waddoups	Walker
Mansell			

**Voting in the negative were:** Senators

Bramble	Eastman	B. Evans	J. Evans
Gladwell	Hellewell	Hillyard	Stephenson
Thomas	Wright		

**Absent or not voting were:** Senators

Hatch

Hickman

**2nd Sub. S.B. 213**, as amended, was transmitted to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2003

The House passed, as amended, **H.B. 257**, PUBLIC EDUCATION LEGISLATIVE TASK FORCE, by Representative K. Holdaway, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 257** was read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups and at 5:45 p.m., the Senate adjourned until 8:00 a.m., Monday, March 3, 2003.

# FORTY–THIRD DAY

## MORNING SESSION

The Senate was called to order at 9:25 a.m., with President Al Mansell presiding.

**Prayer** – Rick Durham, Bishop of the Salt Lake University Singles 7th Ward

**Pledge of Allegiance** – Senator Leonard Blackham

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 67)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2003

The House passed, as amended, **H.B. 129**, VOYEURISM AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 306**, CONSTRUCTION LIEN AMENDMENTS, by Representative S CLARK, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 324**, JURY SYSTEM AMENDMENTS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 371**, COURT SECURITY FEE, by Representative D. HOGUE, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 129**, **2nd Sub. H.B. 306**, **1st Sub. H.B. 324**, and **3rd Sub. H.B. 371** were read the first time and referred to the Rules Committee.

### CONCURRENCE CALENDAR

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 108**, DANGEROUS WEAPONS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Arent	Davis	Hale
Julander			

**Absent or not voting was:** Senator

Valentine

**S.B. 108** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bev Evans, the Senate voted to concur in the House amendments to **1st Sub. S.B. 123, INHERENT RISK OF LIVESTOCK ACTIVITIES**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**1st Sub. S.B. 123** was returned to the House for signature of the Speaker.

**THIRD READING CALENDAR**

**S.B. 157, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS**, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 157**, CONTROL OF WOLF POPULATION, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**H.B. 157** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 154**, VISION SCREENING CHECKOFF FOR MOTOR VEHICLE REGISTRATION AND DRIVER LICENSE APPLICATION AND RENEWAL, was read the third time and explained by Senator Bev Evans. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Hatch
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**H.B. 154** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 199**, LINE-OF-DUTY DEATH BENEFIT, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Gladwell	Hickman
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**H.B. 199** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 86**, PUBLIC SCHOOL CHOICE ENROLLMENT, was read the third time and explained by Senator Hale.

Senator Hale proposed the following amendment:

1. Page 2, Line 36:  
Senate Committee Amendments  
Dated 2-24-03  
Delete "SECOND" and insert "THIRD"

Senator Hale’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hellewell	Hickman

Hillyard	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Buttars	Eastman	Gladwell	Hatch
Jenkins	Mayne		

**H.B. 86**, as amended, was returned to the House for signature of the Speaker.

\* \* \*

**H.B. 95**, ANNEXATION OF UNINCORPORATED COUNTY ISLANDS INTO CITIES , was read the third time, explained by Senator Walker.

On motion of Senator Walker, the bill was circled.

\* \* \*

**H.B. 163**, CRIMINAL RESTITUTION 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	Gladwell	Hatch
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**H.B. 163**, as amended, was returned to the House for signature of the Speaker.

\* \* \*

**2nd Sub. H.B. 194**, SHERIFF CERTIFICATION REQUIREMENTS, was read the third time.

On motion of Senator Steele, the bill was circled.



\* \* \*

**1st Sub. H.B. 88**, PAYMENT OF REWARD UPON ARREST AND CONVICTION, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	Gladwell	Hatch
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**1st Sub. H.B. 88** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Walker, the circle was removed from **H.B. 95**, ANNEXATION OF UNINCORPORATED COUNTY ISLANDS INTO CITIES. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Eastman	Gladwell	Hatch
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**H.B. 95** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 119, JUDICIAL CONDUCT COMMISSION REVISIONS**, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 41:  
After "judicial duties" insert "as provided in the Utah Constitution, Article VIII, Section 13, paragraph 4"
2. Page 2, Line 42:  
After "judicial office" insert "as provided in the Utah Constitution, Article VIII, Sections 7 and 10, and Section 78-7-2"
3. Page 2, Line 44:  
After "justice" insert "as provided in the Utah Constitution, Article VIII, Section 13, paragraph 5"
4. Page 3, Line 79:  
After "leave" delete "or"
5. Page 3, Line 80:  
At the beginning of the line delete "suspension"
6. Page 3, Line 85:  
After "period of" delete "suspension" and insert "administrative leave"

Senator Waddoups's motion to amend passed on a voice vote.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**H.B. 146, NONTRADITIONAL INSURERS**, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 149, SCHOOL DISTRICT ADMINISTRATOR AMENDMENTS**, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 221**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Bramble	Buttars	J. Evans	Hillyard
Mayne	Mansell		

**H.B. 221** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to move to Third Reading Table.

On motion of Senator Jenkins, **H.B. 212**, PRIMARY CARE NETWORK AMENDMENTS FOR GENERAL ASSISTANCE RECIPIENTS, was lifted from the Third Reading Table.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 10 and 11:  
Senate Committee Amendments  
Dated 2-26-03

Delete "THE ENROLLMENT FEE CAP SUNSETS ON JULY 1, 2004"

- 2. Page 1, Line 25:  
Delete line 25

Senator Jenkins' motion to amend passed on a voice vote.

On motion of Senator Jenkins, **H.B. 212** was placed on the Third Reading Table.

\* \* \*

**1st Sub. H.B. 232**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, was read the third time and explained by Senator Blackham.

Senator Wright proposed the following amendment:

- 1. Page 16, Line 488:  
Senate 2nd Reading amendments:  
Reinstate "CAMPUS BOARD OF DIRECTORS" and after "DIRECTORS" insert "AND THE BOARD OF TRUSTEES"

Senator Wright's motion to amend passed on a voice vote.

Senator Steele commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Dmitrich	Eastman	Gladwell
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**1st Sub. H.B. 232**, as amended, was returned to the House.

\* \* \*

**H.B. 228**, LOCAL GOVERNMENT OFFICIALS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Dmitrich	Eastman
Gladwell	Julander	Valentine	

**H.B. 228** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 253, POWERSPORT DEALER ASSOCIATION AMENDMENTS,** was read the third time

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 149, SCHOOL DISTRICT ADMINISTRATOR AMENDMENTS.** The bill passed on the following roll call:

**Yeas, 20; Nays, 8; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
B. Evans	Hillyard	Julander	Mayne

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

**H.B. 149** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 258**, MOTOR VEHICLE BUSINESS REGULATION – PENALTIES, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**H.B. 258** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**2nd Sub. H.B. 122**, LOCAL GOVERNMENT AMENDMENTS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**2nd Sub. H.B. 122** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 145**, DEPARTMENT OF ADMINISTRATIVE SERVICES AMENDMENTS, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Blackham                  Wright

**1st Sub. H.B. 145** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**HB. 158**, INCORPORATION OF CITIES, was read the third time and explained by Senator Eastman. Senator Davis commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham                  B. Evans                  Wright

**H.B. 158** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 255**, REGISTERING FOR PRIMARY ELECTIONS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hillyard	Julander	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Hellewell	Hickman	Jenkins	Stephenson
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**Absent or not voting were:** Senators

B. Evans	Steele
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**1st Sub. H.B. 255** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 266**, POLITICAL ISSUES REPORTING AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			



**Absent or not voting were:** Senators

Davis	B. Evans	Knudson	Steele
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**H.B. 266** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 219**, WAGES FOR TIPPED EMPLOYEES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Bramble	Buttars	B. Evans	Knudson
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**H.B. 219** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Eastman, the circle was removed from **H.B. 253**, POWERSPORT DEALER ASSOCIATION AMENDMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble                      Buttars

**H.B. 253** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 119**, JUDICIAL CONDUCT COMMISSION REVISIONS.

Senator Hillyard proposed the following amendment:

- 1. Page 5, Line 135:  
House Committee Amendments dated 2–10–2003  
After “formal” insert “or informal”

Senator Hillyard’s motion to amend failed on a voice vote.

Senators Thomas, James Evans, and Gladwell commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Allen	Arent	Dmitrich	Hale
Hillyard	Julander		

**Absent or not voting was:** Senator

Mayne

**H.B. 119**, as amended, was returned to the House.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **2nd Sub. H.B. 194**, SHERIFF CERTIFICATION REQUIREMENTS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Mayne

**2nd Sub. H.B. 194** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 1** and **3rd Sub. H.B. 371** from Rules and place them at the top of the Third Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **1st Sub. H.B. 37** from the Second Reading Calendar and place it at the top of the Third Reading Calendar under **S.B. 1**.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 146**, NONTRADITIONAL INSURERS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Mayne                      Wright

**H.B. 146** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS.

Senator Valentine proposed the following amendment:

1. Page 5, Line 125:  
Senate Committee Amendments dated 2–21–2003  
Delete “three” and insert “five”

Senator Valentine’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

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

**H.B. 217**, as amended, was returned to the House.

### **COMMITTEE OF THE WHOLE**

On motion of Senator Valentine, Commander Steve Marr, representing the U. S. S. “Salt Lake City” spoke in Committee of the Whole. Senators Knudson and James Evans commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Waddoups, and at 11:05.m., the Senate sauntered.

The Senate was called to order at 11:45 a.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 3, 2003

The Speaker of the House has signed **2nd Sub. S.B. 67**, REVISIONS TO BOARDS AND COMMISSIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 163**, DRIVER LICENSE SUSPENSION REQUIREMENTS, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 67** and **S.B. 163** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 3, 2003

The House passed, as substituted and amended, **1st Sub. H.B. 286**, WASTE TAX AND FEE AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 360**, CHILD SUPPORT OBLIGATIONS – USE OF UTAH DATA, by Representative E. Hutchings, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 286** and **H.B. 360** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: March 3, 2003

The House passed, as amended, **1st Sub. S.B. 2**, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

**THIRD READING CALENDAR**

**S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, was read the third time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**1st Sub. H.B. 37**, RESTRUCTURE SPEND DOWN PROVISION FOR MEDICAID, was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**3rd Sub. H.B. 371**, COURT SECURITY FEE, was read the third time and explained by Senator Buttars.

Senator Thomas proposed the following amendment:

- 1. Page 2, Line 42:  
After “security” insert “in all courts of record including juvenile courts”

Senator Thomas’ motion to amend passed on a voice vote.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 37**, RESTRUCTURE SPEND DOWN PROVISION FOR MEDICAID.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 37**, RESTRUCTURE SPEND DOWN PROVISION FOR MEDICAID, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	Gladwell	Mayne
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**1st Sub. H.B. 37** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Blackham, the circle was removed from **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, and it was before the Senate. Senator Blackham explained the bill.

Senator Blackham proposed the following amendment:

1. Page 3, Line 71:  
After “One time” delete “100,000” and insert “450,000”
2. Page 3, Line 74:  
After line 74 insert:  
“Public Advocacy 350,000”
3. Page 3, Lines 75–83:  
Delete lines 75–83.

Senator Blackham’s motion to amend passed on a voice vote.

On motion of Senator Blackham, under suspension of the rules, **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Jenkins	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Arent	Hale	Julander
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**Absent or not voting were:** Senators

Eastman	Hillyard	Mayne
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**S.B. 1**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Waddoups, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2003

The House passed, **3rd Sub. S.B. 27**, SUSAN GALL INVOLUNTARY COMMITMENT AMENDMENTS, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**3rd Sub. S.B. 27** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 3, 2003

The House passed, as amended, **S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS, by Senator P. Knudson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

### THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **3rd Sub. H.B. 371**, COURT SECURITY FEE.

Senator Buttars proposed the following amendment:

1. Page 2, Line 42:  
After "security" delete "in all courts of record including juvenile courts"

Senator Buttars' motion to amend passed on a voice vote.

Senators Thomas, Valentine, and Bell commented.



On motion of Senator Buttars, the bill was circled.

**SECOND READING CALENDAR**

**H.B. 45, REAUTHORIZATION OF ADMINISTRATIVE RULES,** was read the second time. Senator Stephenson explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Hale	Hatch	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Bell	Bramble	Eastman	Gladwell
Hellewell	Jenkins	Walker	

\* \* \*

**1st Sub. H.B. 75, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS,** was read the second time. Senator Hillyard explained the bill. Senators Waddoups and Mansell commented.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**1st Sub. H.B. 142, MANUFACTURED HOME AND MOBILE HOME AMENDMENTS,** was read the second time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**1st Sub. H.B. 201, JUDICIARY AMENDMENTS,** was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 249, LICENSING MORTGAGE LOAN OFFICERS** was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 280**, MOTOR VEHICLE ACCIDENTS – ACCESS TO POLICE REPORTS, was read the second time. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

**Absent or not voting were:** Senators

Bell	Dmitrich	Eastman	Gladwell
Hickman	Jenkins	Walker	

\* \* \*

On motion of Senator Hatch, the circle was removed from **H.B. 244**, MUNICIPAL GOVERNMENT AMENDMENTS, and it was before the Senate. Senator Hatch explained the bill. Senator Buttars commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

**Absent or not voting were:** Senators

Bell	Blackham	Dmitrich	Eastman
Gladwell	Hickman	Jenkins	Walker

\* \* \*

**1st Sub. H.B. 290, EXEMPTIONS RELATED TO EXCHANGE OF SECURITIES**, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	B. Evans	J. Evans	Hatch
Hellewell	Hickman	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Wright	Mansell

**Absent or not voting were:** Senators

Bell	Davis	Dmitrich	Eastman
Gladwell	Hale	Hillyard	Jenkins
Walker			

\* \* \*

**1st Sub. H.B. 307, CHILD BIGAMY AMENDMENTS**, was read the second time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**H.B. 353, VEHICLE DISCLOSURE REQUIREMENTS**, was read the second time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**H.B. 213, COVENANT MARRIAGE OPTION**, was read the second time. Senator Bramble explained the bill. Senators Allen, Stephenson, Buttars, Davis, Hatch, Thomas, Blackham, and Arent commented. The bill failed on the following roll call:

**Yeas, 10; Nays, 13; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	J. Evans	Hatch
Hellewell	Stephenson	Thomas	Valentine
Wright	Mansell		

**Voting in the negative were:** Senators

Allen	Arent	Blackham	Davis
Dmitrich	B. Evans	Hale	Hickman
Hillyard	Julander	Knudson	Mayne
Waddoups			

**Absent or not voting were:** Senators

Bell	Eastman	Gladwell	Jenkins
Steele	Walker		

**H.B. 213** was returned to the House for filing.

\* \* \*

On motion of Senator Buttars, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **3rd Sub. H.B. 371, COURT SECURITY FEE**. Senator Valentine commented.

On motion of Senator Buttars, under suspension of the rules, **3rd Sub. H.B. 371, COURT SECURITY FEE**, was considered read the second and third times and passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	B. Evans	J. Evans
Hale	Hellewell	Hickman	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	Mansell

**Voting in the negative were:** Senators

Dmitrich	Hillyard	Steele
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**Absent or not voting were:** Senators

Bell	Eastman	Gladwell	Hatch
Jenkins	Walker		

**3rd Sub. H.B. 371** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 3, 2003

The Rules Committee recommends the assignment of the following bills to the top of the Second Reading Calendar:

- H.B. 257** Public Education Legislative Task Force (K. Holdaway)
- H.B. 305** Individual Income Tax Contribution – Wolf Depredation and Management Restricted Account (D. Peterson)
- H.B. 222** Child Welfare Proceedings Amendments (G. Curtis)
- H.B. 133** Expedited Child Welfare Procedures (C. Bennion)
- H.B. 372** Captive Insurers Act (J. Dunningan)
- 1st Sub. H.B. 286** Waste Tax and Fee Amendments (D. Ure)

Lyle Hillyard  
Rules Committee Chair

Report filed. On motion of Senator Hillyard, the committee report was adopted.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move **H.B. 310**, **H.B. 72**, and **H.B. 212** from the Third Reading Table to the top of the Third Reading Calendar.

\* \* \*

**H.B. 310**, TRANSPORTATION PLANNING TASK FORCE, was read the third time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

**H.B. 72**, ALLOCATION OF TOBACCO FUND MONEY OF CHILDREN’S HEALTH, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
Eastman                      Hillyard

**H.B. 72** was signed by the President of the Senate in open session. On motion of Senator Blackham, the Senate voted to hold the bill for 24 hours.

\* \* \*

**H.B. 212, PRIMARY CARE NETWORK AMENDMENTS FOR GENERAL ASSISTANCE**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators  
Eastman                      Hillyard                      Stephenson

**H.B. 212**, was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 257, PUBLIC EDUCATION LEGISLATIVE TASK FORCE**, was read the second time. Senator Hatch explained the bill. Senator Steele commented. The bill passed with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Walker
Wright			

**Absent or not voting were:** Senators

Blackham	Eastman	Waddoups	Mansell
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\* \* \*

**H.B. 305**, INDIVIDUAL INCOME TAX CONTRIBUTION – WOLF DEPREDATION AND MANAGEMENT RESTRICTED ACCOUNT, was read the second time. Senator Wright explained the bill. Senator Buttars commented. The bill failed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 14; Nays, 12; Absent, 3.**

**Voting in the affirmative were:** Senators

Arent	Blackham	Davis	Dmitrich
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Knudson	Mayne
Thomas	Wright		

**Voting in the negative were:** Senators

Allen	Bell	Bramble	Buttars
Eastman	Gladwell	Jenkins	Julander
Steele	Stephenson	Valentine	Walker

**Absent or not voting were:** Senators

Hillyard	Waddoups	Mansell
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**H.B. 305** was returned to the House for filing.

\* \* \*

**H.B. 222**, CHILD WELFARE PROCEEDINGS AMENDMENTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 133**, EXPEDITED CHILD WELFARE PROCEDURES, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 372, CAPTIVE INSURERS ACT**, was read the second time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 286, WASTE TAX AND FEE AMENDMENTS**, was read the second time. Senator Bramble explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Line 79:  
House Floor Amendments (dated 3-3-2003)  
Reinstate "\$28" and delete "\$26"
2. Page 4, Line 92:  
House Floor Amendments dated 3-3-2003  
Reinstate "\$28" and delete "\$26"
3. Page 9, Line 257:  
House Floor Amendments dated 3-3-2003  
Reinstate "3%" and delete "2%"
4. Page 9, Line 259:  
House Floor Amendments dated 3-3-2003  
Reinstate "3%" and delete "2%"

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Eastman, the circle was removed from **1st Sub. H.B. 142, MANUFACTURED HOME AND MOBILE HOME AMENDMENTS**, and it was before the Senate. Senator Eastman explained the bill. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**



**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

\* \* \*

On motion of Senator Eastman, the circle was removed from **H.B. 353**, VEHICLE DISCLOSURE REQUIREMENTS, and it was before the Senate. Senator Eastman explained the bill. Senators Valentine and Julander commented. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hickman	Julander
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Bramble	Buttars	Davis	Gladwell
Hellewell	Hillyard	Jenkins	Mayne
Mansell			

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 372**, CAPTIVE INSURERS ACT, and it was before the Senate. Senator Waddoups explained the bill. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Dmitrich	Eastman	B. Evans	J. Evans

Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	Buttars	Davis	Mansell
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\* \* \*

**1st Sub. H.B. 81, COMPENSATION STUDY,** was read the second time. Senator Bev Evans explained the bill. Senators James Evans and Allen commented. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker			

**Absent or not voting were:** Senators

Buttars	Jenkins	Wright	Mansell
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\* \* \*

**H.B. 278, MUNICIPAL ANNEXATIONS ACROSS COUNTY LINES,** was read the second time. Senator Gladwell explained the bill. Senator Walker commented. Senator Thomas declared a conflict of interest. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Dmitrich	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Bramble	Buttars	Davis	B. Evans
Hillyard	Wright		

\* \* \*

**H.B. 316, AEROSPACE AND AVIATION DEVELOPMENT ZONE**, was read the second time. Senator Gladwell explained the bill. Senator Valentine commented.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**3rd Sub. H.B. 189, LENDING LAW AMENDMENTS**, was read the second time. Senator Mayne explained the bill. Senators James Evans commented. Senator James Evans declared a conflict of interest. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Julander	Knudson
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\* \* \*

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 3, 2003

The Rules Committee recommends the assignment of the following bills and resolutions to the Second Reading Calendar:

- 1st Sub. H.B. 126** Medicaid Benefit Amendments (R. Lockhart)  
**1st Sub. H.B. 19** Employment Security Act Modifications (M. Newbold)  
**H.B. 260** 2002 Highway General Obligation Bond Amendments (W. Harper)  
**H.B. 272** Redevelopment Agencies – Tax Increment Amendments (G. Curtis)  
**H.B. 136** County Option Sales and Use Tax for Highways, Fixed Guideways, or Systems for Public Transit (J. Alexander)  
**1st Sub. H.B. 137** Residential Facilities for the Disabled Amendments (G. Curtis)  
**H.B. 246** Retirement Office Amendments (R. Bigelow)  
**H.B. 264** Division of Parks and Recreation – Restricted Account (M. Styler)  
**H.B. 308** Health and Human Services Boards and Commission Amendment (J. Seitz)  
**H.B. 352** Election Law Voter Registration and Election Notice Amendments (D. Aagard)  
**H.B. 332** Insurance Coverage of Health Care Professionals (J. Dunnigan)  
**H.B. 238** Utah Code of Criminal Procedure Amendments (K. Bryson)  
**H.B. 247** Power of Attorney in Relation to a Trust (M. Newbold)  
**H.B. 374** Insurance Producers Amendments (J. Dunnigan)  
**H.B. 242** Protection of Rights-of-way – Gates on County Roads (M. Noel)  
**H.B. 274** Rights-of-way Across Federal Land (M. Noel)  
**H.J.R. 24** Resolution Urging Congress to Abolish the Alternative Minimum Tax (J. M. Philpot)  
**H.B. 373** Insurance Law Revisions (J. Ferrin)  
**H.B. 333** Government Investment Standards Amendments (B. Goodfellow)  
**H.B. 346** Outdoor Advertising Amendments (B. Goodfellow)  
**2nd Sub. H.C.R. 7** Resolution Promoting Character and Citizenship Education (K. Morgan)  
**H.B. 130** Damage on Private Land by Big Game Animals (S. Urquhart)

Lyle Hillyard  
Rules Committee Chair

Report filed. On motion of Senator Hillyard, the committee report was adopted.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 3, 2003

The House passed, as amended, **H.B. 1**, APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 1** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: March 3, 2003

The House passed, as amended, **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, 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 to **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Arent	Hale	Julander
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**Absent or not voting were:** Senators

Allen	Valentine
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**S.B. 1** was returned to the House for signature of the Speaker.

\* \* \*

On motion of President Mansell, the Senate voted to lift **H.B. 1** from the Rules Committee and place it at the top of the Second Reading Calendar.

## SECOND READING CALENDAR

**H.B. 1, APPROPRIATIONS ACT**, was read the second time.

On motion of Senator Blackham, the bill was circled.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 307, CHILD BIGAMY AMENDMENT**, and it was before the Senate. On motion of Senator Hillyard, the bill was returned to the Rules Committee.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 222, CHILD WELFARE PROCEEDINGS AMENDMENTS**, and it was before the Senate. On motion of Senator Hillyard, the bill was returned to the Rules Committee.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 201, JUDICIARY AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill. The bill passed, with no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Bramble	Valentine
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\* \* \*

On motion of Senator Waddoups, and at 4:45 p.m., the Senate sauntered.

The Senate was called to order at 4:50 p.m., with President Mansell presiding.

### COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, the interns presented awards to the Senators in a Committee of the Whole. Senators Wright and Bramble commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Blackham, the circle was removed from **H.B. 1**, APPROPRIATIONS ACT, and it was before the Senate.

Senator Blackham proposed the following amendment:

1. Page 5, Line 147:  
Delete "1,850,000" and insert "1,880,000"
2. Page 5, Line 149:  
Delete "1,850,000" and insert "1,880,000"
3. Page 5, Line 155:  
After Line 155 insert:  
"It is the intent of the Legislature that \$50,000 of the funds for RS-2477 be used for the San Raphael study."
4. Page 7, Line 230:  
Delete "150,000" and insert "120,000"
5. Page 7, Line 244:  
After "up to" delete "150,000" and insert "120,000"

Senator Blackham's motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 34, Line 1281:  
Delete "559,700" and reinstate "584,700"

Senator Blackham's motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 34, Line 1285:  
Delete “1,055,500” and reinstate “1,080.500”

Senator Blackham’s motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 35, Line 1293:  
Reinstate stricken wording

Senator Blackham’s motion to amend passed on a voice vote.

Senator Blackham proposed the following amendment:

1. Page 35, Line 1294:  
Reinstate stricken wording

Senator Blackham’s motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 76, Line 2874a:  
Delete line 2874a

Senator Blackham’s motion to amend passed on a voice vote.

###

Senator Blackham proposed the following amendment:

1. Page 76, Line 2879:  
Delete “4,762,800” and reinstate “4,737,800”

Senator Blackham’s motion to amend passed on a voice vote

###

Senator Blackham explained the bill. Senators Hatch, James Evans, Arent, and Hale commented.

On motion of Senator Blackham, under suspension of the rules, **H.B. 1**, APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:



**Yeas, 25; Nays, 4; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Arent	Hale	Julander	Stephenson
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**H.B. 1**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Blackham, the Senate voted to reconsider its action of **3rd Sub. H.B. 371**. The bill was placed on the Third Reading Calendar and circled.

\* \* \*

On motion of Senator Waddoups and at 5:20 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 4, 2003.

# FORTY-FOURTH DAY

## MORNING SESSION

The Senate was called to order at 9:20 a.m., with President Al Mansell presiding.

**Prayer** – Reverend France A. Davis, Pastor of the Calvary Baptist Church

**Pledge of Allegiance** – Senator Michael Waddoups

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2003

The Speaker of the House has signed **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 108, DANGEROUS WEAPONS AMENDMENTS**, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, **S.B. 109, EDUCATION ASSISTANCE FOR NATIONAL GUARD MEMBERS**, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 123, INHERENT RISK OF LIVESTOCK ACTIVITIES**, by Senator B. Evans, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 1, S.B. 108, S.B. 109, and 1st Sub. 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: March 3, 2003

The House concurred in the Senate amendments and passed **H.B. 1, APPROPRIATIONS ACT**, by Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 14**, TOURISM PROMOTION PROGRAMS, 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. 235**, FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD, by Representative K. Bryson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 1, 1st Sub, H.B. 14, and H.B. 235** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 3, 2003

The House passed, as amended, **H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed **H.C.R. 10**, RESOLUTION APPROVING DEEP CREEK – TENDER OF JUDGMENT, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 3** and **H.C.R. 10** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 3, 2003

The House passed, as amended, **1st Sub. S.B. 28**, INITIATIVE AMENDMENTS, by Senator J. Hickman, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar and circled.

\* \* \*

Mr. President:

March 3, 2003

The House passed, as amended, **S.B. 66**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT, by Senator M. Waddoups, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 66**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Davis	Dmitrich
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**Absent or not voting were:** Senators

Blackham	J. Evans	Hickman	Thomas
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**S.B. 66** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 3, 2003

The House passed, as amended, **1st Sub. S.B. 72**, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES, by Senator D. Thomas, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 3, 2003

The House adopted the Joint Conference Committee Report dated March 3, 2003, and passed **1st Sub. S.B. 79, DISABLED PARKING FINE**, by Senator D. C. Buttars, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

**JOINT CONFERENCE COMMITTEE REPORT**

The Joint Conference Committee comprised of Sens. Buttars, Eastman, and Mayne, and Reps. Johnson, Snow, and King, recommends **2nd Sub. S.B. 79, DISABLED PARKING FINE**, by Senator D. C. Buttars, with the following amendments:

Include the following amendments:

- 1. Page 1, Line 6:  
Delete "\$200" and insert "\$125"
- 2. Page 1, Line 7:  
Delete "\$100" and insert "\$75"
- 3. Page 1, Line 20:  
Delete "\$200" and insert "\$125"
- 4. Page 2, Line 37:  
Delete "\$100" and insert "\$75"

Sen. D. Chris Buttars and  
Rep. Bradley Johnson, Chairs

On motion of Senator Buttars, the Senate voted to concur in the Conference Committee Report for **2nd Sub. S.B. 79, DISABLED PARKING FINE**. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator Stephenson

**Absent or not voting were:** Senators

Eastman                      J. Evans                      Hickman                      Thomas

**2nd Sub. S.B. 79** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 3, 2003

The House passed, as amended, **1st Sub. S.B. 153**, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 153**, ALCOHOLIC BEVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman                      Hickman                      Hillyard

**1st Sub. S.B. 153** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Blackham, the Senate voted to reconsider its action on **H.B. 72** , ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM. The bill was placed at the top of the Third Reading Calendar.

On motion of Senator Valentine, the bill was circled.

\* \* \*

Mr. President:

March 3, 2003

The House passed, as amended, **S.B. 172**, HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE AND MORATORIUM ON ACCEPTANCE OF CLASS B AND C RADIOACTIVE WASTE, by Senator C. Bramble, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 172**, HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE AND MORATORIUM ON ACCEPTANCE OF CLASS B AND C RADIOACTIVE WASTE. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Hickman	Hillyard	Valentine
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**S.B. 172** was returned to the House for signature of the Speaker.

**CONCURRENCE CALENDAR**

On motion of Senator Bev Evans, the Senate refused to concur in the House amendments. **1st Sub. S.B. 2** was returned to the House. The House is asked to recede from its amendments.

\* \* \*

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Hickman	Hillyard	Valentine
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**S.B. 37** was returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. S.B. 72, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES**, was before the Senate.

On motion of Senator Thomas, the bill was circled.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to recall **H.B. 305**.

\* \* \*

On motion of Senator Thomas, the circle was removed from **1st Sub. S.B. 72, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES**, and it was before the Senate. On motion of Senator Thomas, the Senate voted to concur in the House amendments to **1st Sub. S.B. 72**. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Julander	Knudson



Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	B. Evans	Hickman	Hillyard
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**1st Sub. S.B. 72** was returned to the House for signature of the Speaker.

**THIRD READING CALENDAR**

**H.B. 45**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the third time and explained by Senator Stephenson. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	B. Evans	Hillyard
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**H.B. 45** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Hickman, the circle was removed from **1st Sub. S.B. 28**, INITIATIVE AMENDMENTS, and it was before the Senate.

On motion of Senator Hickman, the Senate refused to concur in the House amendments and asked the House to recede from their amendments. **1st Sub. S.B. 28** was returned to the House.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 280, MOTOR VEHICLE ACCIDENTS – ACCESS TO POLICE REPORTS**, was read the third time.

On motion of Senator Steele, the bill was circled.

\* \* \*

**H.B. 244, MUNICIPAL GOVERNMENT AMENDMENTS**, was read the third time, explained by Senator Hatch, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Eastman                      B. Evans

**H.B. 244** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the circle was removed from **3rd Sub. H.B. 371, COURT SECURITY FEE**.

Senator Blackham proposed the following amendment:

1. Page 1, Line 21:  
Delete "\$25" and insert "\$30"

Senator Blackham's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 17; Nays, 11; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	J. Evans	Gladwell	Hale
Hellewell	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

**Voting in the negative were:** Senators

Allen	Blackham	Dmitrich	B. Evans
Hatch	Hickman	Hillyard	Jenkins
Steele	Wright	Mansell	

**Absent or not voting was:** Senator

Eastman

**3rd Sub. H.B. 371**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 290**, EXEMPTIONS RELATED TO EXCHANGE SECURITIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Eastman
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**1st Sub. H.B. 290** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 257**, PUBLIC EDUCATION LEGISLATIVE TASK FORCE, was read the third time, explained by Senator Hatch, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham	Eastman
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**H.B. 257** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

**1st Sub. H.B. 142**, MANUFACTURED HOME AND MOBILE HOME AMENDMENTS, was read the third time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**H.B. 353**, VEHICLE DISCLOSURE REQUIREMENTS, was read the third time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**H.B. 372**, CAPTIVE INSURERS 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Eastman	Hillyard
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**H.B. 372** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 81**, COMPENSATION STUDY, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Eastman	Hillyard
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**1st Sub. H.B. 81** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 278**, MUNICIPAL ANNEXATIONS ACROSS COUNTY LINES, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham                      Hillyard

**H.B. 278** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**3rd Sub. H.B. 189**, LENDING LAW AMENDMENTS, 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

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Blackham                      Hickman

**3rd Sub. H.B. 189**, as substituted by the Senate, was returned to the House.

\* \* \*

**1st Sub. H.B. 201**, JUDICIARY AMENDMENTS, was read the third time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

On motion of Senator Eastman, the circle was removed from **1st Sub. H.B. 142**, MANUFACTURED HOME AND MOBILE HOME AMENDMENTS. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Hale	Jenkins	Wright
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**H.B. 142** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Eastman, the circle was removed from **H.B. 353**, VEHICLE DISCLOSURE REQUIREMENTS. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Hickman
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**H.B. 353** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 280**, MOTOR VEHICLE ACCIDENTS – ACCESS TO POLICE REPORTS. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Valentine

**H.B. 280** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 201, JUDICIARY AMENDMENTS.**

Senator Hillyard proposed the following amendment:

1. Page 1, Line 22b  
House Floor Amendments  
2-20-2003:  
At the end of the line, delete "as payment in full"
2. Page 1, Line 22d  
House Floor Amendments  
2-20-2003:  
After "cash." insert "The amount refunded shall be the full amount received by the court under Subsection (3), which may be less than the full amount of the bail set by the court."

Senator Hillyard's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich



Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Hickman	Jenkins	Valentine
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**1st Sub. H.B. 201**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Eastman, the circle was removed from **H.B. 310**, TRANSPORTATION PLANNING TASK FORCE.

Senator Eastman proposed the following amendment:

1. Page 1, Line 8:  
Delete "\$44,500" and insert "\$14,500"
2. Page 2, Line 43:  
after "committee;" insert "and"
3. Page 2, Line 45:  
Delete "; and" and insert ";"
4. Page 2, Lines 46–47;  
Delete lines 46 through 47

Senator Eastman’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Julander	Knudson	Mayne	Steele
Stephenson	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hickman                      Jenkins                      Thomas                      Valentine

**H.B. 310**, as amended, was returned to the House for further consideration.

\* \* \*

## SECOND READING CALENDAR

Senator Wright assumed the Chair as President Pro Tem.

**1st Sub. H.B. 126, MEDICAID BENEFIT AMENDMENTS**, was read the second time. Senator Steele explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Julander
Knudson	Mayne	Steele	Stephenson
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Hatch	Hillyard	Jenkins	Thomas
Valentine	Mansell		

\* \* \*

**1st Sub. H.B. 19, EMPLOYMENT SECURITY ACT MODIFICATIONS**, was read the second time. Senator Mayne explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hickman	Julander	Knudson	Mayne
Steele	Stephenson	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Bramble	J. Evans	Hatch	Hillyard
Jenkins	Thomas	Valentine	Mansell

\* \* \*

**H.B. 260**, 2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the following substitute bill replaced the original bill.

**2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS****1st Sub. H.B. 260***Wayne A. Harper*

THIS ACT MODIFIES PROVISIONS GOVERNING 2002 HIGHWAY GENERAL OBLIGATION BONDS FOR SALT LAKE COUNTY BY ELIMINATING CERTAIN PROJECTS AND BY ELIMINATING THE REQUIREMENT THAT PROJECTS BE FUNDED IN A STRICT PRIORITY ORDER.

Senator Waddoups explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 44:  
Reinstate line 44 and delete “(vi)” and insert “(D)”
2. Page 2, Line 45:  
Delete “(D)” and insert “(E)” and after “10600 South;” delete “and”
3. Page 2, Line 47:  
Reinstate line 47 and delete “(ix)” and insert “(F)”
4. Page 2, Line 49:  
Delete “(E)” and insert “(G)”
5. Page 3, Line 78:  
After “7000 South;” delete “Redwood Road: 12600 South to Bangerter”
6. Page 3, Line 79:  
Delete “Highway;”

7. Page 3, Line 80:

After “Corridor:” delete “11400 South: I-15 to Redwood Road:”

Senator Stephenson made a motion to accept Amendment #1. Senator Waddoups motioned that the amendment be divided into group 1 (items 1-4) and group 2 (items 5-7). After discussion by Senators Steele, Buttars, and Bell, the amendment remained unvoted.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**H.B. 272, REDEVELOPMENT AGENCIES – TAX INCREMENT AMENDMENTS,** was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Line 79

House Floor Amendments,  
2-26-2003:

After “10-18-102.” insert “whether or not the lines, facilities, and equipment are located within a project area and”

Senator Stephenson’s motion to amend passed on a voice vote.

Senator Buttars commented. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	

**Voting in the negative was:** Senator Buttars

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Valentine
Mansell			

\* \* \*

**H.B. 136**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, was read the second time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**1st Sub. H.B. 137**, RESIDENTIAL FACILITIES FOR THE DISABLED AMENDMENTS, was read the second time.

On motion of Senator Bev Evans, the bill was circled.

\* \* \*

**H.B. 246**, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Absent or not voting were:** Senators

Blackham	Bramble	Hatch	Valentine
Mansell			

\* \* \*

**H.B. 264**, DIVISION OF PARKS AND RECREATION – RESTRICTED ACCOUNT, was read the second time. Senator Hellewell explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Valentine
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\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 133**, EXPEDITED CHILD WELFARE PROCEDURES, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 3, Line 70:  
After "hearings and" delete "expedited"  
(House Committee Amendments  
2-27-2003)
2. Page 3, Line 73c:  
Delete "AMENDMENTS TO" and insert "BRACKETED"  
(House Committee Amendments  
2-27-2003)

Senator Hillyard's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham

Bramble

Valentine

Waddoups

\* \* \*

President Mansell resumed the Chair.

On motion of Senator Hillyard, the circle was removed from **H.B. 222**, CHILD WELFARE PROCEEDINGS AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. Senators Walker and Buttars commented.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 133**, EXPEDITED CHILD WELFARE PROCEDURES, was read the third time, explained by Senator Hillyard, and passed, under suspension of the rules. (vote on next page)

**H.B. 133**, as amended, was returned to the House.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 308**, HEALTH AND HUMAN SERVICES BOARDS AND COMMISSION AMENDMENTS, was read the second time. Senator Steele explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen

Arent

Bell

Blackham

Bramble

Buttars

Davis

Dmitrich

Eastman

B. Evans

J. Evans

Gladwell

Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator Hatch

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

Because of technical difficulties and on motion of Senator Hillyard, a revote was taken on **HB. 133**. The bill, considered read the second and third times, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble                      Hatch

**H.B. 133**, as amended, was returned to the House for further consideration

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **1st Sub. H.B. 260**, 2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS, and



it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Dmitrich	Hatch
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\* \* \*

**H.B. 352, ELECTION LAW VOTER REGISTRATION AND ELECTION NOTICE AMENDMENTS**, was read the second time. Senator Steele explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Hatch
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\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 286, WASTE TAX AND FEE AMENDMENTS**, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 286, WASTE TAX AND FEE AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Waddoups

**Absent or not voting were:** Senators

Blackham Hatch

**1st Sub. H.B. 286**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 332**, INSURANCE COVERAGE OF HEALTH CARE PROFESSIONALS, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham Davis Hatch Wright  
Mansell

\* \* \*

**H.B. 238**, UTAH CODE OF CRIMINAL PROCEDURE AMENDMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed,

having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Steele
Wright	Mansell		

\* \* \*

**H.B. 247, POWER OF ATTORNEY IN RELATION TO A TRUST**, was read the second time. Senator Valentine explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

**Voting in the negative was:** Senator

Arent

**Absent or not voting were:** Senators

Blackham	Buttars	Hickman	Steele
Wright	Mansell		

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 137, RESIDENTIAL FACILITIES FOR THE DISABLED**

AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senators Buttars, Arent, Hillyard, Stephenson, Mansell, Mayne, Davis, and Hale commented.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 32  
House Committee Amendments,  
2-24-2003:  
After “Act,” bracket “and”
2. Page 2, Line 33  
House Committee Amendments,  
2-24-2003:  
After “et seq.” insert “, and all other applicable state and federal law”
3. Page 3, Line 77:  
After “Act,” bracket “and”
4. Page 3, Line 78:  
After “et seq.” insert “, and all other applicable state and federal law”

Senator Hillyard’s motion to amend failed on a voice vote.

The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Julander

**Absent or not voting were:** Senators

B. Evans                      Hillyard

\* \* \*

**H.B. 374, INSURANCE PRODUCERS AMENDMENTS,** was read the second time. Senator Waddoups explained the bill. The bill passed, having had no

Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hickman	Julander
Knudson	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Arent	Buttars	Davis	Gladwell
Hellewell	Hillyard	Jenkins	Mayne
Thomas			

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Knudson, the circle was removed from **H.B. 72, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN’S HEALTH INSURANCE PROGRAM.**

On motion of Senator Knudson, the following substitute bill replaced the original bill.

**ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN’S HEALTH INSURANCE PROGRAM.**

**3rd Sub. H.B. 72**

*David L. Hogue*

THIS ACT MODIFIES THE TOBACCO SETTLEMENT RESTRICTED ACCOUNT. THE ACT INCREASES THE APPROPRIATION FROM THE TOBACCO SETTLEMENT RESTRICTED ACCOUNT TO THE CHILDREN’S HEALTH INSURANCE PROGRAM BY \$1.5 MILLION. THE ACT RESTORES DENTAL BENEFITS TO CHILDREN. THE ACT MODIFIES THE DISTRIBUTION OF TOBACCO SETTLEMENT MONEY RECEIVED BY THE STATE. THE ACT DEPOSITS 100% OF THE TOBACCO SETTLEMENT MONEY INTO THE TOBACCO SETTLEMENT

RESTRICTED ACCOUNT IN FISCAL YEAR 2003–04 ONLY. THE ACT APPROPRIATES \$5.5 MILLION FROM THE PERMANENT STATE TRUST FUND CREATED IN UTAH CONSTITUTION ARTICLE XXII, SECTION 4, TO THE GENERAL FUND AND REQUIRES A 3/4 VOTE OF EACH HOUSE AND CONCURRENCE BY THE GOVERNOR. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE.

Senator Knudson explained the bill.

On motion of Senator Arent, the bill was circled.

\* \* \*

On motion of Senator Valentine, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2003

The Speaker of the House has signed **S.B. 37**, TASK FORCE STUDY OF IMPACT OF GRAVEL PITS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 42**, FRAUDULENT USE OF CREDIT CARD NUMBER, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 66**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 72**, AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES, by Senator D. Thomas, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 79**, DISABLED PARKING FINE, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The House passed, **S.B. 127**, APPEARANCE OF DRIVER LICENSE AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 130**, REGULATIONS OF CHECK CASHERS, 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, **1st Sub. S.B. 132**, CHILD SUPPORT AND PATERNITY 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. 140**, PRESCRIPTION DRUG ASSISTANCE PROGRAM, by Senator J. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 142**, AGRICULTURAL COOPERATIVES AMENDMENTS, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 153**, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 172**, HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE AND MORATORIUM ON ACCEPTANCE OF CLASS B AND C RADIOACTIVE WASTE, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, **S.B. 173**, DEPARTMENT OF AGRICULTURE 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. 177**, REGULATION OF DEBT CANCELLATION AGREEMENTS AND DEBT SUSPENSION AGREEMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 186**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 209**, REGISTRATION FOR ATV'S AND NONAUTOMOBILES, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 225**, LIMITATION OF JUDGMENTS AGAINST GOVERNMENT ENTITIES, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 37, S.B. 42, S.B. 66, 1st Sub. S.B. 72, 2nd Sub. S.B. 79, S.B. 127, S.B. 130, 1st Sub. S.B. 132, S.B. 140, S.B. 142, 1st Sub. S.B. 153, S.B. 172, S.B. 173, S.B. 177, 1st Sub. S.B. 186, S.B. 209, and 1st Sub. S.B. 225** 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, 2003

The House concurred in the Senate amendments and passed **H.B. 86**, PUBLIC SCHOOL CHOICE ENROLLMENT, by Representative C. Moss, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 119**, JUDICIAL CONDUCT COMMISSION REVISIONS, by Representative K. Bryson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 163**, CRIMINAL RESTITUTION AMENDMENTS, by Representative D. Aagard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 217**, PRIVATE INVESTIGATOR LICENSURE AMENDMENTS, by Representative M. Dayton, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 232**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 86, H.B. 119, H.B. 163, H.B. 217, and 1st Sub. H.B. 232** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.



\* \* \*

Mr. President:

March 4, 2003

The House passed, as amended, **1st Sub. S.B. 207**, IDENTITY FRAUD AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 207**, IDENTIFY FRAUD AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Gladwell	Valentine
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**1st Sub. S.B. 207** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 4, 2003

The House refuses to recede from its amendments to **1st Sub. S.B. 28**, INITIATIVE AMENDMENTS, by Senator J. Hickman, and has appointed a Conference Committee consisting of Representatives C. Buttars, S. Urquhart, and B. King to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

On motion of Senator Hickman, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 28**. President Mansell appointed a conference committee consisting of Senators Hickman, Hillyard, and Allen to meet with a like committee from the House.

\* \* \*

Mr. President:

March 4, 2003

The House has rejected **2nd Sub. S.B. 62**, UTAH HOUSE INSPECTION STANDARD OF PRACTICE, by Senator P. Julander, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 62** was returned to the Secretary of the Senate for filing.

\* \* \*

Mr. President:

March 4, 2003

The House transmits **H.B. 305**, INDIVIDUAL INCOME TAX CONTRIBUTION – WOLF DEPREDATION AND MANAGEMENT RESTRICTED ACCOUNT, by Representative D. Peterson, for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the bill was placed on the top of the Second Reading Calendar.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 4, 2003

The Rules Committee recommends the assignment of the following bills and resolutions to the Second Reading Calendar:

<b>H.B. 240</b>	Venture Capital Enhancement Act (P. Wallace)
<b>H.C.R. 10</b>	Resolution Approving Deep Creek – Tender of Judgment (G. Curtis)
<b>H.B. 77</b>	High School Graduation Requirements – Financial Literacy (D. Hogue)
<b>H.B. 105</b>	Internet Privacy and Security Amendments (W. Harper)
<b>2nd Sub. H.B. 112</b>	County Correctional Facility Reimbursement (B. Dee)
<b>H.B. 334</b>	Enticing Minors over Internet Amendments (D. Bourdeaux)
<b>H.B. 248</b>	Privacy of State Database Health Records (C. Bennion)
<b>H.B. 294</b>	County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (S. Allen)
<b>H.B. 295</b>	State Lands Amendments (M. Noel)
<b>H.B. 296</b>	Municipal Annexation Amendments (M. S. Lawrence)

<b>H.B. 301</b>	Motor Vehicle Purchase Amendments (D. Bush)
<b>1st Sub. H.B. 302</b>	Privatization Policy Board Amendments (R. Bigelow)
<b>H.B. 309</b>	Special Function Officers for Division of Occupational and Professional Licensing (J. M. Philpot)
<b>1st Sub. H.B. 324</b>	Jury System Amendments (G. Curtis)
<b>H.B. 330</b>	Veterans Group License Plate Revisions (S. Mascaro)
<b>H.B. 342</b>	Presidential Primary Amendments (M. S. Lawrence)
<b>H.B. 358</b>	County Fund Balances (B. Johnson)
<b>H.B. 360</b>	Child Support Obligations – Use of Utah Data (E. Hutchings)
<b>H.C.R. 14</b>	Resolution Encouraging Congressional Funding of Individuals with Disabilities Education Act (K. Holdaway)
<b>H.J.R. 26</b>	Resolution Recognizing Competitive Academic Achievement among High Schools in Utah (B. Last) Lyle Hillyard Rules Committee Chair

Report filed. On motion of Senator Hillyard, the committee report was adopted.

## SECOND READING CALENDAR

On motion of Senator Eastman, the circle was removed from **12th Sub. H.B. 162**, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS, and it was before the Senate.

On motion of Senator Eastman, the following substitute bill replaced the original bill.

### AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS

#### **14th Sub. H.B. 162**

*Jeff Alexander*

THIS ACT MODIFIES THE FINANCIAL INSTITUTIONS TITLE TO ADDRESS PROVISIONS RELATED TO CREDIT UNIONS AND MUTUAL ASSOCIATIONS AND TO MAKE TECHNICAL CHANGES. THE ACT ADDRESSES NONEXEMPT CREDIT UNIONS ESTABLISHING BRANCHES. THIS ACT ADDRESSES VOTING REQUIREMENTS FOR MUTUAL ASSOCIATIONS. THIS ACT MODIFIES DEFINITIONS. THE ACT ADDRESSES LOAN LIMITATIONS. THE ACT ADDRESSES CREDIT UNION SERVICE ORGANIZATIONS. THE ACT ADDRESSES MERGERS INVOLVING CREDIT UNIONS. THE ACT ADDRESSES OPERATIONS OF

OUT-OF-STATE CREDIT UNIONS. THE ACT ADDRESSES PROVISIONS RELATED TO FIELDS OF MEMBERSHIP AND GRANDFATHERING. THIS ACT PROVIDES FOR CREDIT UNIONS BECOMING NONEXEMPT CREDIT UNIONS. THIS ACT PROVIDES FOR A COMPETITIVE EQUITY ASSESSMENT AND PENALTIES FOR FAILURE TO PAY THE COMPETITIVE EQUITY ASSESSMENT. THIS ACT MODIFIES PROVISIONS RELATED TO STATE CORPORATE FRANCHISE AND INCOME TAXES TO ADDRESS THE TAXATION OF NONEXEMPT CREDIT UNIONS. THIS ACT ESTABLISHES A TWO-YEAR LEGISLATIVE TASK FORCE TO STUDY ISSUES RELATED TO CREDIT UNIONS AND OTHER FINANCIAL INSTITUTIONS. THE ACT ESTABLISHES TASK FORCE MEMBERSHIP, DUTIES, AND SALARIES AND DESIGNATES STAFF FOR THE TASK FORCE. THE ACT REQUIRES THE TASK FORCE TO PREPARE A REPORT. THE ACT MAKES A ONE-TIME APPROPRIATION OF \$44,500 FROM THE GENERAL FUND FOR FISCAL YEAR 2002-2003 TO PAY FOR TASK FORCE EXPENSES. THE ACT MAKES A ONE-TIME APPROPRIATION OF \$44,500 FROM THE GENERAL FUND FOR FISCAL YEAR 2003-04 TO PAY FOR TASK FORCE EXPENSES. THIS ACT PROVIDES INTENT LANGUAGE. THIS ACT PROVIDES DIFFERENT EFFECTIVE DATES FOR DIFFERENT PROVISIONS OF THE ACT. THE ACT PROVIDES A REPEAL DATE FOR THE TASK FORCE.

On motion of Senator Eastman, the bill was circled.

On motion of Senator Steele, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

**1st Sub. H.B. 126**, MEDICAID BENEFIT AMENDMENTS, was read the third time, explained by Senator Steele, and passed under suspension of the rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Blackham	Dmitrich	Hatch
Hickman	Hillyard		

**1st Sub. H.B. 126** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hellewell, the Senate voted to place **H.B. 264** at the top of the Third Reading Calendar.

**H.B. 264, DIVISION OF PARKS AND RECREATION – RESTRICTED ACCOUNT**, was read the third time, explained by Senator Hellewell, and passed under suspension of the rules on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Hatch
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**H.B. 264** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Hickman, the circle was removed from **2nd Sub. H.B. 249, LICENSING MORTGAGE LOAN OFFICERS**, and it was before the Senate. Senator Hickman explained the bill. Senators James Evans and Buttars commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Davis	Gladwell	Valentine
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\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 222**, CHILD WELFARE PROCEEDINGS AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

Arent	Bell	Buttars	Eastman
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright

**Voting in the negative were:** Senators

Allen	Davis	B. Evans
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**Absent or not voting were:** Senators

Blackham	Bramble	Dmitrich	Gladwell
Valentine	Mansell		

\* \* \*

**H.B. 242**, PROTECTION OF RIGHTS-OF-WAY GATES ON COUNTY ROADS, was read the second time. Senator Hatch explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

Bell	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Allen	Arent	Davis	Hale
Julander			

**Absent or not voting were:** Senators

Blackham	Bramble	Gladwell	Valentine
Mansell			

\* \* \*

**H.B. 274, RIGHTS-OF-WAY ACROSS FEDERAL LAND**, was read the second time. Senator Hatch explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

Allen	Arent	Hale
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**Absent or not voting were:** Senators

Blackham	Gladwell	Valentine	Mansell
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\* \* \*

**H.J.R. 24, RESOLUTION URGING CONGRESS TO ABOLISH THE ALTERNATIVE MINIMUM TAX**, was read the second time. Senator Stephenson

explained the bill. Senators Allen and Bramble commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	

**Absent or not voting were:** Senators

Blackham	Knudson	Mansell
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\* \* \*

On motion of Senator Waddoups, the Senate voted to place **H.B. 294** at the top of the Second Reading Calendar.

**H.B. 294, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS,** was read the second time.

On motion of Senator Waddoups, the following substitute bill replaced the original bill.

**COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS**

**2nd Sub. H.B. 294**

*Sheryl L. Allen*

THIS ACT MODIFIES PROVISIONS RELATING TO REVENUE AND TAXATION. THE ACT EXPANDS THE POTENTIAL RECIPIENTS OF THE SALES AND USE TAX REVENUES IN CERTAIN COUNTIES AND CLARIFIES WHAT ADMINISTRATIVE UNITS ARE ELIGIBLE FOR RECEIPT OF REVENUES. THE ACT MODIFIES THE COMPOSITION OF ADVISORY BOARDS. THE ACT AUTHORIZES COUNTY LEGISLATIVE BODIES TO RETAIN A PERCENTAGE OF THE APPLICABLE SALES AND



USE TAX PROCEEDS TO COVER ADMINISTRATIVE COSTS. THE ACT TAKES EFFECT ON JULY 1, 2003.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **S.B. 157**, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill.

### **REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS**

**1st Sub. S.B. 157**

*Lyle W. Hillyard*

THIS ACT MODIFIES THE FINANCIAL INSTITUTION TITLE TO ADDRESS THE REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS. THE ACT ADDRESSES THE JURISDICTION OF THE DEPARTMENT AS IT APPLIES TO CREDIT UNION SERVICE ORGANIZATIONS. THIS ACT DEFINES TERMS AND ADDRESSES USE OF THE TERMS. THE ACT ADDRESSES PARTICIPATION ARRANGEMENTS ORIGINATED BY A CREDIT UNION SERVICE ORGANIZATION. THE ACT ADDRESSES THE AUTHORITY OF THE DEPARTMENT TO REGULATE THE FORMATION AND ACTIVITIES OF A CREDIT UNION SERVICE ORGANIZATION AND TO CONDUCT EXAMINATIONS OF CREDIT UNION SERVICE ORGANIZATIONS. THE ACT GRANTS RULEMAKING AUTHORITY TO THE DEPARTMENT. THE ACT RESTRICTS USE OF ENTITIES OTHER THAN CREDIT UNION SERVICE ORGANIZATIONS OR LOAN PRODUCTION OFFICES TO PROVIDE SERVICES TO MEMBERS OF CREDIT UNIONS. THE ACT PROVIDES FOR LIMITED GRANDFATHERING. THE ACT MAKES TECHNICAL CHANGES. THE ACT CONTAINS A COORDINATION CLAUSE.

On motion of Senator Hillyard, the bill was circled.

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

**H.B. 373**, INSURANCE LAW REVISIONS, was read the second time.

On motion of Senator Hatch, the following substitute bill replaced the original bill.

### INSURANCE LAW REVISIONS

**1st Sub. H.B. 373**

*James A. Ferrin*

THIS ACT MODIFIES THE INSURANCE CODE AND MAKES TECHNICAL CHANGES. THIS ACT ADDRESSES WHEN ORDERS OF THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE ARE STAYED. THE ACT ADDRESSES PAYMENT OF TAX. THE ACT ADDRESSES CERTIFICATES OF AUTHORITY. THE ACT ADDRESSES FILING REQUIREMENTS RELATED TO THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. THE ACT ADDRESSES DISCONTINUATION OR NONRENEWAL OF CERTAIN HEALTH BENEFIT PLANS. THE ACT ADDRESSES MATERIAL TRANSACTIONS BY INSURERS WHICH ARE PART OF A HOLDING COMPANY SYSTEM. THE ACT ADDRESSES QUALIFIED ASSETS. THE ACT ADDRESSES WHAT CONSTITUTES INSURANCE FRAUD. THE ACT ADDRESSES CONTINUANCE OF COVERAGE. THE ACT INCREASES ASSESSMENTS ON INSURERS. THIS ACT LIMITS THE USE OF CERTAIN CLAUSES IN POLICIES. THE ACT PROVIDES FOR FILING OF FORMS PROCEDURES. THE ACT REQUIRES EXACT NAME OF INSURER ON GROUP AND BLANKET POLICIES. THE ACT CLARIFIES PROVISIONS RELATING TO PREMIUM INCREASES FOR NEW OR RENEWAL MOTOR VEHICLE COVERAGE AND HOUSEHOLD EXCLUSION PROCEDURES AS TO MOTOR VEHICLE COVERAGE. THIS ACT CLARIFIES RIGHT OF RETURN. THE ACT SPECIFIES NEWBORN ENROLLMENT PROCEDURES. THE ACT SPECIFIES PARAMETERS OF INSURANCE ADJUSTORS COMPENSATION. THIS ACT PROVIDES AN EFFECTIVE DATE.

Senator Hatch explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker

**Absent or not voting were:** Senators

Blackham	Bramble	Valentine	Wright
Mansell			

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 75, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Walker		

**Voting in the negative were:** Senators

Jenkins	Waddoups
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**Absent or not voting were:** Senators

Blackham	Bramble	Valentine	Wright
Mansell			

\* \* \*

On motion of Senator Eastman, the circle was removed from **14th Sub. H.B. 162, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS**, and it was before the Senate. Senator Eastman explained the bill. Senators Thomas, Walker, James Evans, Jenkins, Hale, Steele, Julander, Hellewell, Waddoups, Valentine, Arent, and Mayne commented.

On motion of Senator Eastman, under suspension of the rules, **14th Sub. H.B. 162, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Allen	Hale	Julander	Mayne
Steele	Waddoups		

**Absent or not voting was:** Senator

Blackham

**14th Sub. H.B. 162**, as substituted and amended, was returned to the House.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 157**, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Mayne	Waddoups
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**1st Sub. S.B. 157** was transmitted to the House.

\* \* \*

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2003  
The House requests the return of **2nd Sub. S.B. 62**, UTAH HOUSE INSPECTION STANDARD OF PRACTICE, by Senator P. Julander, for reconsideration.

Carole E. Peterson, Chief Clerk

The bill was returned to the House.

\* \* \*

Mr. President: March 4, 2003  
The House refused to concur with the Senate Amendments to **3rd Sub. H.B. 371**, COURT SECURITY FEE, by Representative D. Hogue, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Buttars, the Senate voted to refuse to recede from its amendments to **3rd Sub. H.B. 371**. President Mansell appointed a conference committee consisting of Senators Buttars, Hickman, and Davis to meet with a like committee from the House.

\* \* \*

On motion of Senator Hillyard, the Senator voted to place **S.B. 233** at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Blackham, under suspension of the rules, **S.B. 233**, BUDGETARY PROCEDURES AMENDMENTS, was considered read the second and third times. Senator Blackham explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Mayne	Valentine	Wright
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**S.B. 233** was transmitted to the House.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Knudson, the circle was removed from **3rd Sub. H.B. 72, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM.**

Senator Knudson proposed the following amendment:

1. Page 1, Line 10:  
Delete "100%" insert "80%"
2. Page 2, Line 29:  
Delete "100%" insert "80%"
3. Page 3, Line 73:  
Delete "no" insert "20% of the"
4. Page 4, Line 92:  
Bracket "(4)" insert "(6)"
5. Page 4, Line 94:  
Bracket "(4)" insert "(6)"

Senator Knudson's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**3rd Sub. H.B. 72**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to move **H.B. 240** to the top of the Second Reading Calendar.

**H.B. 240**, VENTURE CAPITAL ENHANCEMENT ACT, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill.

**VENTURE CAPITAL ENHANCEMENT ACT**

**1st Sub. H.B. 240**

*Peggy Wallace*

THIS ACT ENACTS THE UTAH VENTURE CAPITAL ENHANCEMENT ACT. THE ACT PROVIDES ECONOMIC STIMULUS MEASURES FOR BUSINESSES BY CREATING THE UTAH CAPITAL INVESTMENT BOARD. THE ACT AUTHORIZES THE ORGANIZATION OF THE UTAH CAPITAL INVESTMENT CORPORATION AND A UTAH FUND OF FUNDS. THE ACT PROVIDES FOR THE ISSUANCE OF CONTINGENT TAX CREDITS TO INVESTORS IN THE UTAH FUND OF FUNDS. THE ACT TAKES EFFECT ON JULY 1, 2003.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

On motion of Senator Waddoups, and at 3:50 p.m., the Senate sauntered.

The Senate was called to order at 4:55 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2003

The House passed, **S.B. 61**, PUBLIC UTILITY RELATED AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 120**, PAYMENT OF WAGES AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 61** and **S.B. 120** 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, 2003

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 189**, LENDING LAW AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 201**, JUDICIARY AMENDMENTS, by Representative M. S. Lawrence, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 310**, TRANSPORTATION PLANNING TASK FORCE, by Representative J. Dougall, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**3rd Sub. H.B. 189**, **1st Sub. H.B. 201**, and **H.B. 310** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 4, 2003

The House substituted and passed, **2nd Sub. S.B. 198**, DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 198**, DIVISION OF REAL ESTATE –



DEFINITIONS AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

B. Evans	Gladwell	Hatch	Hickman
Stephenson	Wright		

**2nd Sub. S.B. 198** was returned to the House for signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 159, VOLUNTARY CONTRIBUTION ACT AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 4, Lines 108 & 109  
Senate Committee Amendments  
2-18-03:  
After "purposes" reinstate "or transfer union dues to a political fund"

Senator Bramble's motion to amend passed on a voice vote.

Senators Mayne, Dmitrich, and Arent commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 159, VOLUNTARY CONTRIBUTION ACT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 17; Nays, 8; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	Gladwell	Hellewell	Hickman

Hillyard	Jenkins	Knudson	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Allen	Arent	Davis	J. Evans
Hale	Julander	Mayne	Steele

**Absent or not voting were:** Senators

Dmitrich	B. Evans	Hatch	Valentine
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**1st Sub. H.B. 159**, as amended, was returned to the House for further consideration.

On motion of Senator Bramble, the following intent language is included in the Senate Journal.

**INTENT LANGUAGE TO 1ST SUB. H.B. 159**

“In passing H.B. 159, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, the Legislature intends the following:

Because the Legislature wishes to prevent government entanglement in the debate of public issues by providing for a level playing field for private organizations in the public forum, the Voluntary Contributions Act and these amendments prohibit public employers from using public resources and public payroll systems to collect political contributions for the benefit of any organization.

The Voluntary Contribution Act and these amendments protect members of labor organizations in Utah from having their union due diverted to fund political purposes.

Because Section 34–32–1, as it existed before enactment of the Voluntary Contribution Act in 2001, appeared to create favored status for labor organizations as compared to other non–labor organizations by allowing public employers to collect political contributions from public employees for the sole benefit of labor organizations, this act, and the 2001 act, seek to protect against any perception of government favoritism towards any organization by enacting a comprehensive ban on the collection of political contributions by public employees.

In order to guarantee the ability of labor organizations to participate in the electoral process, the Voluntary Contributions Act and these amendments provide that labor organizations may establish a political fund, funded by voluntary

contributions, through which labor organizations may engage in legal activities for political purposes.

Although Utah Supreme Court case law is clear that courts should view all statutes passed by the Legislature as severable if they meet the Supreme Court's standards for severability, the Legislature affirms that the provisions of H.B. 159, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, are severable as provided in these 2003 amendments.

Because legislation passed by the Legislature is prospective in application unless the Legislature includes a specific clause mandating retroactivity, the Legislature affirms that the provisions of this law be interpreted and applied with prospective effect as provided in these 2003 amendments."

\* \* \*

On motion of Senator Blackham, the following intent language is included in the Senate Journal.

#### **INTENT LANGUAGE FOR 1ST SUB. S.B. 225**

"The Legislature finds and determines that:

- it is the intent of this act to provide adequate relief to injured persons while at the same time protecting the public funds and providing financial certainty for the injured, governments, and taxpayers;
- because of the Utah Supreme Court's decision in Laney, there is some confusion about the effect of that decision on government entity's exposure to tort liability for certain acts;
- as the implications of that decision are analyzed and addressed by affected governmental entities, the plaintiff's bar, the government defense bar, and the Legislature, it is good public policy to clarify the continued applicability of statutory caps until the issues raised by Laney can be addressed more comprehensively;
- the Utah Supreme court has indicated that statutory caps on the amount of judgments for damages for personal injury against a government entity is constitutional and is an appropriate public policy for any function undertaken by government, whether characterized as governmental or proprietary;
- because taxpayers ultimately bear the financial burden of any liability imposed upon a governmental entity, reasonable limitations on governmental

liability are necessary to protect the taxpayers from excessive fiscal burdens and assure that public services can be provided to the people as is determined necessary by government; and

- the caps established by this act are among the highest in the United States and are adjusted biennially for inflation.”

\* \* \*

**H.B. 333, GOVERNMENT INVESTMENT STANDARDS AMENDMENTS**, was read the second time. Senator Hickman explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Dmitrich	B. Evans	Valentine
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\* \* \*

**H.B. 346, OUTDOOR ADVERTISING AMENDMENTS**, was read the second time. Senator Mayne explained the bill. The bill passed c on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Dmitrich	B. Evans	Valentine
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\* \* \*

**2nd Sub. H.C.R. 7, RESOLUTION PROMOTING CHARACTER AND CITIZENSHIP EDUCATION**, was read the second time. Senator Stephenson explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Dmitrich	B. Evans	Valentine
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**H.B. 130, DAMAGE ON PRIVATE LAND BY BIG GAME ANIMALS**, was read the second time. Senator Hatch explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of rules, on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Davis	Dmitrich	B. Evans
Hillyard	Jenkins	Valentine	

\* \* \*

On motion of Senator Waddoups, **H.B. 3**, was placed at the top of the Second Reading Calendar.

**H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**H.B. 305**, INDIVIDUAL INCOME TAX CONTRIBUTION – WOLF DEPREDATION AND MANAGEMENT RESTRICTED ACCOUNT, was before the Senate and explained by Senator Wright. Senators Buttars, Bramble, Hatch, Allen, and Knudson commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Julander	Knudson	Mayne
Steele	Thomas	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Buttars	Hillyard	Jenkins	Stephenson
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**Absent or not voting were:** Senators

Dmitrich	B. Evans	Valentine
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On motion of Senator Blackham, the circle was removed from **S.B. 219**, GOVERNMENTAL IMMUNITY ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Blackham, the bill was returned to Rules.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 136**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED

GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 1, Line 9:  
Delete “October 1, 2003” and insert “April 1, 2005”
2. Page 2, Line 51:  
After “after” delete “October 1, 2003” and insert “April 1, 2005”
3. Page 3, Line 79:  
After “after” delete “October 1, 2003” and insert “the day on which a county legislative body imposes a tax under this part”
4. Page 4, Line 105:  
After “shall” delete the rest of the line and insert “be held:  
(i) at a regular general election; and  
(ii) in accordance with the procedures and requirements of Title 20A,  
Election Code, governing regular general elections.”
5. Page 4, Line 106:  
Delete line 106
6. Page 6, Line 177:  
After “after” delete “October 1, 2003” and insert “April 1, 2005”
7. Page 7, Line 187:  
After “after” delete “October 1, 2003” and insert “April 1, 2005”

Senator Bramble’s motion to amend passed on a voice vote.

Senator Bramble explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 5; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Arent                      Hale                      Jenkins                      Julander  
Stephenson

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Valentine, the following substitute bill replaced the original bill.

**MINIMUM SCHOOL PROGRAM ACT AMENDMENTS**

**1st Sub. H.B. 3**

*Gordon E. Snow*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY PROVIDING FUNDING FOR THE MINIMUM SCHOOL PROGRAM AND SCHOOL BUILDING AID PROGRAMS. THIS ACT ESTABLISHES A CEILING FOR THE STATE CONTRIBUTION TO THE MINIMUM SCHOOL PROGRAM FOR FISCAL YEAR 2003-04 OF \$1,611,343,274, WHICH INCLUDES A ONE-TIME APPROPRIATION OF \$5,000,000 FOR CLASSROOM SUPPLIES. THIS ACT ESTABLISHES THE VALUE OF THE WEIGHTED PUPIL UNIT AT \$2,150. THIS ACT APPROPRIATES \$27,288,900 FOR SCHOOL BUILDING AID PROGRAMS. THIS ACT ESTABLISHES THE MAXIMUM FUNDING LEVEL FOR THE SCHOOL LAND TRUST PROGRAM. THIS ACT DEDICATES A PORTION OF THE INTEREST AND DIVIDENDS RECEIVED FROM THE INVESTMENT OF MONIES IN THE PERMANENT STATE SCHOOL FUND FOR TEACHERS' CLASSROOM SUPPLIES. THIS ACT PROVIDES AN EFFECTIVE DATE. THIS ACT PROVIDES A COORDINATION CLAUSE.

On motion of Senator Valentine, the bill was circled.

\* \* \*

Senator Bramble made the motion to uncircle **H.B. 169**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS. The motion failed on a standing vote.

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, and it was before the



Senate. Senator Valentine explained the bill. Senators Stephenson, Steele, Dmitrich, Hale, Hillyard, Wright, and Arent commented.

Senator Hale proposed the following amendment:

1. Page 31, Line 926:  
At the beginning of the line insert “(1)”
2. Page 31, Line 928:  
Delete “(1)” and insert “(a)”
3. Page 31, Line 929:  
Delete “(2)” and insert “(b)”
4. Page 31, Line 931:  
Delete “(3)” and insert “(c)”
5. Page 31, Line 933:  
Delete “(4)” and insert “(d)”
6. Page 31, Line 934:  
Delete “(5)” and insert “(e)”
7. Page 31, Line 936:  
Delete “(6)” and insert “(f)” and after line 936 insert the following:  
“(2) For the fiscal year beginning on July 1, 2003, the State Board of Education may use up to \$2,500,000 of uncommitted nonlapsing balances for adult high school completion and adult basic skills programs.”

Senator Hale’s motion to amend passed on a voice vote.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 3, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Arent                      Hale                      Mayne

**Absent or not voting were:** Senators

Hatch                      Hickman

Senator Steele declared a conflict of interest.

**1st Sub. H.B. 3**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Waddoups, and at 6:30 p.m., the Senate sauntered.

The Senate was called to order at 7:35 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2003

The House refuses to recede from its amendments to **1st Sub S.B. 2**. The Speaker of the House has appointed a Conference Committee consisting of Representatives L. Pace, D. Buxton, and B. Goodfellow to meet with a like committee from the Senate to consider or amend **1st Sub. S.B. 2**, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator B. Evans.

Carole E. Peterson, Chief Clerk

On motion of Senator Bev Evans, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 2**. President Mansell appointed a conference committee consisting of Senators Bev Evans, Valentine, and Dmitrich to meet with a like committee from the House.

\* \* \*

Mr. President: March 4, 2003

The Speaker of the House has appointed a Conference Committee consisting of Representatives D. Hogue, C. Bennion, and B. King to meet with a like committee from the Senate to consider or amend **3rd Sub. H.B. 371**, COURT SECURITY FEE, by Representative D. Hogue. President Mansell appointed a conference committee consisting of Senators Buttars, Hickman, and Davis to meet with a like committee from the House.

Mr. President:

March 4, 2003

The House adopted the Joint Conference Committee Report dated March 4, 2003, and passed **3rd Sub. S.B. 28**, INITIATIVE AMENDMENTS, by Senator J. Hickman, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

**JOINT CONFERENCE COMMITTEE REPORT**

The Joint Conference Committee comprised of Sens. Hickman, Hillyard, and Allen, and Reps. Buttars, Urquhart, and King, recommends **1st Sub. S.B. 28**, INITIATIVE AMENDMENTS, by Senator J. Hickman, be replaced and favorably recommends **3rd Sub. S.B. 28**, INITIATIVE AMENDMENTS.

Sen. Bill Hickman and  
Rep. Craig Buttars, Chairs

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 28**, INITIATIVE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 18; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Steele	Waddoups	Walker
Wright	Mansell		

**Voting in the negative were:** Senators

Arent	Davis	Hale	Julander
Mayne	Stephenson	Thomas	

**Absent or not voting were:** Senators

Blackham	Dmitrich	B. Evans	Valentine
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**3rd Sub. S.B. 28** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 4, 2003

The Speaker of the House has signed **1st Sub. S.B. 207**, IDENTITY FRAUD AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 207** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 4, 2003

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 72, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM**, by Representative D. Hogue, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 133, EXPEDITED CHILD WELFARE PROCEDURES**, by Representative C. Bennion, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 286, WASTE TAX AND FEE AMENDMENTS**, by Representative D. Ure, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**3rd Sub. H.B. 72, H.B. 133, and 1st Sub. H.B. 286** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the 24-hour rule was waived for consideration of bills below the line on the Second Reading Calendar.

**SECOND READING CALENDAR**

**H.C.R. 10, RESOLUTION APPROVING DEEP CREEK – TENDER OF JUDGMENT**, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Arent	Blackham	Wright
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\* \* \*

**H.B. 77, HIGH SCHOOL GRADUATION REQUIREMENTS – FINANCIAL LITERACY**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	Buttars	Steele	Wright
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\* \* \*

**H.B. 105, INTERNET PRIVACY AND SECURITY AMENDMENTS**, was read the second time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**2nd Sub. H.B. 112, COUNTY CORRECTIONAL FACILITY REIMBURSEMENT**, was read the second time. Senator Gladwell explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Voting in the negative was:** Senator  
Jenkins

**Absent or not voting were:** Senators

Blackham                      Buttars                      Hatch                      Wright

\* \* \*

**H.B. 334, ENTICING MINORS OVER INTERNET AMENDMENTS**, was read the second time. Senator Allen explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Blackham

\* \* \*

On motion of Senator Waddoups, and at 8:00 p.m., the Senate sauntered.

The Senate was called to order at 8:20 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2003

The House passed, **S.B. 233, BUDGETARY PROCEDURES AMENDMENTS**, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 233** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 4, 2003

The House concurred in the Senate amendments and passed **1st Sub. H.B. 3, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS**, by Representative G. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **14th Sub. H.B. 162**, AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 3** and **14th Sub H.B. 162**, were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups and at 8:30 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 5, 2003.

# FORTY-FIFTH DAY

## MORNING SESSION

The Senate was called to order at 9:15 a.m., with President Al Mansell presiding.

**Prayer** – Dale Murphy, Former Major League Baseball Player

**Pledge of Allegiance** – Senator Curtis Bramble

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 67)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2003

The House substituted, amended, and passed, **5th Sub. S.B. 154**, PUBLIC EDUCATION AMENDMENTS, by Senator T. Hatch, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hatch, the Senate voted to concur in the House amendments to **5th Sub. S.B. 154**, PUBLIC EDUCATION AMENDMENT. Senators Buttars and Steele commented. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 9; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
B. Evans	Hale	Julander	Mayne
Steele			

**5th Sub. S.B. 154** was returned to the House for signature of the Speaker.



### THIRD READING CALENDAR

**1st Sub. H.B. 19**, EMPLOYMENT SECURITY ACT MODIFICATIONS, was read the third time and explained by Senator Mayne. Senator Thomas commented and the bill passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Eastman	Hellewell	Jenkins	Valentine
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**1st Sub. H.B. 19** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 272**, REDEVELOPMENT AGENCIES – TAX INCREMENT AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Jenkins	Valentine
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**H.B. 272**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 246**, RETIREMENT OFFICE AMENDMENTS, was read the third time, explained by Senator Bev Evans, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator  
Valentine

**H.B. 246** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 308**, HEALTH AND HUMAN SERVICES BOARDS AND COMMISSION AMENDMENT, was read the third time, explained by Senator Steele, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators  
B. Evans                      Valentine

**H.B. 308** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 260**, 2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 3, Line 71:  
After "identified by" delete "the"
2. Page 4, Line 89:  
After "commission" bracket "may" and after "treasurer" insert "may"

Senator Waddoups' motion to amend passed on a voice vote.

The bill passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Stephenson

**Absent or not voting were:** Senators

Eastman                      B. Evans

**1st Sub. H.B. 260**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 352**, ELECTION LAW VOTER REGISTRATION AND ELECTION NOTICE AMENDMENTS, was read the third time, explained by Senator Steele,

and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Eastman                      B. Evans

**H.B. 352** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 332**, INSURANCE COVERAGE OF HEALTH CARE PROFESSIONALS, was read the third time, explained by Senator Waddoups, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Eastman                      B. Evans

**H.B. 332** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 238**, UTAH CODE OF CRIMINAL PROCEDURE AMENDMENTS, was read the third time, explained by Senator Gladwell, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

B. Evans	Julander
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**H.B. 238** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 247**, POWER OF ATTORNEY IN RELATION TO A TRUST, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 137**, RESIDENTIAL FACILITIES FOR THE DISABLED AMENDMENTS, was read the third time, explained by Senator Valentine, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator  
Julander

Senator Thomas commented and declared a conflict of interest.

**1st Sub. H.B. 137** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

On motion of Senator Valentine, the following intent language is included in the Senate Journal.

#### **INTENT LANGUAGE TO 1ST SUB. H.B. 137**

“It is the intent of the legislature that counties and municipalities adopt zoning ordinances related to residential facilities for persons with disabilities which comply with the federal Fair Housing Amendment and Utah Fair Housing Act. The legislature urges the League of Cities and Towns and the Utah Association of Counties to develop such a model ordinance by January 1, 2004.”

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 247**, POWER OF ATTORNEY IN RELATION TO A TRUST, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 39:  
After “applies,” delete “if” and insert “unless”; after “directs” insert “that”
2. Page 2, Line 40:  
After “agent” delete “to” and insert “is not required”
3. Page 2, Lines 53 – 55:  
Reinstate the bracketed language with additions, so that the sentence reads:  
“The conservator, pursuant to court order as provided in Subsection 75-5-408(1)(d), has the same power the principal would have had if he

were not disabled or incompetent to revoke, suspend, or terminate all or any part of the power of attorney or agency.”

Senator Valentine’s motion to amend passed on a voice vote.

The bill passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Davis
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**H.B. 247**, as amended, was returned to the House for further consideration.

\* \* \*

Senator Knudson assumed the Chair as President Pro Tem.

\* \* \*

**H.B. 374, INSURANCE PRODUCERS AMENDMENTS**, was read the third time, explained by Senator Waddoups, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

**Absent or not voting were:** Senators

Bramble                      Mansell

**H.B. 374** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**2nd Sub. H.B. 249**, LICENSING MORTGAGE LOAN OFFICERS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 222**, CHILD WELFARE PROCEEDINGS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars                      Hickman                      Steele                      Mansell

**H.B. 222** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 242**, PROTECTION OF RIGHTS-OF-WAY – GATES ON COUNTY ROADS, was read the third time, explained by Senator Hatch, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**



**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

**Absent or not voting were:** Senators

Buttars	Davis	Hickman	Mansell
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**H.B. 242** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 274, RIGHTS-OF-WAY ACROSS FEDERAL LAND**, was read the third time, explained by Senator Hatch, and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

**Voting in the negative were:** Senators

Arent	Davis	Hale	Julander
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**Absent or not voting were:** Senators

Allen	Buttars	Mansell
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**H.B. 274** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, and at 10:05 a.m., the Senate sauntered.

The Senate was called to order at 11:35 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2003

The House passed, **2nd Sub. S.B. 180**, EMERGENCY MEDICAL SERVICES, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 184**, MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 198**, DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, **S.B. 226**, STATE TAX COMMISSION AMENDMENTS, 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

**2nd Sub. S.B. 180**, **S.B. 184**, **2nd Sub. S.B. 198**, and **S.B. 226** 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, 2003

The House substituted, amended, and passed, **1st Sub. S.B. 57**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted and passed, **S.B. 146**, WASTE FEE AMENDMENTS, by Senator B. Wright, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the bills were placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Waddoups, and at 11:40 p.m., the Senate recessed.

# AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Mansell presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2003

The Speaker of the House has signed **3rd Sub. S.B. 28**, INITIATIVE AMENDMENTS, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The House passed, **S.B. 30**, UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **5th Sub. S.B. 154**, PUBLIC EDUCATION AMENDMENTS, by Senator T. Hatch, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**3rd Sub. S.B. 28, S.B. 30** and **5th Sub. S.B. 154** 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, 2003

The House passed, as amended, **1st Sub. S.B. 191**, COUNTY OVERSIGHT OF LOCAL AUTHORITIES FOR HUMAN SERVICES, by Senator C. Walker, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Walker, the Senate voted to concur in the House amendments to **1st Sub. S.B. 191**, COUNTY OVERSIGHT OF LOCAL AUTHORITIES FOR HUMAN SERVICES. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Valentine	Waddoups	Walker	Mansell

**Absent or not voting were:** Senators

Allen	Davis	Hickman	Thomas
Wright			

**1st Sub. S.B. 191** was returned to the House for signature of the Speaker.

**INTRODUCTION OF BILLS**

**CERTIFICATION OF CANDIDATE DEADLINE AMENDMENTS**

**S.B. 193**

*Curtis S. Bramble*

THIS ACT MODIFIES THE ELECTION CODE BY CHANGING THE DATE THAT CANDIDATES MUST BE CERTIFIED FOR THE BALLOT, was read for the first time.

On motion of Senator Hillyard **S.B. 193** was placed at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Valentine, the Senate voted to allow a bill file to be opened concerning revenue bond authorizations.

**INTRODUCTION OF BILLS**

**REVENUE BOND AUTHORIZATION**

**S.B. 254**

*John L. Valentine*

THIS ACT MODIFIES THE BONDING CODE BY AUTHORIZING THE ISSUANCE OF A LEASE REVENUE BOND TO CONSTRUCT A STATE REGIONAL OFFICE BUILDING, was read for the first time.

On motion of Senator Valentine, under suspension of rules, **S.B. 254** was placed at the top of the Second Reading Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 5, 2003

The Rules Committee recommends the assignment of the following bills and resolution to the Second Reading Calendar:

<b>H.B. 273</b>	Utility Costs to Homeowner (S. Mascaro)
<b>1st Sub. H.B. 307</b>	Child Bigamy Amendment (M. S. Lawrence)
<b>H.B. 129</b>	Voyeurism Amendments (B. Goodfellow)
<b>H.B. 271</b>	Airport to University of Utah Light Rail Restricted Account Amendments (D. Ure)
<b>1st Sub. H.B. 349</b>	Practice of Law Amendments (S. Urquhart)
<b>H.B. 277</b>	Residential Mortgage Practices Amendments (J. M. Philpot)
<b>H.B. 179</b>	Impounding Uninsured Motorist Vehicle (C. Bennion)
<b>H.B. 93</b>	Suspension of Driving Privileges for Habitual Truants (D. Bourdeaux)
<b>1st Sub. H.B. 152</b>	Legislative Audits of Child Welfare (M. Noel)
<b>2nd Sub. H.B. 306</b>	Construction Lien Amendments (S. Clark)
<b>1st Sub. H.B. 6</b>	Shared Parenting by Divorcing Parents (M. Thompson)
<b>1st Sub. H.B. 230</b>	Parental Relocation Amendments (M. Thompson)
<b>1st Sub. H.B. 299</b>	Trust Law Amendments (D. Clark)
<b>1st Sub. H.B. 109</b>	Informed Consent for Electroconvulsive Treatment and Reporting Requirements (K. Bryson)
<b>1st Sub. H.J.R. 3</b>	Resolution on Offers for Settlement of Cases (J. Dougall)
<b>H.B. 241</b>	Partial Birth Abortion Amendments (M. Thompson)
<b>H.B. 348</b>	Limitation on Alimony (W. Harper)
<b>6th Sub. H.B. 123</b>	Prohibition of Public Funding for Abortion (J. M. Philpot)

Lyle Hillyard  
Rules Committee Chair

Report filed. On motion of Senator Hillyard, the committee report was adopted.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, from Rules and place it at the top of the Second Reading Calendar.

### ADVISE AND CONSENT

Mr. President and Members of the Senate: February 17, 2003

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

**BOARD OF PARDONS AND PAROLE**

Alan E. Keller reappointed as a pro tempore member of the Board of Pardons and Parole for a term to expire February 29, 2008. Section 77-27-2, Utah Code Annotated 1953, as amended.

**TRANSPORTATION COMMISSION**

Stephen M. Bodily reappointed as a member of the Transportation Commission for a term to expire April 1, 2009. Section 63-49-10, Utah Code Annotated 1953, as amended. Mr. Bodily is a republican.

Glen E. Brown reappointed as a member of the Transportation Commission for a term to expire April 1, 2009. Section 63-49-10, Utah Code Annotated 1953, as amended. Mr. Brown is a republican.

**UTAH ARTS COUNCIL BOARD OF DIRECTORS**

Laura Lee Bradshaw appointed to fill the unexpired term of Frank McEntire on the Utah Arts Council Board of Directors, a term to expire July 1, 2005. Section 9-6-204, Utah Code Annotated 1953, as amended.

**UTAH COLLEGE OF APPLIED TECHNOLOGY BOARD OF TRUSTEES**

Janet A. Cannon appointed to fill the unexpired term of A. Earl McCain on the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2003. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

Dixie Allen appointed to replace Janet Cannon on the Utah College of Applied Technology Board of Trustees for a term to expire August 31, 2004. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

Charlie Johnson reappointed as a member of the Utah Utah College of Applied Technology Board of Trustees for a term to expire August 31, 2004. Section 53B-2a-103, Utah Code Annotated 1953, as amended.

**PERMANENT COMMUNITY IMPACT FUND BOARD**

Sharon Walters reappointed as a member of the Permanent Community Impact Fund Board for a term to expire March 1, 2006. Section 9-4-304, Utah Code Annotated 1953, as amended.

Mike Milovich appointed to replace William Redd as a member of the Permanent Community Impact Fund Board for a term to expire March 1, 2006. Section 9-4-304, Utah Code Annotated 1953, as amended.

Maloy Dodds appointed to fill the unexpired term of Joe Judd on the Permanent Community Impact Fund Board, a term to expire July 1, 2004. Section 9-4-304, Utah Code Annotated 1953, as amended.

**TELECOMMUNICATIONS ADVISORY COUNCIL**

W. Val Oveson appointed to replace Phil Windley as a member of the Telecommunications Advisory Council. Section 72-7-109, Utah Code Annotated 1953, amended.

Michael Petersen appointed to replace Steve Hess as a member of the Telecommunications Advisory Council. Section 72-7-109, Utah Code Annotated 1953, amended.

Lowell Alt appointed to replace Ric Campbell as a member of the Telecommunications Advisory Council. Section 72-7-109, Utah Code Annotated 1953, amended.

**LABOR COMMISSION APPEALS BOARD**

Colleen S. Colton reappointed as a member of the Labor Commission Appeals Board for a term to expire March 1, 2009. Section 34A-1-205, Utah Code Annotated 1953, as amended. Ms. Colton is a republican.

**UTAH DINEH COMMITTEE**

Stanley Nez reappointed as a member of the Utah Dineh Committee for a term to expire June 30, 2006. Section 63-88-107, Utah Code Annotated 1953, as amended.

**BOARD OF OIL, GAS AND MINING**

Douglas E. Johnson reappointed as a member of the Board of Oil, Gas and Mining for a term to expire March 1, 2007. Section 40-6-4, Utah Code Annotated 1953, as amended. Mr. Johnson is a republican.

Jim Peacock reappointed as a member of the Board of Oil, Gas and Mining for a term to expire March 1, 2007. Section 40-6-4, Utah Code Annotated 1953, as amended. Mr. Peacock is a republican.

Sam Quigley appointed to replace Elise Erler on the Board of Oil, Gas and Mining for a term to expire March 1, 2007. Section 40-6-4, Utah Code Annotated 1953, as amended. Mr. Quigley is independent.

**BOARD OF THE UTAH GEOLOGICAL SURVEY**

Robert M. Robison reappointed as a member of the Board of The Utah Geological Survey for a term to expire March 1, 2007. Section 63-73-3, Utah Code Annotated 1953, as amended. Mr. Robison is independent.

Charles A. Semborski reappointed as a member of the Board of The Utah Geological Survey for a term to expire March 1, 2007. Section 63-73-3, Utah Code Annotated 1953, as amended. Mr. Semborski is a republican.

Kathleen P. Ochsebein appointed to replace Edith O'Brien on the Board of the Utah Geological Survey for a term to expire March 1, 2007. Section 63-73-3, Utah Code Annotated 1953, as amended. Ms. Ochsebein is a democrat.

### **SOIL CONSERVATION COMMISSION**

Paul B. Leishman appointed to fill the unexpired term of Larry Johnson on the Soil Conservation Commission, a term to expire May 8, 2004. Section 4-18-4, Utah Code Annotated 1953, as amended.

### **RURAL DEVELOPMENT FUND BOARD**

W. Kay Blackwell reappointed as a member of the Rural Development Fund Board for a term to expire January 1, 2007. Section 9-14-103, Utah Code Annotated 1953, as amended.

Ray Spencer appointed to replace Joe Judd on the Rural Development Fund Board for a term to expire January 1, 2007. Section 9-14-103, Utah Code Annotated 1953, as amended.

Thank you for your timely consideration and confirmation of the above appointments.

**Michael O. Leavitt**

Governor

Senator Hillyard moved to consent to the appointments as read by Sandy Tenney. The motion passed on the following roll call vote:

**Yeas, 22; Nays, 0; Absent, 7.**

#### **Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Mansell		

#### **Absent or not voting were:** Senators

Allen	Davis	B. Evans	Hickman
Julander	Thomas	Wright	

### **CONCURRENCE CALENDAR**

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 57**, CHARTER SCHOOL AMENDMENTS. The bill, as amended, passed on the following roll call:



**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator

Dmitrich

**Absent or not voting were:** Senators

B. Evans	J. Evans	Hickman	Thomas
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**1st Sub. S.B. 57** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Wright, the Senate refused to concur in the House amendments and requests the House recede from its amendments. **S.B. 146** was returned to the House for further consideration.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President:

March 5, 2003

The Joint Conference Committee comprised of Sens. Buttars, Hickman, and Davis, and Reps. Hogue, Bennion, and King, recommends **3rd Sub. H.B. 371**, COURT SECURITY FEE, by Representative D. Hogue, with the following amendments:

1. Include the House Amendment on Page 1, Line 21: of the Lilac copy dated 2-28-2003.
2. Also include the following amendment:  
Page 2, Line 48:  
Delete "\$45" and insert "\$50"

Sen. D. Chris Buttars and  
Rep. David L. Hogue, Chairs

On motion of Senator Buttars, the Senate voted to adopt the committee report. The bill passed on the following roll call vote:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator  
Hickman

**3rd Sub. H.B. 371** was returned to the House for further consideration.

## SECOND READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 240**, VENTURE CAPITAL ENHANCEMENT ACT, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 19, , Line 557:  
After “based on” delete “earlier” and insert “the”

Senator Jenkins’ motion to amend passed on a voice vote.

Senator Jenkins explained the bill.

###

Senator Bramble proposed the following amendment:

1. Page 9, Line 261:  
After “the” insert “Executive Appropriations Committee of the”
2. Page 9, Line 270:  
After “July 1,” delete “2008,” and insert “2005,” and after “every” delete “five” and insert “two”
3. Page 23, Line 693:  
After “1,” delete “2053” and insert “2008”

Senator Bramble’s motion to amend passed on a voice vote.

Senators Allen, Arent, Hickman, Valentine, Hillyard, James Evans, Stephenson, Mayne, Bramble, and Dmitrich commented.

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 240, VENTURE CAPITAL ENHANCEMENT ACT**, was considered read the second and third times and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	J. Evans	Gladwell	Hatch
Hellewell	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Allen	Dmitrich	Eastman	B. Evans
Hale	Hickman	Hillyard	

**Absent or not voting was:** Senator

Davis

**1st Sub. H.B. 240**, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II**, was read the second time. Senator Blackham explained the bill.

Senator Blackham proposed the following amendment:

1. Page 6, Line 206:  
 After line 206 insert:  
 “Item 32A – To Capital Budget – Division of Facilities Construction  
 Management Capital Program  
 From General Fund (4,200,000)  
 From Dedicated Credits 4,200,000”

Senator Blackham’s motion to amend passed on a voice vote.

###

Senator Bell proposed the following amendment:

- 1. Page 5, Lines 193–195:  
Delete lines 193–195
- 2. Page 9, Line 352:  
Delete “9,100,000” and insert “9,528,600”
- 3. Page 10, Line 354:  
Delete “9,100,000” and insert “9,528,600”

Senator Bell’s motion to amend passed on a voice vote.

###

Senator Arent proposed an amendment on pages 9 and 12.

Senator Arent’s motion to amend failed on a voice vote.

###

Senators Julander commented.

On motion of Senator Blackham, under suspension of the rules, **S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II**, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 1; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator Arent

**S.B. 3**, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **S.B. 254**, REVENUE BOND AUTHORIZATION, was considered read the second and third times. Senator Valentine explained the bill. The bill, having had no Senate standing committee hearing and under suspension of the rules, passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

**Voting in the negative was:** Senator Waddoups

**Absent or not voting were:** Senators

J. Evans	Hickman	Julander
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**S.B. 254** was transmitted to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **S.B. 193**, CAMPAIGN REPORTING REQUIREMENTS AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill. The bill, having had no Senate Standing Committee hearing and under suspension of the rules, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bell J. Evans Julander

**S.B. 193** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2003

The House substituted, amended, and passed, **1st Sub. S.B. 147**, STREAMLINED SALES TAX PROJECT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 147**, STREAMLINED SALES TAX PROJECT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bell J. Evans Julander

**1st Sub. S.B. 147** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003

The House passed, as amended, **1st Sub. S.B. 204**, GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME, by Senator C. Bramble, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 204**, GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bell	Julander
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**1st Sub. S.B. 204** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2003

The House substituted, amended, and passed, **3rd Sub. S.B. 213**, AMENDMENTS TO SALES AND USE TAX, by Senator E. Mayne, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Senator Mayne made the motion to not concur with the House amendments on **3rd Sub. S.B. 213**. The motion failed.

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 213**, AMENDMENTS TO SALES AND USE TAX. Senators Blackham, Buttars, Valentine, Steele, Waddoups, and Dmitrich commented.

The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 9; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Steele	Thomas
Valentine	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	Stephenson
Waddoups			

**3rd Sub. S.B. 213** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003

The House passed, as amended, **S.B. 151**, AMENDMENTS RELATED TO INFORMATION TECHNOLOGY, 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 to **S.B. 151**, AMENDMENTS RELATED TO INFORMATION TECHNOLOGY. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hatch

**S.B. 151** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003

The House passed, as amended, **S.B. 194**, COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT, by Senator D. Thomas, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Thomas, the Senate voted to concur in the House amendments to **S.B. 194**, COMMERCE AND TRADE – TELEPHONE AND



FACSIMILE SOLICITATION ACT. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Gladwell	Hatch
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**S.B. 194** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, and at 4:05 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2003

The House passed, **S.B. 206, VEHICLE SALE AND SECURITY INTEREST AMENDMENTS**, by Senator D. Steele, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 206** 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, 2003

The House has rejected **2nd Sub. S.B. 62, UTAH HOUSE INSPECTION STANDARD OF PRACTICE**, by Senator P. Julander, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 62** was returned to the Secretary of the Senate for filing.

\* \* \*

Mr. President: March 5, 2003

The House concurred in the Senate amendments and passed **H.B. 247**, POWER OF ATTORNEY IN RELATION TO A TRUST, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 260**, 2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 272**, REDEVELOPMENT AGENCIES – TAX INCREMENT AMENDMENTS, by Representative G. Curtis, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 247**, **1st Sub. H.B. 260**, and **H.B. 272** were signed by the President of the Senate in open session and returned to the House.

**THIRD READING CALENDAR**

**H.J.R. 24**, RESOLUTION URGING CONGRESS TO ABOLISH THE ALTERNATIVE MINIMUM TAX, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**1st Sub. H.B. 373**, INSURANCE LAW REVISIONS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

**Absent or not voting were:** Senators

Hillyard	Wright
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**1st Sub. H.B. 373**, as substituted by the Senate, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 75, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS**, was read the third time.

On motion of Senator Valentine, the bill was circled.

\* \* \*

**H.B. 333, GOVERNMENT INVESTMENT STANDARDS AMENDMENTS**, was read the third time, explained by Senator Hickman, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Hatch	Hillyard	Wright
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**H.B. 333** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 346, OUTDOOR ADVERTISING AMENDMENTS**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch

Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Blackham	Davis	Wright
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**H.B. 346** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 75, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS**. The bill passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Jenkins	Stephenson	Waddoups
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**Absent or not voting were:** Senators

Allen	Blackham	Eastman
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**1st Sub. H.B. 75** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**2nd Sub. H.C.R. 7, RESOLUTION PROMOTING CHARACTER AND CITIZENSHIP EDUCATION**, 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

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Blackham
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**2nd Sub. H.C.R. 7** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **H.J.R. 24, RESOLUTION URGING CONGRESS TO ABOLISH THE ALTERNATIVE MINIMUM TAX.** The bill passed on the following roll call:

**Yeas, 21; Nays, 6; Absent, 2.**

**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Arent	Davis	Dmitrich	Hale
Julander	Mayne		

**Absent or not voting were:** Senators

Allen	Blackham
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**H.J.R. 24** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 130, DAMAGE ON PRIVATE LAND BY BIG GAME ANIMALS,** was read the third time, explained by Senator Hatch, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Blackham
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**H.B. 130** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 305**, INDIVIDUAL INCOME TAX CONTRIBUTION – WOLF DEPREDATION AND MANAGEMENT RESTRICTED ACCOUNT, was read the third time, explained by Senator Wright, and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator  
Hillyard

**Absent or not voting was:** Senator  
Allen

**H.B. 305** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 136**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 22; Nays, 7; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Thomas	Valentine
Walker	Mansell		

**Voting in the negative were:** Senators

Arent	Davis	Hale	Julander
Stephenson	Waddoups	Wright	

**H.B. 136**, as amended, was returned to the House for further consideration.

\* \* \*

**H.C.R. 10**, RESOLUTION APPROVING DEEP CREEK – TENDER OF JUDGMENT, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**H.C.R. 10** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 77**, HIGH SCHOOL GRADUATION REQUIREMENTS – FINANCIAL LITERACY, was read the third time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**2nd Sub. H.B. 112**, COUNTY CORRECTIONAL FACILITY REIMBURSEMENT, was read the third time.

On motion of Senator Gladwell, the bill was circled.

\* \* \*

**H.B. 334**, ENTICING MINORS OVER INTERNET AMENDMENTS, was read the third time, explained by Senator Allen, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator Valentine

**H.B. 334** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2003

The House substituted and passed, **5th Sub. S.B. 203**, CONDOMINIUM LAW AMENDMENTS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **5th Sub. S.B. 203**, CONDOMINIUM LAW AMENDMENTS. Senator Bramble commented.



On motion of Senator Waddoups, the bill was circled.

\* \* \*

Mr. President:

March 5, 2003

The House passed, as amended, **2nd Sub. S.B. 208**, WARRANT FOR REMOVAL OF MINOR FROM HOME, by Senator B. Wright, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Wright, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 208**, WARRANT FOR REMOVAL OF MINOR FROM HOME. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Hickman	Mayne	Steele	Valentine
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**2nd Sub. S.B. 208** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **5th Sub. S.B. 203**, CONDOMINIUM LAW AMENDMENTS, and the Senate concurred in the House amendments. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard

Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator  
Hickman

**5th Sub. S.B. 203** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the Senate voted to move **H.B. 273, 1st Sub. H.B. 307, H.B. 271, and H.B. 277** to the top of the Second Reading Calendar under **H.B. 105**.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2003

The House passed, as amended, **S.B. 223, REVISIONS TO PARENT TIME**, by Senator L. Hillyard, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the Senate refused to concur in the House amendments and requests the House recede from its amendments. **S.B. 223** was returned to the House for further consideration.

### SECOND READING CALENDAR

On motion of Senator Gladwell, **H.B. 316, AEROSPACE AND AVIATION DEVELOPMENT ZONE**, was uncircled. Senator Gladwell explained the bill.

Senator Gladwell proposed the following amendment:

- Page 3, Line 71  
Corrected House Floor  
Amendments dated 2-27-2003:  
After "revenues" delete "₂" and insert:  
"in any given year.  
(3)(a) The partial rebates may not exceed 30% of the new state revenues generated over the life of a new commercial project.  
(b) For purposes of this part, the life of a new commercial project is limited to 20 years."

2. Page 3, Line 72  
Corrected House Floor  
Amendments dated 2-27-2003:  
Delete “(3)” and insert “(4)”
3. Page 5, Line 132b  
House Floor Amendments  
dated 2-28-2003:  
After “on” insert “; (i)”
4. Page 5, Line 132d  
House Floor Amendments  
dated 2-28-2003:  
After “jobs” delete “;” and insert “; (ii) the period of time over which partial rebates of new state revenues shall be granted under this part; and (iii) the economic impact on the state related to generating new state revenues and rebating a portion of those revenues under this part.”
5. Page 5, Line 132e  
House Floor Amendments  
dated 2-28-2003:  
After “to the” delete “2006” and insert “2005”
6. Page 5, Line 132g  
House Floor Amendments  
dated 2-28-2003:  
After “the” delete “2006” and insert “2005”

Senator Gladwell’s motion to amend passed on a voice vote.

Senator Valentine commented.

### COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Dave Harmer, Executive Director of Department of Community and Economic Development, spoke in Committee of the Whole. Senators Knudson, Hillyard, Steele, Jenkins, and Blackham commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Gladwell, under suspension of the rules, **H.B. 316**, AEROSPACE AND AVIATION DEVELOPMENT ZONE, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Knudson	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Davis                      Hillyard

**Absent or not voting were:** Senators

Arent                      Hickman                      Julander                      Stephenson

**H.B. 316**, as amended, was returned to the House for further consideration.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2003

The House adopted the Joint Conference Committee Report dated March 5, 2003 and passed **3rd Sub. H.B. 371**, COURT SECURITY FEE, by Representative D. Hogue, and it is transmitted for the signature of the President

Carole E. Peterson, Chief Clerk

**3rd Sub. H.B. 371** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003

The House substituted and passed, **6th Sub. S.B. 2**, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORITIES, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of President Mansell, the bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President: March 5, 2003

The Speaker of the House has signed **1st Sub. S.B. 57**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 136**, GUILTY AND MENTALLY ILL SENTENCING AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 138**, MEDICAL MALPRACTICE 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 recessed from its amendments and passed **S.B. 146**, WASTE FEE AMENDMENTS, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 175**, REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 191**, COUNTY OVERSIGHT OF LOCAL AUTHORITIES FOR HUMAN SERVICES, by Senator C. Walker, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 216**, MOTOR CARRIER FEE AMENDMENTS, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 4**, RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION, 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

**1st Sub. S.B. 57, 2nd Sub. S.B. 89, S.B. 136, S.B. 138, S.B. 146, S.B. 175, 1st Sub. S.B. 191, 1st Sub. S.B. 216, 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.

\* \* \*

On motion of Senator Walker, the Senate voted to reconsider its action on **H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, for the purpose of making technical amendments. The bill was placed at the top of the Third Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 169**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, **H.B. 169**, PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 15; Nays, 14; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	Gladwell	Hatch	Hellewell
Jenkins	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Arent	Davis	Eastman
B. Evans	J. Evans	Hale	Hickman
Hillyard	Julander	Knudson	Mayne
Steele	Waddoups		

**H.B. 169** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bev Evans, under suspension of the rules, the Senate voted to move to Concurrence Calendar.

## CONCURRENCE CALENDAR

On motion of Senator Evans, the Senate voted to concur in the House amendments to **6th Sub. S.B. 2**, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS. Senators Thomas, Arent, and Valentine commented. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 5; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Thomas	Valentine
Waddoups	Walker	Mansell	

**Voting in the negative were:** Senators

Hatch	Hickman	Jenkins	Stephenson
Wright			

**Absent or not voting was:** Senator

Bramble

**6th Sub. S.B. 2** was returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, and at 5:46 p.m., the Senate recessed.

## EVENING SESSION

The Senate reassembled at 7:50 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2003

The House concurred in the Senate amendments and passed **1st Sub. H.B. 240, VENTURE CAPITAL ENHANCEMENT ACT**, by Representative P. Wallace, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 240** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003

The Speaker of the House has signed **1st Sub. S.B. 147, STREAMLINED SALES TAX PROJECT AMENDMENTS**, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 151, AMENDMENTS RELATED TO INFORMATION TECHNOLOGY**, by Senator D. Steele, and it is transmitted for the signature of the President; and

The House passed, **S.B. 158**, DIVISION OF CHILD AND FAMILY SERVICES MANAGEMENT INFORMATION SYSTEM AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 194**, COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT, by Senator D. Thomas, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 204**, GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 213**, AMENDMENTS TO SALES AND USE TAX, by Senator E. Mayne, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 147, S.B. 151, S.B. 158, S.B. 194, 1st Sub. S.B. 204, and 3rd Sub. S.B. 213** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

## SECOND READING CALENDAR

On motion of Senator Hickman, the Senate voted to move **H.B. 277** to the top of the Second Reading Calendar.

**H.B. 277**, RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS, was read the second time.

On motion of Senator Hickman, the following substitute bill replaced the original bill.

## RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS

**1st Sub. H.B. 277**

*J. Morgan Philpot*

THIS ACT MODIFIES THE UTAH RESIDENTIAL MORTGAGE PRACTICES ACT TO MODIFY THE DEFINITION OF THE BUSINESS OF RESIDENTIAL MORTGAGE LOANS, TO REQUIRE LICENSING, PRELICENSING EXAMINATIONS, AND CONTINUING EDUCATION OF PERSONS ENGAGING IN THE BUSINESS OF RESIDENTIAL MORTGAGE



LOANS, AND TO MODIFY OTHER LICENSING REQUIREMENTS. THE ACT MODIFIES THE MEMBERSHIP OF THE RESIDENTIAL MORTGAGE REGULATORY COMMISSION. THE ACT PROHIBITS PERSONS FROM ACTING IN CERTAIN MULTIPLE CAPACITIES WITH RESPECT TO A RESIDENTIAL MORTGAGE LOAN. THE ACT MAKES TECHNICAL CHANGES. THIS ACT TAKES EFFECT JANUARY 1, 2004. THIS ACT PROVIDES A COORDINATION CLAUSE.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**H.B. 273**, UTILITY COSTS TO HOMEOWNER, was read the second time. Senator Buttars explained the bill. Senators Allen commented.

On motion of Senator Buttars, the bill was circled.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 307**, CHILD BIGAMY AMENDMENT, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator Mayne

**1st Sub. H.B. 307** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 271**, AIRPORT TO UNIVERSITY OF UTAH LIGHT RAIL RESTRICTED ACCOUNT AMENDMENTS, was read the second time. Senator James Evans explained the bill.

On motion of Senator Hatch, the bill was circled.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **H.B. 248**, PRIVACY OF STATE DATABASE HEALTH RECORDS, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator

Hellewell

**H.B. 248** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the circle was removed from **H.B. 273**, UTILITY COSTS TO HOMEOWNER, and it was before the Senate. Senator Buttars explained the bill.

On motion of Senator Buttars, under suspension of the rules, **H.B. 273**, UTILITY COSTS TO HOMEOWNER, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**H.B. 273** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, the circle was removed from **2nd Sub. H.B. 294, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS**, and it was before the Senate.

On motion of Senator Waddoups, the following substitute bill replaced the original bill.

**COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS**

**3rd Sub. H.B. 294**

*Sheryl L. Allen*

THIS ACT MODIFIES PROVISIONS RELATING TO REVENUE AND TAXATION. THE ACT MODIFIES THE FORMULA FOR DISTRIBUTING CERTAIN SALES AND USE TAX REVENUES TO CULTURAL, BOTANICAL, AND ZOOLOGICAL ORGANIZATIONS. THE ACT EXPANDS THE POTENTIAL RECIPIENTS OF THE SALES AND USE TAX REVENUES IN CERTAIN COUNTIES AND CLARIFIES WHAT ADMINISTRATIVE UNITS ARE ELIGIBLE FOR RECEIPT OF REVENUES. THE ACT MODIFIES THE COMPOSITION OF ADVISORY BOARDS. THE ACT AUTHORIZES COUNTY LEGISLATIVE BODIES TO RETAIN A PERCENTAGE OF THE APPLICABLE SALES AND USE TAX PROCEEDS TO COVER ADMINISTRATIVE COSTS. THE ACT PROVIDES THAT COUNTY ORDINANCES MAY BE REVISED UNDER CERTAIN CIRCUMSTANCES AFTER SUBMITTING AN OPINION QUESTION TO VOTERS. THE ACT TAKES EFFECT ON JULY 1, 2003.

Senator Waddoups explained the bill. Senators Walker and Hillyard, commented.

Senator Gladwell proposed the following amendment:

1. Page 1, Line 13:  
After “revenues.” insert “The act modifies how certain counties are to distribute specified sales and use tax money to zoological facilities and organizations.”
2. Page 4, Line 103:  
After “means” delete “the facilities of an”
3. Page 4, Line 104:  
At the beginning of line 104 delete “entity accredited by the American Zoo and Aquarium Association, including” and after “any” insert “public, public-private partnership, or private nonprofit”
4. Page 4, Line 111:  
After “means a” insert “public, public-private partnership, or private”
5. Page 4, Line 114:  
After “organization” delete “accredited by the American Zoo and Aquarium Association and”
6. Page 7, Line 201:  
After “[~~(i)~~ 12.5%]” insert “(i) subject to Subsection (1)(b)(ii) and except as provided in Subsection (1)(b)(iii).”
7. Page 7, Line 202:  
After “to support” insert “no more than three”
8. Page 7, Line 208:  
After line 208 insert:  
  

“(ii) except as provided in Subsection (1)(b)(iii), the county legislative body shall distribute the monies described in Subsection (1)(b)(i) among the zoological facilities and organizations in proportion to their average annual operating expenses as determined under Subsection (3); and  
(iii) if a zoological facility or organization is created or relocated within the county after June 1, 2003, the county legislative body shall distribute the monies described in Subsection (1)(b)(i) as it determines appropriate.”

Senator Gladwell’s motion to amend passed on a voice vote.

On motion of Senator Walker, under suspension of the rules, **3rd Sub. H.B. 294**, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL,

RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bell	Blackham
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**3rd Sub. H.B. 294**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Walker, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, was before the Senate and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 1, Line 9:  
After "changes." insert "The act provides a coordination clause."
2. Page 9, Line 275:  
After line 275 insert:

"Section 8. Coordination clause.

(1) If this bill and S.B. 24, Local Human Services Authorities Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the

Utah Code database for publication, shall:

(a) renumber Sections 17A-3-608 and 17A-3-704, as enacted in this bill, as Sections 17-43-306 and 17-43-204, respectively;

(b) renumber Sections 17-43-306, 17-43-307, and 17-43-308, as renumbered and amended in S.B. 24, as Sections 17-43-307, 17-43-308, and 17-43-309, respectively; and

(c) change the reference to Section 17-43-308 in Subsection 62A-15-103(4), as amended in S.B. 24, to Section 17-43-309; and

(2) If this bill, S.B. 24, Local Human Services Authorities Amendments, and 1st Substitute S.B. 191, County Oversight of Local Authorities For Human Services, all pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall modify Subsection 62A-2-101(17)(b)(i), as amended in S.B. 24, to read:

(i) [a county governing body designated as] a local mental health authority under Section [17A-3-602] 17-43-301 or [as] a local substance abuse authority under Section [17A-3-704] 17-43-201; or.”

The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bramble	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen	Bell	Blackham	Valentine
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**H.B. 44**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Hickman, the circle was removed from **1st Sub. H.B. 277, RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS**, and it was before the Senate. Senator Hickman explained the bill.

On motion of Senator Hickman, under suspension of the rules, **1st Sub. H.B. 277, RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS**, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Bell	Blackham	Valentine
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**1st Sub. H.B. 277**, as substituted by the Senate, was returned to the House for further consideration.

\* \* \*

**H.B. 295, STATE LANDS AMENDMENTS**, was read the second time. Senator Hatch explained the bill.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **H.B. 105, INTERNET PRIVACY AND SECURITY AMENDMENTS**, and it was before the Senate. Senator Gladwell explained the bill.

On motion of Senator Gladwell, the following substitute bill replaced the original bill.

**INTERNET PRIVACY AND SECURITY AMENDMENTS**

**1st Sub. H.B. 105**

*Wayne A. Harper*

THIS ACT MODIFIES THE INFORMATION TECHNOLOGY ACT TO ENACT THE GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT. THE ACT MANDATES THAT THE LEGISLATIVE MANAGEMENT COMMITTEE DIRECT THE UTAH INFORMATION TECHNOLOGY COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE LEGISLATURE RELATED TO INTERNET PRIVACY AND SECURITY. THE ACT TAKES EFFECT JULY 1, 2003. THIS ACT PROVIDES A COORDINATION CLAUSE.

On motion of Senator Gladwell, under suspension of the rules, **1st Sub. H.B. 105**, INTERNET PRIVACY AND SECURITY AMENDMENTS, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Bramble	Buttars	Valentine
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**1st Sub. H.B. 105**, as substituted by the Senate, was returned to the House for further consideration.

\* \* \*

On motion of Senator Dmitrich, the circle was removed from **H.B. 295**, STATE LANDS AMENDMENTS, and it was before the Senate.

On motion of Senator Hatch, under suspension of the rules, **H.B. 295**, STATE LANDS AMENDMENTS, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:



**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Valentine
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**H.B. 295** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hatch, the circle was removed from **H.B. 271, AIRPORT TO UNIVERSITY OF UTAH LIGHT RAIL RESTRICTED ACCOUNT AMENDMENTS**, and it was before the Senate. Senator James Evans explained the bill. Senators Allen and Hale commented.

On motion of Senator James Evans, under suspension of the rules, **H.B. 271, AIRPORT TO UNIVERSITY OF UTAH LIGHT RAIL RESTRICTED ACCOUNT AMENDMENTS**, was considered read the second and third times and passed, having had no Senate standing committee and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Walker	Wright	Mansell

**Absent or not voting was:** Senator Waddoups

**H.B. 271** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2003

The House passed, as amended, **H.J.R. 20**, MASTER STUDY RESOLUTION, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.J.R. 20** was read the first time.

On motion of Senator Hillyard, the Senate voted to place **H.J.R. 20** as the top of the Second Reading Calendar.

### SECOND READING CALENDAR

**H.J.R. 20**, MASTER STUDY RESOLUTION, was read the second time.

The following amendments were made:

On motion of Senator Valentine, the following item was added to the Master Study Resolution: “study of asset forfeiture (SB 212)”

On motion of Senator Knudson, the following item was added to the Master Study Resolution: tourism (SB 243)”

On motion on Senator Blackham, the following item was added to the Master Study Resolution: “governmental immunity”

On motion of Senator Hickman, the following item was added to the last page of the bill: “survey of statewide nursing shortage”

On motion of Senator Valentine, under suspension of the rules, **H.J.R. 20**, MASTER STUDY RESOLUTION, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Davis	Julander	Steele	Waddoups
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**H.J.R. 20**, as amended, was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 5, 2003

The House passed, as amended, **S.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. Blackham, and it is transmitted for consideration.

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **S.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator

Arent

**Absent or not voting were:** Senators

Hatch	Hillyard
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**S.B. 3** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003  
 The House concurred in the Senate amendments and passed **1st Sub. H.B. 373, INSURANCE LAW REVISIONS**, by Representative J. Ferrin, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 373** was signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President: March 5, 2003  
 The Speaker of the House has signed **2nd Sub. S.B. 208, WARRANT FOR REMOVAL OF MINOR FROM HOME**, by Senator B. Wright, and it is transmitted for the signature of the President; and

The House receded from its amendments and passed **S.B. 223, REVISIONS TO PARENT TIME**, 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

**2nd Sub. S.B. 208** and **S.B. 223** 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 Waddoups, the Senate voted to reorganize the Second Reading Calendar. The following bills were placed under **H.B. 296: 1st Sub. H.B. 302, 1st Sub. H.B. 324, H.B. 342, H.B. 358, H.B. 129, 1st Sub. H.B. 349, 1st Sub. H.B. 6, 1st Sub. H.B. 230, 1st Sub. H.B. 299, 1st Sub. H.B. 109, 1st Sub. H.J.R. 3, and 6th Sub. H.B. 123.**

On motion of Senator Waddoups, and at 8:50 p.m., the Senate sauntered.

The Senate was called to order at 9:10 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2003  
 The House refused to concur with the Senate Amendments to **H.B. 136, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED**

GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, by Representative J. Alexander, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **H.B. 136** . President Mansell appointed a conference committee consisting of Senators Bramble, Stephenson, and Davis to meet with a like committee from the House.

\* \* \*

Mr. President:

March 5, 2003

The House passed, as amended, **S.B. 155**, PROFESSIONAL EMPLOYER ORGANIZATIONS, by Senator E. Mayne, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.B. 155**, PROFESSIONAL EMPLOYER ORGANIZATIONS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

**Absent or not voting was:** Senator

Wright

**S.B. 155** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2003

The House passed, as amended, **3rd Sub. H.B. 89**, RENEWABLE ENERGY AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 15**, RESOLUTION SUPPORTING PRESIDENT AND ADMINISTRATION REGARDING IRAQ, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.J.R. 28**, RESOLUTION URGING CONGRESS TO REVIEW IMMIGRATION AND NATURALIZATION, by Representative D. Bourdeaux, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **3rd Sub. H.B. 89**, **H.C.R. 15**, and **H.J.R. 28** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 5, 2003

The House concurred in the Senate amendments and passed **H.B. 316**, AEROSPACE AND AVIATION DEVELOPMENT ZONE, by Representative B. Dee, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 316** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2003

The House passed, **S.B. 133**, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE, 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. 148**, PROPERTY TAX – FARMLAND ASSESSMENT ACT, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 149**, BONDING LAW AMENDMENTS – STATE FINANCING CONSOLIDATION ACT, 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. 193**, CERTIFICATION OF CANDIDATE DEADLINE AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **5th Sub. S.B. 203**, CONDOMINIUM LAW AMENDMENTS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, **S.B. 214**, UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 253**, PRIVILEGE TAX – PUBLIC LAND, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 133, S.B. 148, S.B. 149, S.B. 193, 5th Sub. S.B. 203, S.B. 214, and S.B. 253** 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, 2003

The House has rejected **1st Sub. S.B. 218**, UNLAWFUL SALE OR DISPLAY OF MOTOR VEHICLES, by Senator G. Bell, and it is transmitted for filing.

The bill was returned to the Secretary of the Senate for filing.

\* \* \*

On motion of Senator Valentine, the Senate voted, under suspension of rules, to consider all bills on the Second Reading Calendar for the second and third time for the remainder of the day.

**SECOND READING CALENDAR**

On motion of Senator Walker, under suspension of the rules, **H.B. 296**, MUNICIPAL ANNEXATION AMENDMENTS, was considered read the second and third times. Senator Arent commented and the bill passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Julander                      Mayne

**H.B. 296** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 302, PRIVATIZATION POLICY BOARD AMENDMENTS**, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative was:** Senator

Thomas

**Absent or not voting was:** Senator

Mayne

**1st Sub. H.B. 302** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 324, JURY SYSTEM AMENDMENTS**, was considered read the second and third times and passed having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich



B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	Mayne	Waddoups
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**1st Sub. H.B. 324** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hale, under suspension of the rules, **H.B. 342**, PRESIDENTIAL PRIMARY AMENDMENTS, was considered read the second and third times. Senators Davis and James Evans commented and the bill passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Knudson
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Eastman	B. Evans	Hickman	Julander
Mayne	Stephenson		

**H.B. 342** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, **H.B. 358**, COUNTY FUND BALANCES, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Bramble	Davis	B. Evans	Hickman
Mayne	Stephenson		

**H.B. 358** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Julander, under suspension of the rules, **H.B. 129**, VOYEURISM AMENDMENTS, was considered read the second and third times.

Senator Allen proposed the following amendment:

1. Page 3, Line 87 and 104:  
Delete “or not reasonably visible”

Senator Allen’s motion to amend passed on a voice vote.

The bill passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Buttars	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Steele	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Bramble	Davis	B. Evans	Mayne
Stephenson			

**H.B. 129**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 349, PRACTICE OF LAW AMENDMENTS**, was considered read the second and third times. Senators Valentine, Hillyard, Arent, Bell, and James Evans commented. The bill passed having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 17; Nays, 11; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Blackham	Bramble	Buttars
Dmitrich	J. Evans	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Thomas	Waddoups	Walker	Wright
Mansell			

**Voting in the negative were:** Senators

Arent	Bell	Davis	Eastman
B. Evans	Gladwell	Hale	Julander
Mayne	Steele	Stephenson	

**Absent or not voting was:** Senator Valentine

**1st Sub. H.B. 349** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 6, SHARED PARENTING BY DIVORCING PARENTS**, was considered read the second and third times. Senators Thomas, Hillyard, Hale, Eastman, Bell, Buttars, Hickman, Walker, Arent, and Steele commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Gladwell, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Gladwell, the circle was removed from **2nd Sub. H.B. 112, COUNTY CORRECTIONAL FACILITY REIMBURSEMENT.**

On motion of Senator Arent, the bill was circled.

\* \* \*

On motion of Senator Hickman, the circle was removed from **2nd Sub. H.B. 249, LICENSING MORTGAGE LOAN OFFICERS.**

On motion of Senator Hickman, the enacting clause was stricken on the bill. **2nd Sub. H.B. 249** was returned to the House for filing.

\* \* \*

On motion of Senator Gladwell, the circle was removed from **2nd Sub. H.B. 112, COUNTY CORRECTIONAL FACILITY REIMBURSEMENT.**

Senator Arent proposed the following amendment:

- 1. Page 4, Line 104:

After Line 104 insert:

“(d) If on appeal the defendant is found not guilty of the criminal activity under Subsection (6)(a)(i) and that finding is final as defined in Section 76-1-304, the county shall reimburse the defendant for restitution the defendant paid for costs of incarceration under Subsection (6)(a).”

Senator Arent’s motion to amend passed on a voice vote.

Senators Valentine, Davis, Thomas, and Hickman commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

**Voting in the negative were:** Senators

Allen	Arent	Blackham	Davis
Dmitrich	Hale	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Valentine			

**2nd Sub. H.B. 112**, as amended, was returned to the House for further consideration.

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President:

March 5, 2003

The Joint Conference Committee comprised of Sens. Bramble, Davis, and Stephenson, and Reps. Alexander, Duckworth, and Harper, recommends **H.B. 136**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, by Representative J. Alexander, with the following amendments:

1. Include the Senate amendments on Page 3, Lines 79–79a, of the Goldenrod copy Senate 2nd Reading Amendments dated 03–04–2003.
2. Also include the following amendments:
  - Page 1, Line 9,  
Goldenrod 03–04–2003  
Senate 2nd Reading Amendments:  
Delete “APRIL 1, 2005” and insert “April 1, 2004”
  - Page 2, Line 51,  
Goldenrod 03–04–2003  
Senate 2nd Reading Amendments:  
Delete “April 1, 2005” and insert “April 1, 2004”
  - Page 4, Line 105b–105d,  
Goldenrod 03–04–2003  
Senate 2nd Reading Amendments:  
Delete lines 105b through 105d and insert:  
“(i) (A) at a regular general election; and  
(B) in accordance with the procedures and requirements of Title 20A, Election Code, governing regular general elections; or  
(ii) (A) at a special election called by the county legislative body;  
(B) only on the date of a municipal general election provided in  
Subsection 20A–1–202(1); and  
(C) in accordance with the procedures and requirements of Section  
20A–1–203.”
  - Page 6, Line 177,  
Goldenrod 03–04–2003  
Senate 2nd Reading Amendments:  
Delete “April 1, 2005” and insert “April 1, 2004”
  - Page 7, Line 187,  
Goldenrod 03–04–2003

Senate 2nd Reading Amendments:  
Delete "April 1, 2005" and insert "April 1, 2004"

Carole Peterson, Chief Clerk

On motion of Senator Bramble, the Senate voted to concur in the Joint Conference Committee amendments to **H.B. 136, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT**. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hickman	Hillyard	Knudson	Mayne
Steele	Thomas	Valentine	Walker
Mansell			

**Voting in the negative were:** Senators

Arent	Hale	Hellewell	Jenkins
Stephenson	Waddoups	Wright	

**Absent or not voting was:** Senator

Julander

**H.B. 136** was returned to the House for further consideration.

\* \* \*

Mr. President: March 5, 2003

The House requests the return of **H.B. 367, DELIVERY SALES OF CIGARETTES**, by Representative E. Hutchings, for reconsideration.

Carole Peterson, Chief Clerk

**H.B. 367** was returned to the House.

\* \* \*

On motion of Senator Waddoups the following bills were lifted from Rules and placed on the Second Reading Calendar: **H.J.R. 28, 2nd Sub. H.B. 306, H.B. 309, H.C.R. 14, and H.B. 241.**

Senator Waddoups made the motion to lift **H.B. 289** and **1st Sub. H.B. 10** from Rules. The motion failed on a voice vote.

On motion of Senator Waddoups, and at 10:30 p.m., the Senate sauntered.

The Senate was called to order at 11:05, with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2003

The House passed, as amended, **S.B. 133**, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE, by Senator L. Blackham, and it is transmitted for consideration.

Carole Peterson, Chief Clerk

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **S.B. 133**, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Jenkins	Julander	Knudson	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Davis	Dmitrich	Gladwell	Hickman
Hillyard	Mayne		

**S.B. 133** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 5, 2003

The House passed, as amended, **S.B. 200**, STATE AUDITOR – EXPANSION OF DUTIES, by Senator M. Waddoups, and it is transmitted for consideration.

Carole Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 200**, STATE AUDITOR – EXPANSION OF DUTIES. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting were:** Senators

Davis	Dmitrich	Gladwell	Hickman
Mayne			

**S.B. 200** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2003

The House passed **S.B. 251, FIREARMS REVISIONS**, by Senator B. Evans, with the following amendments:

1. Page 1, Line 15:  
After "(1)" bracket "(a)" and after "not" insert "knowingly and intentionally"
2. Page 1, Line 16:  
Bracket "(i)" and insert "(a)"
3. Page 1, Line 17:  
Bracket "(ii)" and insert "(b)"
4. Page 1, Line 18:  
Bracket "(iii)" and insert "(c)"
5. Page 1, Line 19:  
Bracket "(iv)" and insert "(d)"
6. Page 1, Line 21:  
Bracket "(v)" and insert "(e)"
7. Page 1, Line 22:  
Bracket "(vi)" and insert "(f)"
8. Page 1, Line 24:  
Bracket "(vii)" and insert "(g)"



- 9. Page 1, Line 26:  
Bracket “(A)” and insert “(i)”
- 10. Page 1, Line 27:  
Bracket “(B)” and insert “(ii)”
- 11. Page 2, Line 29:  
Delete “(viii)” and insert “(h)”
- 12. Page 2, Lines 31–33:  
Bracket lines 31–33
- 13. Page 2, Line 47:  
Bracket “or”
- 14. Page 2, Line 49:  
After “law” Bracket “.” and insert “: or  
(c) who had actual permission of the owner or person in charge of the  
property, real or personal, at the time in question.”  
and returns it to the Senate for consideration.

On motion of Senator Bev Evans, the Senate voted to concur in the House amendments to **S.B. 251, FIREARMS REVISIONS**. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Davis	J. Evans	Hickman
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**S.B. 251** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2003

The House substituted, amended, and passed, **2nd Sub. S.B. 111, PROCESS SERVERS**, by Senator M. Waddoups, and it is transmitted for consideration.

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 111**, PROCESS SERVERS. The bill, as amended, passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**2nd Sub. S.B. 111** was returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2003

The House concurred in the Senate amendments and passed **H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, by Representative L. Pace, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 105**, INTERNET PRIVACY AND SECURITY AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 129**, VOYEURISM 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 **1st Sub. H.B. 277**, RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS, by Representative J. M. Philpot, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 294**, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.J.R. 20**, MASTER STUDY RESOLUTION, by Representative G. Curtis, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 44, 1st Sub. H.B. 105, H.B. 129, 1st Sub. H.B. 277, 3rd Sub. H.B. 294**, and **H.J.R. 20** were signed by the President of the Senate in open session and returned to the House.

\* \* \*

Mr. President:

March 5, 2003

The Speaker of the House has signed **6th Sub. S.B. 2**, GENERAL OBLIGATION BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator B. Evans, and it is transmitted for the signature of the President; and

The House passed, **S.B. 187**, EMINENT DOMAIN AMENDMENTS, by Senator P. Hellewell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 188**, FUEL TAX CREDIT, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 240**, TERM LIMIT REPEAL, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**6th Sub. S.B. 2, S.B. 187, S.B. 188**, and **S.B. 240** 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, 2003

The Speaker of the House has appointed a Conference Committee consisting of Representatives J. Alexander, W. Harper, and C. Duckworth to meet with a like committee from the Senate to consider or amend **H.B. 136**, COUNTY OPTION

SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT, by Representative J. Alexander.

Carole E. Peterson, Chief Clerk

\* \* \*

On motion of Senator Waddoups, the Senate voted to move the following bills to the top of the Second Reading Calendar: **1st Sub. H.B. 152, H.J.R. 26, and H.B. 348.**

\* \* \*

On motion of Senator Walker, the Senate voted to reconsider its action on **H.B. 296, MUNICIPAL ANNEXATION AMENDMENTS.**

The Senate voted to pass the lilac version of the bill. The bill passed on the following roll call vote:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**H.B. 296** was returned to the House

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2003

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 112, COUNTY CORRECTIONAL FACILITY REIMBURSEMENT,** by Representative B. Dee, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 5, 2003 and passed **H.B. 136, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT,** by Representative J. Alexander, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 112** and **H.B. 136** were signed by the President of the Senate in open session and returned to the House.

**SECOND READING CALENDAR**

On motion of Senator Hatch, under suspension of the rules, **1st Sub. H.B. 152, LEGISLATIVE AUDITS OF CHILD WELFARE**, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator Eastman

**1st Sub. H.B. 152** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Hickman, under suspension of the rules, **H.J.R. 26, RESOLUTION RECOGNIZING COMPETITIVE ACADEMIC ACHIEVEMENT AMONG HIGH SCHOOLS IN UTAH**, was considered read the second and third times and passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator Eastman

**H.J.R. 26** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**H.B. 348**, LIMITATION ON ALIMONY, was considered read the second time.

On motion of Senator Gladwell, the bill was circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2003

The Speaker of the House has signed **S.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 155**, PROFESSIONAL EMPLOYER ORGANIZATIONS, by Senator E. Mayne, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 157**, REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS AND OTHER CREDIT UNION RELATED ENTITIES, 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. 3**, **S.B. 155**, and **1st Sub. S.B. 157** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 230**, PARENTAL RELOCATION AMENDMENTS, was considered read the second and third times.

Senator Hillyard proposed the following amendment:

1. Page 3, Line 74:  
After "provide" insert "if possible"

Senator Hillyard's motion to amend passed on a voice vote.

The bill passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator  
Hickman

**1st Sub. H.B. 230**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Buttars, the following bills were moved to the top of the Second Reading Calendar: **H.B. 241**, and **6th Sub. H.B. 123**.

\* \* \*

On motion of Senator Dmitrich and on a standing vote, the following bill was moved to the top of the Second Reading Calendar: **H.B. 5**.

\* \* \*

On motion of Senator Waddoups, the following bill was moved to the top of the Second Reading Calendar: **H.J.R. 28**.

\* \* \*

On motion of Senator Mayne, under suspension of the rules, **H.J.R. 28**, RESOLUTION URGING CONGRESS TO REVIEW IMMIGRATION AND NATURALIZATION, was considered read the second and third times. At the request of Senator Mayne, the bill was read in its entirety. Senator James Evans commented. The bill passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Absent or not voting was:** Senator  
Thomas

**H.J.R. 28** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

**1st Sub. H.B. 5**, PROHIBITION OF COERCIVE RESTRAINT PRACTICES, was read the second time.

On motion of Senator Walker, the bill was circled.

\* \* \*

On motion of Senator Valentine, the following bill was moved to the top of the Second Reading Calendar: **1st Sub. H.B. 299**.

On motion of Senator Gladwell, under suspension of the rules, **1st Sub. H.B. 299**, TRUST LAW AMENDMENTS, was considered read the second and third times.

Senator Valentine proposed the following amendment:

1. Page 5, Line 131  
House Floor Amendments  
2-28-2003:  
Delete line 131
2. Page 5, Line 135  
House Floor Amendments  
2-28-2003:  
Delete line 135
3. Page 5, Line 137  
House Floor Amendments  
2-28-2003:  
Delete “real or”  
Re-number Subsection (1) accordingly.



4. Page 5, Line 137  
House Floor Amendments  
2-28-2003:  
After line 137, insert:  
“(c) This Subsection (1) does not apply to any interest in real property.”
5. Page 9, Line 257:  
After line 257, insert:  
“(h) “Irrevocable trust” means a trust in which the settlor may not revoke or terminate all or part of the trust without the consent of a person who has a substantial beneficial interest in the trust and the interest would be adversely affected by the exercise of the settlor’s power to revoke or terminate all or part of the trust.”  
Renumber the remaining subsections accordingly.
6. Page 11, Line 333a  
House Floor Amendments  
2-28-2003:  
After “Income in” delete “a” and insert “an irrevocable”
7. Page 11a, Line 333i  
House Floor Amendments  
2-28-2003:  
After “(j)” insert “non-”
8. Page 27, Line 831:  
At the end of the line, delete “If”
9. Page 28, Lines 832 – 833:  
Delete lines 832 and 833
10. Page 28, Line 834:  
Delete “asset protection trust.”
11. Page 29, Line 867  
House Floor Amendments  
2-28-2003:  
After “(A)” insert “is”
12. Page 31, Line 936:  
Change the effective date to 12-31-2003

Senator Valentine’s motion to amend passed on a voice vote.

Senators Hillyard and Allen commented. The bill passed, having had no Senate standing committee hearing and under suspension of the rules, on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Voting in the negative was:** Senator  
Hillyard

**Absent or not voting were:** Senators

Arent	Julander
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**1st Sub. H.B. 299**, as amended, was returned to the House for further consideration.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2003

The House passed **1st Sub. S.B. 164**, COUNTY AMENDMENTS, by Senator D. Gladwell, with the following floor amendments and also the following House Committee Amendments in context:

1. Page 23, Line 684  
Senate 2nd Reading Amendments,  
2-24-2003:  
After “(2)” insert “(a)”
2. Page 23, Line 685  
Senate 2nd Reading Amendments,  
2-24-2003:  
At the beginning of line 685 bracket “(a)” and insert “(i)”
3. Page 23, Line 686  
Senate 2nd Reading Amendments,  
2-24-2003:  
At the beginning of line 686 bracket “(b)” and insert “(ii)”

- 4. Page 23, Line 689  
Senate 2nd Reading Amendments,  
2-24-2003:  
At the beginning of line 689 bracket “(c)” and insert “(iii)”
- 5. Page 23, Line 690  
Senate 2nd Reading Amendments  
2-24-2003:  
After “contract.” insert “or” and delete “or, as allowed by law, condemnation.”
- 6. Page 23, Line 692  
Senate 2nd Reading Amendments,  
2-24-2003:  
At the beginning of line 692 bracket “(d)” and insert “(iv)” and after line 692 insert:

“(b) Nothing in Subsection (2)(a)(ii) may be construed to authorize a county to acquire by condemnation the rights to water used in agricultural production unless the land to which those water rights are appurtenant is acquired by condemnation.”  
and returns it to the Senate for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Gladwell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 164**, COUNTY AMENDMENTS. Senator Dmitrich proposed a substitute motion to not concur with the amendments. The motion failed. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 2; Absent, 0.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Voting in the negative were:** Senators

Allen	Davis
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**1st Sub. S.B. 164** was returned to the House for further consideration.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2003

The House passed **S.B. 176**, EDUCATION SUPPORT LICENSE PLATE, by Senator J. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 176** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

### SECOND READING CALENDAR

**H.B. 241**, PARTIAL BIRTH ABORTION AMENDMENTS, was read the second time. Senator Allen commented and made a motion to substitute.

On motion of Senator Buttars, the bill was circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2003

The Speaker of the House has signed **2nd Sub. S.B. 111**, PROCESS SERVERS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 133**, REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 164**, COUNTY AMENDMENTS, by Senator D. Gladwell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 195**, OBSTRUCTION OF JUSTICE AND TAMPERING WITH EVIDENCE, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 196**, ELECTION LAW – DISCLOSURE REQUIREMENTS, by Senator B. 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. 200**, STATE AUDITOR – EXPANSION OF DUTIES, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, **S.B. 202**, PEACE OFFICER AMENDMENT, 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 **S.B. 251**, FIREARMS REVISIONS, by Senator B. Evans, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 252**, NURSE PRACTICE ACT EXEMPTION AMENDMENT, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 111, S.B. 133, 1st Sub. S.B. 164, S.B. 195, S.B. 196,, S.B. 200, S.B. 202, and 1st Sub. S.B. 252** 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, 2003

The House concurred in the Senate amendments and passed **1st Sub. H.B. 230**, PARENTAL RELOCATION AMENDMENTS, by Representative M. Thompson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 299**, TRUST LAND AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 230 and 1st Sub. H.B. 299** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the circle was removed from **H.B. 241**, PARTIAL BIRTH ABORTION AMENDMENTS, and it was before the Senate at midnight. It remained as unfinished business.

\* \* \*

On motion of Senator Waddoups, the Senate struck the enacting clause on all House bills and resolutions remaining on the Senate calendar and with the Rules Committee.

On motion of Senator Waddoups, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President Al Mansell directed Annette Moore and Sandy Tenney to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2003 General Session of the Fifty–Fifth Legislature.

President Mansell appointed Senators Howard Stephenson, David Thomas, and Karen Hale to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Carlene Walker, Greg Bell, and Paula Julander to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Michael Waddoups and Senator Mike Dmitrich expressed appreciation to the opposite party.

Senator Beverly Evans, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the Senators. She also expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Bev Evans also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Bev Evans, the Senate voted to give each member of the Senate staff an additional 16 hours' compensation at the rates established for each employee.

President Mansell expressed appreciation to Senator Leonard Blackham for his excellent service as Appropriations Chairman and to Senator John Hickman for his service as Appropriations Vice–Chairman.

Senator Stephenson reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Walker reported that her committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Michael Leavitt made closing remarks and expressed appreciation to the Senate.

On motion of Senator Waddoups and at 12:00 a.m., the Senate adjourned sine die.

**SENATE STRUCK ENACTING CLAUSE  
(HOUSE BILLS AND RESOLUTIONS)**

Mr. President:

March 5, 2003

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

- |                         |   |
|-------------------------|---|
| <b>1st Sub H.B. 5</b>   | PROHIBITION OF COERCIVE RESTRAINT PRACTICES – Mike Thompson   |
| <b>1st Sub H.B. 6</b>   | SHARED PARENTING BY DIVORCING PARENTS – Mike Thompson   |
| <b>1st Sub H.B. 10</b>  | PARENT-TIME AMENDMENTS – James A. Ferrin  |
| <b>H.B. 43</b>          | REAUTHORIZATION OF FUNDING OF STATE AND COUNTY HEALTH AND HUMAN SERVICES TASK FORCE – Jack A. Seitz |
| <b>H.B. 62</b>          | EMERGENCY RESPONSE COSTS – Brent H. Goodfellow  |
| <b>H.B. 69</b>          | APPROPRIATION FOR SCHOOL DISTRICT IMPACTED BY FEE WAIVERS – LaWanna Lou Shurtliff                   |
| <b>H.B. 77</b>          | HIGH SCHOOL GRADUATION REQUIREMENTS – FINANCIAL LITERACY – David L. Hogue                           |
| <b>3rd Sub H.B. 89</b>  | RENEWABLE ENERGY AMENDMENTS – James R. Gowans   |
| <b>H.B. 93</b>          | SUSPENSION OF DRIVING PRIVILEGES FOR HABITUAL TRUANTS – Duane E. Bourdeaux                          |
| <b>H.B. 100</b>         | STATE RETIREMENT CONVERSION WINDOW – Brad King  |
| <b>1st Sub H.B. 109</b> | INFORMED CONSENT FOR ELECTROCONVULSIVE TREATMENT AND REPORTING REQUIREMENTS – Katherine M. Bryson   |
| <b>2nd Sub H.B. 114</b> | MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM – Brad L. Dee                                    |
| <b>6th Sub H.B. 123</b> | PROHIBITION OF PUBLIC FUNDING FOR ABORTION – J. Morgan Philpot                                      |
| <b>3rd Sub H.B. 150</b> | POLL WATCHER AND PRESERVATION OF ELECTION DATE AMENDMENTS – J. Morgan Philpot                       |

- H.B. 166** PAYDAY LENDING – Ty McCartney
- H.B. 179** IMPOUND UNINSURED MOTORIST VEHICLE –  
C. Bennion
- 4th Sub H.B. 186** ELEMENTARY SCHOOL VENDING MACHINE  
SALES – Patricia W. Jones
- H.B. 195** ELECTION PROCESS FOR NONBINDING  
STATEWIDE OPINION QUESTION – Sheryl L. Allen
- 2nd Sub H.B. 215** STATE AGENCY – LOBBYIST RESTRICTION  
AMENDMENTS – Wayne A. Harper
- H.B. 233** USE OF EDUCATION REVENUES – Michael R. Styler
- 1st Sub H.B. 237** LEGISLATIVE EVALUATION OF APPROVAL OF  
RADIOACTIVE WASTE FACILITY –  
Kory M. Holdaway
- H.B. 241** PARTIAL BIRTH ABORTION AMENDMENTS –  
Mike Thompson
- H.B. 289** HUMAN RESOURCE MANAGEMENT  
AMENDMENTS – J. Morgan Philpot
- H.B. 301** MOTOR VEHICLE PURCHASE AMENDMENTS –  
Don E. Bush
- 2nd Sub H.B. 306** CONSTRUCTION LIEN AMENDMENTS –  
Stephen D. Clark
- H.B. 309** SPECIAL FUNCTION OFFICERS FOR DIVISION OF  
OCCUPATIONAL AND PROFESSIONAL LICENSING  
– J. Morgan Philpot
- 1st Sub H.B. 325** COURT-ORDERED COUNSELING –  
Glenn A. Donnelson
- H.B. 326** PARENT-TIME SCHEDULE AMENDMENTS –  
Scott Daniels
- H.B. 330** VETERANS GROUP LICENSE PLATE REVISIONS –  
Steven R. Mascaro
- H.B. 348** LIMITATION ON ALIMONY – Wayne A. Harper
- H.B. 350** FISCAL YEAR APPROPRIATION LIMIT –  
James A. Ferrin
- H.B. 360** CHILD SUPPORT OBLIGATIONS – USE OF UTAH  
DATA – Eric K. Hutchings
- 1st Sub H.B. 367** DELIVERY SALES OF CIGARETTES –  
Eric K. Hutchings
- H.C.R. 3** RESOLUTION ON TUITION TAX CREDIT BALLOT  
OPINION QUESTION – Sheryl L. Allen
- H.C.R. 11** RESOLUTION PROMOTING MODERATELY SIZED  
SCHOOLS – David L. Cox



- H.C.R. 14** RESOLUTION ENCOURAGING CONGRESSIONAL FUNDING OF INDIVIDUALS WITH DISABILITIES EDUCATION ACT – Kory M. Holdaway
- H.C.R. 15** RESOLUTION SUPPORTING PRESIDENT AND ADMINISTRATION REGARDING IRAQ – Chad E. Bennion
- H.J.R. 1** EXECUTIVE APPROPRIATION COMMITTEE PROCESS AMENDMENTS – James A. Ferrin
- 1st Sub H.J.R. 3** RESOLUTION ON OFFERS FOR SETTLEMENT OF CASES – John Dougall
- 2nd Sub H.J.R. 7** RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE – Chad E. Bennion

Annette B. Moore  
Secretary of the Senate

**HOUSE STRUCK ENACTING CLAUSE  
(SENATE BILLS AND RESOLUTIONS)**

Mr. President:

March 5, 2003

I am directed to inform the Utah State Senate that the House Committee On Rules has struck the enacting clause on the following Senate Bills and Resolutions:

- 2nd Sub. S.B. 34** TUITION TAX CREDITS – (D. Chris Buttars)
- S.B. 46** RESIDENTIAL PROPERTY TAX EXEMPTIONS – (Ed P. Mayne)
- 2nd Sub. S.B. 59** AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT – (Patrice M. Arent)
- 2nd Sub. S.B. 76** UTAH FIREWORKS ACT AMENDMENTS – (Dan R. Eastman)
- S.B. 82** AUTHORIZED OVERSPENDING LIMIT IN FEDERAL MEDICAID BUDGET – (Beverly Ann Evans)
- 1st Sub. S.B. 98** TAXATION OF MEDICAL IMPLANTED DEVICES AND PROSTHETICS – (D. Chris Buttars)
- S.B. 110** INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT – (Thomas V. Hatch)
- S.B. 125** RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS – (Curtis S. Bramble)
- 1st Sb. S.B. 129** STATE AND LOCAL AGENCIES CRITERIA IN AWARDDING BIDS – (James M. Evans)

- S.B. 162** MEDICAL BENEFITS RECOVERY ACT  
AMENDMENTS – (David H. Steele)
- 3rd Sub. S.B. 179** NOTICE OF CLAIM OF GOVERNMENTAL  
IMMUNITY – (David L. Gladwell)
- S.B. 211** CONSUMER SALES PRACTICES ACT  
AMENDMENTS – (Patrice M. Arent)
- S.B. 217** MOTOR VEHICLE – TITLE REQUIREMENTS –  
(Gregory Bell)
- S.B. 221** UTAH NATIONAL PARKS LICENSE PLATES –  
(Thomas V. Hatch)
- S.B. 227** FEE INCREASE – (Thomas V. Hatch)
- S.B. 241** REVIEW OF PARENT TIME, CUSTODY, AND CHILD  
SUPPORT LAWS – (James M. Evans)
- S.B. 254** REVENUE BOND AUTHORIZATION –  
(John L. Valentine)
- S.C.R. 7** RESOLUTION SUPPORTING ORGAN DONATION –  
(Karen Hale)
- S.J.R. 11** RESOLUTION ENCOURAGING CONGRESS TO  
ENACT MEDICARE PRESCRIPTION DRUG BENEFIT  
– (Gene Davis)

Marda Dillree, Chair

Report filed.

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Mr. President: March 5, 2003

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

- S.B. 22** TELECOMMUNICATIONS RELATED TAXES, FEES,  
AND CHARGES – Curtis S. Bramble
- S.B. 31** PROPERTY FORFEITURE AMENDMENTS –  
John L. Valentine
- S.B. 38** CHILD ACCESS TO FIREARM PREVENTION  
AMENDMENTS – Paula F. Julander
- S.B. 39** AMENDMENTS TO THE UTAH  
ANTIDISCRIMINATION ACT – Ed P. Mayne
- S.B. 44** TORT REFORM AMENDMENTS –  
Leonard M. Blackham
- S.B. 50** MUNICIPAL LAND USE AND DEVELOPMENT  
AMENDMENTS – Michael G. Waddoups
- 2nd Sub S.B. 54** MOBILE HOME PARK RESIDENCY ACT  
AMENDMENTS – Ed P. Mayne

- 2nd Sub S.B. 56** LOCAL GOVERNMENT BOARDS OF EXAMINERS – James M. Evans
- S.B. 60** HEALTH CARE – UNIFORM DATA FORMATTING STANDARDS – Gregory S. Bell
- 2nd Sub S.B. 62** UTAH HOUSE INSPECTION STANDARD OF PRACTICE – Paula F. Julander
- S.B. 63** CORE CURRICULUM AMENDMENTS – Bill Wright
- S.B. 64** ALTERNATIVE TEACHER LICENSING – Bill Wright
- S.B. 69** PAWNBROKER INDUSTRY AMENDMENTS – Michael G. Waddoups
- S.B. 70** CLASS ACTIONS FOR MATTERS OVER WHICH STATE TAX COMMISSION HAS JURISDICTION – Howard A. Stephenson
- S.B. 71** ROLLBACK TAX AND ONE-TIME IN LIEU FEE AMENDMENTS – Peter C. Knudson
- S.B. 73** PERSONAL USE OF CAMPAIGN FUNDS – Karen Hale
- S.B. 77** INDEPENDENT ESCROW AGENTS AMENDMENTS – Thomas V. Hatch
- S.B. 81** PUBLIC SAFETY RETIREMENT AMENDMENTS – Mike Dmitrich
- S.B. 99** SEAT BELT ENFORCEMENT – Karen Hale
- S.B. 101** PROCUREMENT CODE REQUIREMENTS OF HEALTH CARE BENEFITS – Ed P. Mayne
- S.B. 102** PROPERTY TAX APPEAL PROVISIONS – Curtis S. Bramble
- S.B. 113** MIDWIFE CERTIFICATION ACT – Thomas V. Hatch
- S.B. 114** JOURNAL OF NOTARY PUBLIC ACTS – Peter C. Knudson
- S.B. 119** MOTOR VEHICLE INSURANCE – PERSONAL INJURY PROTECTION – M. Dmitrich
- 2nd Sub S.B. 134** PROMOTION OF PREVENTATIVE HEALTH CARE – Paula F. Julander
- S.B. 135** REDEVELOPMENT AGENCIES – EXEMPTION FOR SCHOOL PROPERTY TAXES – Leonard M. Blackham
- 2nd Sub S.B. 137** REGULATION OF COERCIVE RESTRAINT PRACTICES – Parley G. Hellewell
- 1st Sub S.B. 139** VOTED LEEWAY AMENDMENTS – Bill Wright
- S.B. 144** HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS – Peter C. Knudson
- S.B. 145** APPLICATION OF UTAH PUBLIC OFFICERS’ AND EMPLOYEES’ ETHICS ACT – Ed P. Mayne

- S.B. 150** UNIFORM TRUST ACT – Lyle W. Hillyard  
**S.B. 152** UTAH PROCUREMENT CODE AMENDMENTS –  
David H. Steele
- S.B. 156** SAFETY REQUIREMENTS FOR PUBLIC WATER  
SYSTEMS – Ed P. Mayne
- S.B. 159** AMENDMENTS TO INSURANCE LAW –  
John L. Valentine
- S.B. 160** INSURANCE RELATED AMENDMENTS –  
John L. Valentine
- S.B. 161** INSURANCE LAW AMENDMENTS – John L. Valentine  
**S.B. 166** COMMUNITY AND ECONOMIC DEVELOPMENT  
AMENDMENTS – Carlene M. Walker
- S.B. 167** SCOPE OF DENTAL PRACTICE – Peter C. Knudson  
**S.B. 168** HIGHER EDUCATION LEGISLATIVE TASK FORCE –  
David L. Gladwell
- S.B. 169** TRANSFER OF STATE IRON COUNTY CORRECTION  
FACILITY TO COUNTY – Thomas V. Hatch
- S.B. 170** AMENDMENTS TO WORKERS' COMPENSATION –  
Curtis S. Bramble
- S.B. 171** ENVIRONMENTAL WASTE – TAXATION AND  
PERPETUAL CARE FUND – John L. Valentine
- S.B. 174** LIEN OF CHIROPRACTIC PROVIDERS –  
D. Chris Buttars
- S.B. 178** INSURANCE COMMISSION REVISIONS –  
John L. Valentine
- S.B. 181** APPOINTMENT OF ATTORNEY TO ADVISE  
COUNTY EXECUTIVE AND COUNTY LEGISLATIVE  
BODY – Carlene M. Walker
- SB 182** INDIVIDUAL INCOME TAX – CONTRIBUTION TO  
BOYS AND GIRLS CLUBS OF AMERICA –  
D.Chris Buttars
- S.B. 183** FUNDING FOR CHILDRENS HEALTH INSURANCE  
PROGRAM – DENTAL – Peter C. Knudson
- S.B. 185** SCHOOL PERSONNEL – PROCEDURAL RIGHTS –  
D. Chris Buttars
- S.B. 189** VETERANS AFFAIRS COMMITTEE AMENDMENTS  
– Gene Davis
- S.B. 190** EXPANSION OF USES OF PUBLICLY FUNDED  
SHOOTING RANGES – Bill Wright
- S.B. 192** CORPORATE AND INDIVIDUAL INCOME TAX  
AMENDMENTS – Curtis S. Bramble

- S.B. 197** HUNTING WILDLIFE RESTRICTIONS –  
Beverly Evans
- S.B. 199** LIMITATIONS ON INFORMAL JUDICIAL  
REPRIMANDS – David L. Thomas
- S.B. 201** SUSPENSION OF CERTAIN STATUTORY MANDATES  
– Leonard M. Blackham
- S.B. 205** TOBACCO MARKETING PRACTICES  
RESTRICTIONS – Curtis S. Bramble
- S.B. 210** SURCHARGE ON MOVING TRAFFIC VIOLATIONS –  
Mike Dmitrich
- S.B. 212** MINERS HEALTH AND SAFETY – Ed. P. Mayne
- S.B. 215** MOTOR VEHICLE – MINIMUM COVERAGE FOR  
SELF INSURED – Michael G. Waddoups
- 1st Sub S.B. 218** UNLAWFUL SALE OR DISPLAY OF MOTOR  
VEHICLES – Gregory S. Bell
- S.B. 219** GOVERNMENTAL IMMUNITY ACT AMENDMENTS  
– L. Blackham
- S.B. 220** FUNDS RELATED TO WORKPLACE SAFETY AND  
WORKERS' COMPENSATION – Scott K. Jenkins
- S.B. 222** STATE PROPERTY AMENDMENTS –  
John L. Valentine
- S.B. 224** USE OF TRANSPORTATION FUND – Scott K. Jenkins
- S.B. 228** TASK FORCE ON ALTERNATIVE TO  
INCARCERATION – D. Chris Buttars
- S.B. 229** TAX AMENDMENTS – John L. Valentine
- S.B. 230** PAYMENT OF FIRE SUPPRESSION COSTS ON  
SCHOOL AND INSTITUTIONAL TRUST LANDS –  
Leonard M. Blackham
- S.B. 231** CREDIT UNION AMENDMENTS – David H. Steele
- S.B. 232** HEALTH INSURANCE SUBROGATION  
AMENDMENTS – Gregory S. Bell
- S.B. 234** APPLIED TECHNOLOGY EDUCATION –  
Scott K. Jenkins
- S.B. 235** GENERAL GOVERNMENT OPERATIONS –  
Karen Hale
- S.B. 236** REVISIONS TO GENERAL GOVERNMENT –  
John L. Valentine
- S.B. 237** GOVERNMENT RECORDS ACCESS MANAGEMENT  
ACT – John L. Valentine
- S.B. 238** AMENDMENTS TO PUBLIC EDUCATION –  
John L. Valentine

- S.B. 239** TRANSPORTATION AMENDMENTS – Dan R. Eastman  
**S.B. 242** AMENDMENTS TO CONSTRUCTION CONTRACTS –  
Scott K. Jenkins
- S.B. 243** TOURISM – ECONOMIC STIMULUS PACKAGE –  
Peter C. Knudson
- S.B. 244** AMENDMENTS TO LENDING LAW – Gene Davis  
**S.B. 245** CHANGES TO GENERAL GOVERNMENT –  
Gene Davis
- S.B. 246** AMENDMENTS TO MUNICIPAL GOVERNMENT –  
Thomas V. Hatch
- S.B. 247** COUNTY GOVERNMENT AMENDMENTS –  
Thomas V. Hatch
- S.B. 248** BOTTLE AND CAN DEPOSIT REQUIREMENTS –  
Gene Davis
- S.B. 249** ADMINISTRATIVE FINES – CLEAN UP  
AMENDMENTS – Lyle W. Hillyard
- S.B. 250** SENATE RETENTION VOTE FOR JUDGES –  
John L. Valentine
- S.C.R. 1** RESOLUTION URGING LIGHT POLLUTION  
PREVENTION – Ron Allen
- S.C.R. 4** RESOLUTION HONORING LIFE FLIGHT –  
Paula F. Julander
- S.C.R. 5** CONCURRENT RESOLUTION ON RADIOACTIVE  
WASTE – Michael G. Waddoups
- S.C.R. 6** RESOLUTION MEMORIALIZING FRANK E. MOSS –  
Patrice Arent
- S.J.R. 3** RESOLUTION PROVIDING FOR CONTESTED  
JUDICIAL ELECTIONS – David L. Thomas
- S.J.R. 5** RESOLUTION ON MUNICIPAL WATER RIGHTS –  
Scott K. Jenkins
- S.J.R. 6** RESOLUTION CAPPING PROPERTY TAX FOR  
CERTAIN RESIDENTS – D. Chris Buttars
- S.J.R. 9** JOINT RESOLUTION ON RADIOACTIVE WASTE –  
Michael G. Waddoups
- S.J.R. 10** HEALTH RESOLUTION – Peter C. Knudson

**S.J.R. 12**

JOINT RULES RESOLUTION – REVIEW AND  
FISCAL NOTING OF TAX EXEMPTIONS –

Lyle W. Hillyard

**S.R.7**

RESOLUTION REGARDING DIVISION OF YOUTH  
CORRECTIONS NAME CHANGE –

Parley G. Hellewell

Lyle Hillyard

Senate Rule Committee Chair

Report filed.

**SUMMARY OF LEGISLATION  
2003 GENERAL SESSION**

	<b>House</b>	<b>Senate</b>	<b>Total</b>
Bills Introduced	374	254	628
Bills Passed	193	154	347
Bills Vetoed	2	2	4
Line Items Vetoed	0	1	1
<b><i>Total Bills Enacted</i></b>	<b><i>191</i></b>	<b><i>152</i></b>	<b><i>343</i></b>
Joint Resolutions Introduced	28	12	40
Concurrent Resolutions Introduced	15	7	22
House & Senate Resolutions Introduced	10	7	17
<b><i>Total Resolutions Introduced</i></b>	<b><i>53</i></b>	<b><i>26</i></b>	<b><i>79</i></b>
Joint Resolutions Passed	16	5	21
Concurrent Resolutions Passed	9	2	11
House & Senate Resolutions Passed	7	6	13
<b><i>Total Resolutions Passed</i></b>	<b><i>32</i></b>	<b><i>17</i></b>	<b><i>45</i></b>

**STATISTICAL SUMMARY OF GENERAL SESSIONS  
1996-2002**

	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Bills Introduced	797	668	691	640	700	664	557
Bills Passed	353	400	425	384	360	380	338
Bills Vetoed	5	6	7	5	5	3	8
Vetos Overridden	0	0	0	0	0	0	1
Joint Resolutions Introduced	45	37	37	25	31	31	46
Joint Resolutions Passed	17	23	17	12	15	23	27
Concurrent Resolutions Introduced	17	14	19	10	13	17	13
Concurrent Resolutions Passed	11	9	15	7	10	11	10
House & Senate Resolutions Introduced	7	12	7	9	10	14	8
House & Senate Resolutions Passed	5	9	6	8	8	10	7



**GOVERNOR'S ACTION ON LEGISLATION  
2003 GENERAL SESSION**

**Veto**

HB 105 Internet Privacy And Security Amendments  
HB 168 Filling Midterm Vacancies in the Legislature  
SB 165 Gubernatorial Nominee Amendments  
SB 251 Firearms Revisions

**Line Item Veto**

SB 3 Supplemental Appropriations Act

**Law Without Signature**

HB 0  
SB 0

**Signed with a Letter**

SB 66 Alcohol Beverage Enforcement and Treatment

**COMMUNICATIONS FROM THE GOVERNOR**

Mr. President Mansell and Speaker Stephens: March 24, 2003

This is to inform you that on March 24, 2003, I signed **S.B. 66, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT**, and transmitted it to the Lieutenant Governor for filing. As I reviewed this bill, I discovered a funding issue that needs correction.

Funding to implement the bill includes \$3,255,666 in Fiscal Year 2004 for local law enforcement. The Legislature put funds into the newly created Alcoholic Beverage Enforcement and Treatment Restricted Account for that purpose, but failed to make the required appropriation to local law enforcement. The oversight ought to be corrected, and I intend to place this issue on the call of a special session.

Michael O. Leavitt  
Governor

Mr. President Mansell and Speaker Stephens: March 24, 2003

This is to inform you that on March 24, 2003, I vetoed the following item of appropriation in **S.B. 3**, SUPPLEMENTAL APPROPRIATION ACT II, and have transmitted the bill to the Lieutenant Governor for filing.

Item 65 To the Department of Human Services – Division of Substance Abuse and Mental Health. From General Fund \$8, 200. To implement the provisions of House Bill 109, 2003 General Session.

This item is unnecessary, as **H.B. 109** did not pass.

Michael O. Leavitt  
Governor

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Mr. President Mansell and Speaker Stephens: March 24, 2003

This is to inform you that on March 24, 2003, I decided, after careful consideration and study, to veto **H.B. 105**, INTERNET PRIVACY AND SECURITY AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

We live in an age of rapid technological change. The Internet has changed and will continue to change our society dramatically. One of the important goals of my administration is to use this powerful tool to provide government services online. E-government transactions cost less, are more convenient, take less time to process, and do not require travel to a government office. They are also available 24 hours a day, seven days a week.

With all of these advantages, however, there is potential for misuse. The privacy and security of Internet transactions is important to the success of e-government. The same can be said of private Internet transactions. House Bill 105 attempts to address this important topic. I share the sponsor's desire to protect the security and privacy of these transactions.

In its original form, the bill mandated a number of restrictions on Internet Service Providers ("ISPs") as well as on state government. In the course of debate, the Legislature ultimately opted to drop the restrictions on ISPs and engage in further study. I am vetoing this bill because the restrictions it imposes on state government also deserve further study. In their current form, I believe these restrictions are somewhat impractical and will increase the costs and burdens of e-government unnecessarily.

I have a high degree of confidence in the present security of our state system and the privacy of the transactions we now process. I pledge to engage in further

study of this topic and to seek continuous improvements in the privacy and security of e-government.

Michael O. Leavitt  
Governor

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Mr. President Mansell and Speaker Stephens: March 24, 2003

This is to inform you that on March 24, 2003, I decided, after careful consideration and study, to veto **H.B. 168**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, and have transmitted it to the Lieutenant Governor for filing.

House Bill 168 started out as a technical clean up. An amendment changed the bill's character to remove from the governor the right to fill midterm vacancies in the Legislature and confer that right instead on the speaker of the House and president of the Senate for vacancies in the House of Representatives and Senate, respectively.

The founders of our nation rightly recognized the potential for one branch to seek to increase its authority at the expense of another. Human nature being what it is, the founders provided us with checks and balances. The success of our democracy depends on continuous, unbending allegiance to separation of powers and checks and balances. Because **H.B. 168** takes a step — even a relatively small step — in the wrong direction, I feel compelled to veto.

I do not want to overstate possible negative motives legislators may have had in passing this bill. I have come to recognize that my ability to appoint new legislators is largely ceremonial. The governor appoints new legislators selected by the party leaders and delegates who selected the prior holder of the seat for candidacy.

However, the governor's appointment authority has importance in one significant way: The governor is a neutral party with respect to the internal governance of the legislative chambers. Put more directly, the gubernatorial appointment of a new legislator is unlikely to influence internal leadership politics. The net effect of this bill is, in contrast, to strengthen the political base of the sitting chairs of the House and Senate. The governor's ability to appoint new legislators to vacant seats is clearly a check on the power of the chair.

A lesson can be drawn from the appointment of judges. Our system of checks and balances provides that the executive selects a judge, subject to Senate approval; not one but both of the other branches thus provide a check on the

judiciary. If sitting judges appointed new judges, they would be able to perpetuate their own, perhaps erroneous, viewpoints and build allegiances to one another that would make politics, not the law, the supreme consideration in court.

For similar reasons, sitting legislative leaders should not be able [to] perpetuate their own leadership base by appointing new legislators. I feel it is my duty to exercise my check on the legislative branch by vetoing this bill.

Michael O. Leavitt  
Governor

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Mr. President Mansell and Speaker Stephens: March 24, 2003

This is to inform you that on March 24, 2003, after careful study and consideration, I decided to veto **S.B. 165**, GUBERNATORIAL NOMINEE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

Senate Bill 165 requires the governor, when making a judicial appointment, to “immediately provide” to the Senate a variety of information, most of which is acceptable to me and which I already supply. One aspect of the bill, however, is unacceptable. It is a provision that requires me to forward ‘the name, address, and telephone number of each person who gave information to the governor or his staff about the judicial appointee,’ whether the information was solicited or not.

I consider this requirement to be akin to an impediment on free speech, both mine and of those who comment on judicial candidates.

I am certain legislators would react negatively if I adopted a rule that before I sign a bill they must forward to me a complete list, including names, addresses and telephone numbers, of all lobbyists and constituents who have expressed an opinion on the bill.

The objective of reviewing candidates for judicial office is to get the best information possible. This proposed change in the law will have a chilling effect on my ability to do that. Those who comment to me or my staff have an expectation of confidentiality. Some comments come from sitting judge who may have to work with the person about whom they are commenting. Others are members of the bar who could well have to appear before that person in court. Many others who comment are members of the Legislature. The very act of commenting about a judicial candidate provides a premise for later prejudice. While I am confident the Senate would intend to keep my list of contacts confidential, I believe they are as equipped as I to receive or solicit comments. They have 60 days within which to review my choice of a single appointee. I have

only 30 days within which to review the five to seven nominees forwarded to me by the judicial nominating commission.

I feel a heavy responsibility to make selections for judicial office after most careful consideration. It is in my interest to be as helpful as possible during the Senate's confirmation process as well. I thought the recent Supreme Court confirmation process went very well, considering it was a new — and consequently somewhat tense — experience for all concerned. I congratulate the Senate for its good work. The public benefitted from the Senate's careful review. I invite the Legislature to respect my selection process, as I respect their confirmation process, and work cooperatively toward the best choices possible. In the spirit of cooperation I am willing to comply voluntarily with the other provisions of **S.B. 165** and would consider the bill's reenactment with the requirement for names, address and phone numbers. However, I do not think of any of the three branches of government benefits from that proposed additional constraint on candor and discretion.

Michael O. Leavitt  
Governor

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Mr. President Mansell and Speaker Stephens: March 24, 2003

This is to inform you that on March 24, 2003, I decided to veto **S.B. 251, FIREARMS REVISIONS**, at the request of the bill's sponsor and have transmitted it to the Lieutenant Governor for filing.

Under current law, it is a criminal offense to shoot a gun from a vehicle; shoot at road signs; shoot railroad equipment; shoot power poles or utility property; shoot in or around state-owned campsites, picnic sites, beaches, and golf courses; or shoot within 600 feet of private dwellings, barns and other buildings without permission of the owner.

Senate Bill 251, as intended by the sponsor, added that it would also be unlawful to discharge a weapon in the direction of occupied vehicles and dwellings.

In the course of debate, the bill was amended to require that for all these offenses a prosecutor must prove that the offender acted "knowingly and intentionally." In lay terms, "knowing and intentional" may seem only to mean "on purpose." In criminal law, however, these additional words increase the standard of proof considerably. To get a conviction for any of the above acts, a prosecutor would need to prove the state of mind of the offender with objective evidence beyond a reasonable doubt. In effect, the bill as passed decreases the

enforceability of the current law substantially. I agree with the bill's sponsor that this bill should not become law.

Michael O. Leavitt  
Governor

# **SUBJECT INDEX**

ALL SENATE AND HOUSE BILLS  
AND RESOLUTIONS

(P) – Passed & (F) – Failed

2003 GENERAL SESSION  
FIFTY–FIFTH LEGISLATURE  
**January 20 through March 5, 2003**





**SUBJECT INDEX TITLES**

**ABORTION**

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- Prohibition of Public Funding for Abortion, Philpot, J. M. . . . . HB 123 (F)

**ABUSE**

- Expedited Child Welfare Procedures, Bennion, C. . . . . HB 133 (P)

**ABUSE, NEGLECT, OR EXPLOITATION OF DISABLED ADULTS**

- Expedited Child Welfare Procedures, Bennion, C. . . . . HB 133 (P)

**ADMINISTRATIVE RULES AND PROCEDURES**

- Administrative Fines – Clean up Amendments, Hillyard, L. . . . . SB 249 (F)
- Division of Corporations Amendment, Gowans, J. . . . . HB 38 (P)
- Exemptions Related to Exchange of Securities, Bennion, C. . . . . HB 290 (P)
- Reauthorization of Administrative Rules, Ure, D. . . . . HB 45 (P)
- State Tax Commission Amendments, Stephenson, H. . . . . SB 226 (P)
- Utah Administrative Rulemaking Act Amendments, Stephenson, H. SB 30 (P)

**ADMINISTRATIVE SERVICES**

- Amendments Related to Information Technology, Steele, D. . . . . SB 151 (P)

**ADOPTION**

- Individual Income Tax – Adoption Expenses, Walker, C. . . . . SB 118 (P)

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Read the third time . . . . .	364
Amendments . . . . .	364, 378
Transmitted to the House . . . . .	365, 379
Recalled . . . . .	368
Before the Senate . . . . .	372
Concurrence . . . . .	851
Refuse to Recede . . . . .	857, 881
Conference Committee report . . . . .	907
Signed by the President and transmitted to the Governor . . . . .	923
<b>S.B. 29 — LEGISLATIVE ACCESS TO CERTAIN INFORMATION (<i>M. Dmitrich</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	168
Assigned to standing committee . . . . .	227
Amendments . . . . .	284
Committee report adopted and placed on calendar . . . . .	287, 310
Read the second time . . . . .	317
Circled . . . . .	317, 455
Uncircled . . . . .	455, 477
Substituted . . . . .	455
Read the third time . . . . .	489
Transmitted to the House . . . . .	489
Signed by the President and transmitted to the Governor . . . . .	699
<b>S.B. 30 — UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS (<i>H. Stephenson</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	287
Assigned to standing committee . . . . .	518
Committee report adopted and placed on calendar . . . . .	602
Read the second time . . . . .	664
Read the third time . . . . .	684
Transmitted to the House . . . . .	684
Signed by the President and transmitted to the Governor . . . . .	923

<b>S.B. 31</b> — PROPERTY FORFEITURE AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	287
Enacting Clause Stricken	994
<b>S.B. 32</b> — DRIVER EDUCATION COURSES ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	82
Assigned to standing committee	192
Amendments	327
Committee report adopted and placed on calendar	330
Read the second time	397
Amendments	397, 440
Read the third time	421
Circled	421
Uncircled	440
Transmitted to the House	441
Concurrence	700, 723
Returned to the House	723
Signed by the President and transmitted to the Governor	763
<b>S.B. 33</b> — FEES FOR SHERIFF ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	83
Assigned to standing committee	97
Placed on calendar	138
Read the second time	147
Circled	147
Uncircled	185
Amendments	185
Read the third time	198
Transmitted to the House	198
Signed by the President and transmitted to the Governor	348
<b>S.B. 34</b> — TUITION TAX CREDITS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	83
Assigned to standing committee	167
Substituted	249, 272
Committee report adopted and placed on calendar	249
Read the second time	265
Circled	265, 313
Uncircled	272, 324
Amendments	273, 324
Before the Senate	305
Read the third time	313
Transmitted to the House	325
Enacting Clause Stricken	993
<b>S.B. 35</b> — REDEVELOPMENT OF SUPERFUND SITES ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	84
Assigned to standing committee	97
Placed on calendar	138
Read the second time	147
Circled	147, 180
Uncircled	169, 197
Read the third time	179
Transmitted to the House	198
Concurrence	551, 567
Returned to the House	568
Signed by the President and transmitted to the Governor	596
<b>S.B. 36</b> — MINERAL LEASE FUND AMENDMENTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	84
Assigned to standing committee	97



Placed on calendar . . . . .	138
Read the second time . . . . .	147
Read the third time . . . . .	159
Transmitted to the House . . . . .	159
Signed by the President and transmitted to the Governor . . . . .	246
<b>S.B. 37</b> — TASK FORCE STUDY OF IMPACT OF GRAVEL PITS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	84
Assigned to standing committee . . . . .	117
Amendments . . . . .	232
Committee report adopted and placed on calendar . . . . .	233
Read the second time . . . . .	258
Circled . . . . .	258
Uncircled . . . . .	373
Amendments . . . . .	373
Read the third time . . . . .	379
Transmitted to the House . . . . .	380
Concurrence . . . . .	832, 855
Returned to the House . . . . .	856
Signed by the President and transmitted to the Governor . . . . .	880
<b>S.B. 38</b> — CHILD ACCESS TO FIREARM PREVENTION AMENDMENTS ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee . . . . .	84
Assigned to standing committee . . . . .	117
Tabled . . . . .	538
Enacting Clause Stricken . . . . .	994
<b>S.B. 39</b> — AMENDMENTS TO THE UTAH ANTIDISCRIMINATION ACT ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee . . . . .	85
Assigned to standing committee . . . . .	149
Returned to the Rules Committee . . . . .	746
Enacting Clause Stricken . . . . .	994
<b>S.B. 40</b> — PAY PLAN – SALARY SURVEY AMENDMENTS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee . . . . .	85
Assigned to standing committee . . . . .	97
Amendments . . . . .	210
Committee report adopted and placed on calendar . . . . .	212
Read the second time . . . . .	224
Read the third time . . . . .	237
Transmitted to the House . . . . .	237
Concurrence . . . . .	459
Refuse to Concur . . . . .	486
Returned to the House . . . . .	486
Signed by the President and transmitted to the Governor . . . . .	507
<b>S.B. 41</b> — CLANDESTINE LAB RACKETEERING AMENDMENT ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee . . . . .	85
Assigned to standing committee . . . . .	117
Placed on calendar . . . . .	194
Read the second time . . . . .	206
Read the third time . . . . .	218
Transmitted to the House . . . . .	219
Signed by the President and transmitted to the Governor . . . . .	384
<b>S.B. 42</b> — FRAUDULENT USE OF CREDIT CARD NUMBER ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee . . . . .	85
Assigned to standing committee . . . . .	117
Placed on calendar . . . . .	165
Read the second time . . . . .	173
Read the third time . . . . .	182

Transmitted to the House	182
Signed by the President and transmitted to the Governor	880
<b>S.B. 43</b> — PROVIDING INFORMATION RELATING TO TAX CREDITS AND TAX FILING DUE DATES ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	86
Assigned to standing committee	117
Placed on calendar	165
Read the second time	184
Read the third time	196
Transmitted to the House	197
Signed by the President and transmitted to the Governor	340
<b>S.B. 44</b> — TORT REFORM AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	86
Assigned to standing committee	306
Returned to the Rules Committee	510
Enacting Clause Stricken	994
<b>S.B. 45</b> — LOBBYIST REPORTING REQUIREMENTS ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	86
Assigned to standing committee	192
Amendments	249
Committee report adopted and placed on calendar	249
Read the second time	263
Read the third time	276
Transmitted to the House	276
Concurrence	563, 602
Returned to the House	603
Signed by the President and transmitted to the Governor	625
<b>S.B. 46</b> — RESIDENTIAL PROPERTY TAX EXEMPTIONS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	87
Assigned to standing committee	150
Committee report adopted and placed on calendar	212
Read the second time	228
Circled	228, 424
Uncircled	405, 467
Amendments	405
Read the third time	423
Transmitted to the House	468
Enacting Clause Stricken	993
<b>S.B. 47</b> — LABOR COMMISSION – APPEALS BOARD ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	87
Assigned to standing committee	149
Amendments	231, 278
Committee report adopted and placed on calendar	233
Read the second time	242
Circled	242, 275
Uncircled	258, 278
Read the third time	275
Transmitted to the House	279
Signed by the President and transmitted to the Governor	458
<b>S.B. 48</b> — FORCED ENTRY TO MAKE ARREST ( <i>D. Thomas</i> )	
Read for the first time and referred to the Rules Committee	112
Assigned to standing committee	202
Committee report adopted and placed on calendar	269
Read the second time	281
Read the third time	312

Circled .....	312
Uncircled .....	330
Transmitted to the House .....	330
Signed by the President and transmitted to the Governor .....	445
<b>S.B. 49</b> — DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee .....	112
Assigned to standing committee .....	203
Committee report adopted and placed on calendar .....	233
Read the second time .....	259
Circled .....	259
Uncircled .....	280
Read the third time .....	310
Transmitted to the House .....	310
Concurrence .....	445, 463
Returned to the House .....	464
Signed by the President and transmitted to the Governor .....	494
<b>S.B. 50</b> — MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee .....	118
Assigned to standing committee .....	202
Amendments .....	359
Committee report adopted and placed on calendar .....	360
Read the second time .....	408
Circled .....	408
Uncircled .....	679
Enacting Clause Stricken .....	680, 994
<b>S.B. 51</b> — PLANETARIUM AMENDMENTS ( <i>G. Davis</i> )	
Read for the first time and referred to the Rules Committee .....	118
Assigned to standing committee .....	166
Committee report adopted and placed on calendar .....	233
Read the second time .....	243
Circled .....	243
Uncircled .....	244
Read the third time .....	256
Transmitted to the House .....	256
Signed by the President and transmitted to the Governor .....	348
<b>S.B. 52</b> — ACCESS TO UNINSURED MOTORIST INFORMATION ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee .....	152
Assigned to standing committee .....	262
Committee report adopted and placed on calendar .....	343
Read the second time .....	406
Read the third time .....	424
Transmitted to the House .....	424
Signed by the President and transmitted to the Governor .....	584
<b>S.B. 53</b> — AMENDMENTS TO CONTROLLED SUBSTANCE ACT ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee .....	152
Assigned to standing committee .....	261
Committee report adopted and placed on calendar .....	329
Read the second time .....	395
Read the third time .....	419
Transmitted to the House .....	420
Concurrence .....	700, 723
Returned to the House .....	724
Signed by the President and transmitted to the Governor .....	763

<b>S.B. 54</b> — MOBILE HOME PARK RESIDENCY ACT AMENDMENTS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	202
Substituted	519
Committee report adopted and placed on calendar	522
Read the second time	644
Read the third time	659
Circled	660
Enacting Clause Stricken	994
<b>S.B. 55</b> — PROVISIONAL BALLOT AMENDMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	306
Committee report adopted and placed on calendar	360
Read the second time	408
Read the third time	425
Transmitted to the House	425
Signed by the President and transmitted to the Governor	562
<b>S.B. 56</b> — WAIVER OF GOVERNMENTAL IMMUNITY BY GOVERNMENTAL ENTITIES ( <i>J. Evans</i> )	
Read for the first time and referred to the Rules Committee	176
Assigned to standing committee	261
Returned to the Rules Committee	392
Assigned to standing committee	402
Other	523
Substituted	674
Referred to Rules Committee for interim study	674
Enacting Clause Stricken	995
<b>S.B. 57</b> — CHARTER SCHOOL AMENDMENTS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee	176
Assigned to standing committee	305
Amendments	328
Committee report adopted and placed on calendar	330
Read the second time	398
Read the third time	421
Transmitted to the House	422
Concurrence	922, 928
Returned to the House	929
Signed by the President and transmitted to the Governor	949
<b>S.B. 58</b> — YOUTH CORRECTIONS – DIVISION NAME AMENDMENT ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	194
Assigned to standing committee	202
Committee report adopted and placed on calendar	269
Read the second time	281
Circled	281
Uncircled	476
Substituted	476
Read the third time	488
Transmitted to the House	489
Concurrence	700, 724
Returned to the House	724
Signed by the President and transmitted to the Governor	763
<b>S.B. 59</b> — AMENDMENTS TO UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	195
Assigned to standing committee	306
Substituted	485

Amendments	485
Committee report adopted and placed on calendar	486
Read the second time	524
Circled	524
Uncircled	617
Amendments	617, 636
Read the third time	636
Transmitted to the House	636
Enacting Clause Stricken	993
<b>S.B. 60</b> — HEALTH CARE – UNIFORM DATA FORMATTING STANDARDS ( <i>G. Bell</i> )	
Read for the first time and referred to the Rules Committee	195
Assigned to standing committee	306
Returned to the Rules Committee	747
Enacting Clause Stricken	995
<b>S.B. 61</b> — PUBLIC UTILITY RELATED AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	234
Assigned to standing committee	341
Amendments	416
Committee report adopted and placed on calendar	417
Read the second time	505
Circled	505
Uncircled	506
Read the third time	515
Intent Language	515
Transmitted to the House	515
Signed by the President and transmitted to the Governor	896
<b>S.B. 62</b> — UTAH HOUSE INSPECTION STANDARD OF PRACTICE ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	249
Assigned to standing committee	306
Substituted	483, 541
Amendments	483
Committee report adopted and placed on calendar	486
Read the second time	524
Read the third time	541
Transmitted to the House	541
Returned to the Secretary of the Senate for filing	882
Returned to the House	893
Returned to the Rules Committee	937
Enacting Clause Stricken	995
<b>S.B. 63</b> — CORE CURRICULUM AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	250
Assigned to standing committee	479
Returned to the Rules Committee	747
Enacting Clause Stricken	995
<b>S.B. 64</b> — ALTERNATIVE TEACHER LICENSING ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	250
Assigned to standing committee	349
Returned to the Rules Committee	747
Enacting Clause Stricken	995
<b>S.B. 65</b> — RECLAMATION SURETY FOR MINING OPERATIONS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	250
Assigned to standing committee	306
Amendments	342, 399
Committee report adopted and placed on calendar	343
Read the second time	399

Read the third time . . . . .	422
Transmitted to the House . . . . .	422
Signed by the President and transmitted to the Governor . . . . .	699
<b>S.B. 66</b> — ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee . . . . .	262
Assigned to standing committee . . . . .	341
Committee report adopted and placed on calendar . . . . .	417
Read the second time . . . . .	502
Read the third time . . . . .	512
Circled . . . . .	512
Uncircled . . . . .	529
Transmitted to the House . . . . .	530
Concurrence . . . . .	852
Returned to the House . . . . .	852
Signed by the President and transmitted to the Governor . . . . .	880
<b>S.B. 67</b> — REVISIONS TO BOARDS AND COMMISSIONS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	269
Assigned to standing committee . . . . .	341
Substituted . . . . .	387
Committee report adopted and placed on calendar . . . . .	391
Read the second time . . . . .	495
Circled . . . . .	495
Uncircled . . . . .	496
Amendments . . . . .	496, 798
Read the third time . . . . .	510
Transmitted to the House . . . . .	511
Concurrence . . . . .	700
Refuse to Concur . . . . .	724
House refuse to recede . . . . .	764
Conference committee assigned . . . . .	764
Concurrence . . . . .	798
Returned to the House . . . . .	799
Signed by the President and transmitted to the Governor . . . . .	829
<b>S.B. 68</b> — VOTER IDENTIFICATION REQUIREMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee . . . . .	269
Assigned to standing committee . . . . .	341
Committee report adopted and placed on calendar . . . . .	391
Read the second time . . . . .	478
Read the third time . . . . .	489
Transmitted to the House . . . . .	489
Signed by the President and transmitted to the Governor . . . . .	699
<b>S.B. 69</b> — PAWNBROKER INDUSTRY AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee . . . . .	288
Enacting Clause Stricken . . . . .	995
<b>S.B. 70</b> — CLASS ACTIONS FOR MATTERS OVER WHICH STATE TAX COMMISSION HAS JURISDICTION ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	288
Enacting Clause Stricken . . . . .	995
<b>S.B. 71</b> — ROLLBACK TAX AND ONE-TIME IN LIEU FEE AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	288
Enacting Clause Stricken . . . . .	995
<b>S.B. 72</b> — AMENDMENTS TO SPECIAL DISTRICTS AND LOCAL DISTRICTS FOR EXPANDED FIRE PROTECTION SERVICES ( <i>D. Thomas</i> )	
Read for the first time and referred to the Rules Committee . . . . .	288
Assigned to standing committee . . . . .	381

Amendments	434, 588
Committee report adopted and placed on calendar	436
Read the second time	516
Circled	516, 574, 856
Uncircled	554, 588, 856
Substituted	554
Read the third time	574
Transmitted to the House	594, 857
Concurrence	852, 856
Before the Senate	856
Signed by the President and transmitted to the Governor	880
<b>S.B. 73</b> — PERSONAL USE OF CAMPAIGN FUNDS ( <i>K. Hale</i> )	
Read for the first time and referred to the Rules Committee	262
Enacting Clause Stricken	995
<b>S.B. 74</b> — AMENDMENTS TO INTERLOCAL COOPERATION ACT ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	250
Assigned to standing committee	307
Committee report adopted and placed on calendar	360
Read the second time	408
Substituted	408
Read the third time	425
Transmitted to the House	426
Signed by the President and transmitted to the Governor	584
<b>S.B. 75</b> — CRIMINAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS OPERATING WATER SYSTEMS ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	234
Assigned to standing committee	306
Committee report adopted and placed on calendar	343
Read the second time	400
Read the third time	423
Transmitted to the House	423
Concurrence	563, 603
Returned to the House	603
Signed by the President and transmitted to the Governor	625
<b>S.B. 76</b> — UTAH FIREWORKS ACT AMENDMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	153
Assigned to standing committee	306
Substituted	414, 615
Amendments	415
Committee report adopted and placed on calendar	417
Read the second time	504
Circled	504
Uncircled	615
Read the third time	635
Transmitted to the House	635
Enacting Clause Stricken	993
<b>S.B. 77</b> — INDEPENDENT ESCROW AGENTS AMENDMENTS ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	192
Returned to the Rules Committee	747
Enacting Clause Stricken	995
<b>S.B. 78</b> — REPEAL OF TRADING STAMPS REGULATION ( <i>S. Jenkins</i> )	
Read for the first time and referred to the Rules Committee	87
Assigned to standing committee	97
Placed on calendar	138

Read the second time	145
Read the third time	157
Transmitted to the House	158
Signed by the President and transmitted to the Governor	283
<b>S.B. 79</b> — DISABLED PARKING FINE ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	88
Assigned to standing committee	117
Placed on calendar	152
Read the second time	171
Substituted	172
Circled	172, 214, 724
Uncircled	203, 215, 741
Read the third time	214
Amendments	215, 853
Transmitted to the House	216
Concurrence	700
Before the Senate	724
Refuse to Concur	741
Returned to the House	741, 854
House refuse to recede	764
Conference committee assigned	764
Concurrence	853
Joint Conference Committee report	853
Signed by the President and transmitted to the Governor	880
<b>S.B. 80</b> — ADVERSE BENEFIT DETERMINATION AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	88
Assigned to standing committee	97
Placed on calendar	152
Read the second time	172
Read the third time	181
Transmitted to the House	181
Signed by the President and transmitted to the Governor	431
<b>S.B. 81</b> — PUBLIC SAFETY RETIREMENT AMENDMENTS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	88
Assigned to standing committee	150
Returned to the Rules Committee	749
Enacting Clause Stricken	995
<b>S.B. 82</b> — AUTHORIZED OVERSPENDING LIMIT IN FEDERAL MEDICAID BUDGET ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	88
Assigned to standing committee	117
Placed on calendar	165
Read the second time	174
Read the third time	183
Amendments	183
Transmitted to the House	183
Enacting Clause Stricken	993
<b>S.B. 83</b> — OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	88
Assigned to standing committee	97
Placed on calendar	138
Read the second time	146
Read the third time	158
Transmitted to the House	158
Signed by the President and transmitted to the Governor	340



<b>S.B. 84</b> — REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	89
Assigned to standing committee	150
Amendments	233
Committee report adopted and placed on calendar	233
Read the second time	258
Read the third time	275
Transmitted to the House	275
Signed by the President and transmitted to the Governor	445
<b>S.B. 85</b> — UNDERGROUND STORAGE TANK AMENDMENT ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	89
Assigned to standing committee	150
Amendments	233
Committee report adopted and placed on calendar	233
Read the second time	259
Read the third time	275
Transmitted to the House	276
Signed by the President and transmitted to the Governor	458
<b>S.B. 86</b> — PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	90
Assigned to standing committee	97
Amendments	193, 707
Placed on calendar	194
Read the second time	206
Circled	206, 603
Uncircled	221, 631
Read the third time	235
Transmitted to the House	235
Concurrence	563
Before the Senate	603
Refuse to Concur	631
Returned to the House	631
House refuse to concede	656
Conference committee assigned	656
Joint Conference Committee Report	706
Returned to the House	708
Signed by the President and transmitted to the Governor	745
<b>S.B. 87</b> — LIBRARY AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	90
Assigned to standing committee	97
Substituted	385, 403
Amendments	386, 403
Committee report adopted and placed on calendar	391
Placed on calendar	404
Read the second time	478
Read the third time	490
Transmitted to the House	490
Signed by the President and transmitted to the Governor	699
<b>S.B. 88</b> — SECURITY PERSONNEL LICENSING ACT AMENDMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	90
Assigned to standing committee	97
Placed on calendar	138
Read the second time	146
Circled	146, 155

Uncircled . . . . .	155, 161
Substituted . . . . .	155
Amendments . . . . .	161
Read the third time . . . . .	178
Transmitted to the House . . . . .	179
Signed by the President and transmitted to the Governor . . . . .	445
<b>S.B. 89</b> — MENTAL HEALTH PROFESSIONAL PRACTICE	
ACT AMENDMENTS ( <i>D. C. Butters</i> )	
Read for the first time and referred to the Rules Committee . . . . .	90
Assigned to standing committee . . . . .	97
Placed on calendar . . . . .	152, 173
Substituted . . . . .	172, 395
Read the second time . . . . .	173
Circled . . . . .	173, 215, 395
Uncircled . . . . .	204, 395, 490
Read the third time . . . . .	215
Amendments . . . . .	490
Transmitted to the House . . . . .	492
Signed by the President and transmitted to the Governor . . . . .	949
<b>S.B. 90</b> — PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee . . . . .	91
Assigned to standing committee . . . . .	117
Placed on calendar . . . . .	165
Read the second time . . . . .	174
Read the third time . . . . .	183
Transmitted to the House . . . . .	184
Signed by the President and transmitted to the Governor . . . . .	550
<b>S.B. 91</b> — FUNERAL SERVICES AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee . . . . .	91
Assigned to standing committee . . . . .	97
Substituted . . . . .	266
Committee report adopted and placed on calendar . . . . .	269
Read the second time . . . . .	280
Circled . . . . .	280
Uncircled . . . . .	313
Amendments . . . . .	313
Read the third time . . . . .	330
Transmitted to the House . . . . .	331
Concurrence . . . . .	459, 487
Returned to the House . . . . .	487
Signed by the President and transmitted to the Governor . . . . .	507
<b>S.B. 92</b> — LAND SURVEYOR AMENDMENTS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	91
Assigned to standing committee . . . . .	97
Placed on calendar . . . . .	138
Amendments . . . . .	137
Read the second time . . . . .	146
Circled . . . . .	146, 155, 161
Uncircled . . . . .	154, 161, 169
Substituted . . . . .	154
Read the third time . . . . .	179
Amendments . . . . .	179
Transmitted to the House . . . . .	179
Signed by the President and transmitted to the Governor . . . . .	550
<b>S.B. 93</b> — JUSTICE COURT JUDGES AMENDMENTS ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee . . . . .	92

Assigned to standing committee	150
Substituted	232
Committee report adopted and placed on calendar	233
Read the second time	257
Read the third time	274
Circled	274
Uncircled	310
Transmitted to the House	311
Signed by the President and transmitted to the Governor	562
<b>S.B. 94</b> — CERTIFIED PUBLIC ACCOUNTANT LICENSING	
ACT AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	92
Assigned to standing committee	97
Placed on calendar	138
Read the second time	146
Read the third time	158
Transmitted to the House	159
Signed by the President and transmitted to the Governor	340
<b>S.B. 95</b> — STATE EMERGENCY MEDICAL SERVICES AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	92
Assigned to standing committee	150
Committee report adopted and placed on calendar	233
Read the second time	244
Circled	244
Uncircled	346
Read the third time	364
Transmitted to the House	364
Signed by the President and transmitted to the Governor	494
<b>S.B. 96</b> — DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT	
AMENDMENTS ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	92
Assigned to standing committee	117
Placed on calendar	165
Read the second time	174
Circled	174
Uncircled	221
Amendments	221
Read the third time	235
Transmitted to the House	236
Signed by the President and transmitted to the Governor	458
<b>S.B. 97</b> — COUNTY ANNEXATION AMENDMENTS ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	93
Assigned to standing committee	149
Committee report adopted and placed on calendar	212
Read the second time	225
Read the third time	237
Transmitted to the House	238
Concurrence	459, 487
Returned to the House	487
Signed by the President and transmitted to the Governor	507
<b>S.B. 98</b> — TAXATION OF MEDICALLY IMPLANTED DEVICES	
AND PROSTHETICS ( <i>D. C. Butars</i> )	
Read for the first time and referred to the Rules Committee	93
Assigned to standing committee	167
Substituted	329
Amendments	329

Committee report adopted and placed on calendar	330
Read the second time	398
Read the third time	422
Circled	422
Uncircled	475
Transmitted to the House	476
Enacting Clause Stricken	993
<b>S.B. 99</b> — SEAT BELT ENFORCEMENT ( <i>K. Hale</i> )	
Read for the first time and referred to the Rules Committee	93
Assigned to standing committee	203
Committee report adopted and placed on calendar	233
Read the second time	259
Circled	259
Uncircled	381
Failed	382
Enacting Clause Stricken	995
<b>S.B. 100</b> — INDIAN AFFAIRS AMENDMENTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	93
Assigned to standing committee	150
Committee report adopted and placed on calendar	212
Read the second time	225
Read the third time	238
Transmitted to the House	238
Concurrence Calendar	348
Concurrence	362
Returned to the House	362
Signed by the President and transmitted to the Governor	384
<b>S.B. 101</b> — PROCUREMENT CODE REQUIREMENTS OF HEALTH CARE BENEFITS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	94
Assigned to standing committee	202
Returned to the Rules Committee	747
Enacting Clause Stricken	995
<b>S.B. 102</b> — PROPERTY TAX APPEAL PROVISIONS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	94
Assigned to standing committee	150
Amendments	211
Committee report adopted and placed on calendar	212
Read the second time	228
Read the third time	238
Circled	238
Enacting Clause Stricken	995
<b>S.B. 103</b> — CONCEALED WEAPON PERMIT HOLDER AMENDMENTS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	94
Assigned to standing committee	150
Committee report adopted and placed on calendar	269
Read the second time	282
Read the third time	312
Transmitted to the House	312
Signed by the President and transmitted to the Governor	562
<b>S.B. 104</b> — DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee	94
Assigned to standing committee	149
Committee report adopted and placed on calendar	233

Read the second time	242
Read the third time	255
Transmitted to the House	255
Signed by the President and transmitted to the Governor	445
<b>S.B. 105</b> — PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS ( <i>D. C. Butters</i> )	
Read for the first time and referred to the Rules Committee	95
Assigned to standing committee	166
Committee report adopted and placed on calendar	233
Read the second time	243
Read the third time	255
Transmitted to the House	256
Signed by the President and transmitted to the Governor	431
<b>S.B. 106</b> — HIGHWAY PATROL USE OF UNMARKED VEHICLES ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	202
Committee report adopted and placed on calendar	269
Read the second time	282
Circled	282, 321, 631
Uncircled	321, 382, 659
Amendments	321, 393
Read the third time	393
Transmitted to the House	395
Returned to the Secretary of the Senate	551
Returned to the House	581, 659
Concurrence	597, 659
Before the Senate	631
Letter from Highway Patrol	674
Signed by the President and transmitted to the Governor	681
<b>S.B. 107</b> — CERTIFICATION OF MINES ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	202
Committee report adopted and placed on calendar	269
Read the second time	316
Circled	316, 379
Uncircled	373, 393
Read the third time	379
Transmitted to the House	393
Signed by the President and transmitted to the Governor	550
<b>S.B. 108</b> — DANGEROUS WEAPONS AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	167
Amendments	389
Committee report adopted and placed on calendar	391
Read the second time	499
Read the third time	511
Transmitted to the House	512
Concurrence	776, 812
Returned to the House	813
Signed by the President and transmitted to the Governor	850
<b>S.B. 109</b> — EDUCATION ASSISTANCE FOR NATIONAL GUARD MEMBERS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	114
Assigned to standing committee	261
Amendments	415
Committee report adopted and placed on calendar	417
Read the second time	504
Read the third time	513

	Transmitted to the House	514
	Signed by the President and transmitted to the Governor	850
<b>S.B. 110</b>	— INDIVIDUAL INCOME TAX – STATE EARNED INCOME TAX CREDIT ( <i>T. Hatch</i> )	
	Read for the first time and referred to the Rules Committee	114
	Assigned to standing committee	167
	Committee report adopted and placed on calendar	213
	Read the second time	238
	Amendments	239
	Read the third time	251
	Transmitted to the House	252
	Enacting Clause Stricken	993
<b>S.B. 111</b>	— PROCESS SERVERS ( <i>M. Waddoups</i> )	
	Read for the first time and referred to the Rules Committee	119
	Assigned to standing committee	202
	Amendments	267
	Committee report adopted and placed on calendar	269
	Read the second time	280
	Circled	281
	Uncircled	314
	Read the third time	331
	Transmitted to the House	331
	Concurrence	978
	Returned to the House	978
	Signed by the President and transmitted to the Governor	989
<b>S.B. 112</b>	— GOVERNMENT RECORDS PROTECTIONS FOR FEDERAL MISSION OF NATIONAL GUARD ( <i>P. Knudson</i> )	
	Read for the first time and referred to the Rules Committee	119
	Assigned to standing committee	202
	Committee report adopted and placed on calendar	287
	Read the second time	317
	Circled	317
	Uncircled	397
	Read the third time	421
	Transmitted to the House	421
	Signed by the President and transmitted to the Governor	657
<b>S.B. 113</b>	— MIDWIFE CERTIFICATION ACT ( <i>T. Hatch</i> )	
	Read for the first time and referred to the Rules Committee	119
	Assigned to standing committee	227
	Returned to the Rules Committee	747
	Enacting Clause Stricken	995
<b>S.B. 114</b>	— JOURNAL OF NOTARY PUBLIC ACTS ( <i>P. Knudson</i> )	
	Read for the first time and referred to the Rules Committee	120
	Assigned to standing committee	202
	Returned to the Rules Committee	417
	Enacting Clause Stricken	995
<b>S.B. 115</b>	— THEFT DETECTION SHIELDING DEVICES AMENDMENTS ( <i>J. Hickman</i> )	
	Read for the first time and referred to the Rules Committee	120
	Assigned to standing committee	227
	Committee report adopted and placed on calendar	269
	Read the second time	315
	Read the third time	332
	Circled	332
	Uncircled	344
	Transmitted to the House	344
	Signed by the President and transmitted to the Governor	550

<b>S.B. 116</b> — DNA – AMENDMENT REGARDING WARRANTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	120
Assigned to standing committee	202
Committee report adopted and placed on calendar	269
Read the second time	315
Read the third time	332
Transmitted to the House	332
Signed by the President and transmitted to the Governor	445
<b>S.B. 117</b> — AGGRAVATED ROBBERY AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	120
Assigned to standing committee	202
Committee report adopted and placed on calendar	269
Read the second time	316
Read the third time	332
Transmitted to the House	333
Signed by the President and transmitted to the Governor	445
<b>S.B. 118</b> — INDIVIDUAL INCOME TAX – ADOPTION EXPENSES ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	121
Assigned to standing committee	167
Committee report adopted and placed on calendar	213
Read the second time	239
Read the third time	252
Transmitted to the House	252
Signed by the President and transmitted to the Governor	348
<b>S.B. 119</b> — MOTOR VEHICLE INSURANCE – PERSONAL INJURY PROTECTION ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	121
Assigned to standing committee	202
Returned to the Rules Committee	747
Enacting Clause Stricken	995
<b>S.B. 120</b> — PAYMENT OF WAGES AMENDMENTS ( <i>S. Jenkins</i> )	
Read for the first time and referred to the Rules Committee	139
Assigned to standing committee	261
Committee report adopted and placed on calendar	329
Read the second time	372
Read the third time	379
Circled	379
Uncircled	429
Amendments	429
Transmitted to the House	430
Signed by the President and transmitted to the Governor	896
<b>S.B. 121</b> — FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	139
Assigned to standing committee	227
Committee report adopted and placed on calendar	329
Read the second time	396
Read the third time	420
Transmitted to the House	420
Signed by the President and transmitted to the Governor	699
<b>S.B. 122</b> — UTAH ANTIDISCRIMINATION ACT AMENDMENTS ( <i>S. Jenkins</i> )	
Read for the first time and referred to the Rules Committee	139
Assigned to standing committee	203
Amendments	286
Committee report adopted and placed on calendar	287

Read the second time . . . . .	318
Circled . . . . .	318
Uncircled . . . . .	318
Read the third time . . . . .	334
Transmitted to the House . . . . .	335
Concurrence . . . . .	551, 568
Returned to the House . . . . .	568
Signed by the President and transmitted to the Governor . . . . .	596
<b>S.B. 123 — INHERENT RISK OF LIVESTOCK ACTIVITIES (<i>B. Evans</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	139
Assigned to standing committee . . . . .	306
Substituted . . . . .	343
Committee report adopted and placed on calendar . . . . .	343
Read the second time . . . . .	401
Amendments . . . . .	401, 455
Circled . . . . .	401
Uncircled . . . . .	455
Read the third time . . . . .	475
Transmitted to the House . . . . .	475
Concurrence . . . . .	776, 813
Returned to the House . . . . .	813
Signed by the President and transmitted to the Governor . . . . .	850
<b>S.B. 124 — CAPITOL ARTS PLACEMENT COMMISSION (<i>K. Hale</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	140
Assigned to standing committee . . . . .	202
Substituted . . . . .	267
Committee report adopted and placed on calendar . . . . .	269
Read the second time . . . . .	281
Read the third time . . . . .	311
Transmitted to the House . . . . .	312
Signed by the President and transmitted to the Governor . . . . .	562
<b>S.B. 125 — RESTRICTIONS ON PASSENGERS IN PICKUP TRUCKS (<i>C. Bramble</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	153
Assigned to standing committee . . . . .	248
Committee report adopted and placed on calendar . . . . .	269
Read the second time . . . . .	316
Circled . . . . .	317, 492, 549
Uncircled . . . . .	406, 529, 575
Amendments . . . . .	406
Failed . . . . .	407, 545
Placed on calendar . . . . .	492
Before the Senate . . . . .	492, 549
Read the third time . . . . .	544
Reconsideration . . . . .	549
Transmitted to the House . . . . .	576
Enacting Clause Stricken . . . . .	993
<b>S.B. 126 — WORKERS' COMPENSATION AMENDMENTS (<i>E. Mayne</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	153
Assigned to standing committee . . . . .	247
Committee report adopted and placed on calendar . . . . .	461
Read the second time . . . . .	516
Read the third time . . . . .	539
Transmitted to the House . . . . .	539
Signed by the President and transmitted to the Governor . . . . .	699
<b>S.B. 127 — APPEARANCE OF DRIVER LICENSE AMENDMENTS (<i>J. Valentine</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	177



Assigned to standing committee	323
Committee report adopted and placed on calendar	377
Read the second time	409
Circled	409
Uncircled	608
Read the third time	635
Transmitted to the House	635
Signed by the President and transmitted to the Governor	880
<b>S.B. 128 — PROTECTIVE ORDER AMENDMENTS (<i>L. Hillyard</i>)</b>	
Read for the first time and referred to the Rules Committee	177
Assigned to standing committee	248
Amendments	286
Committee report adopted and placed on calendar	287
Read the second time	318
Read the third time	333
Amendments	333
Transmitted to the House	334
Concurrence	597, 631
Returned to the House	631
Signed by the President and transmitted to the Governor	657
<b>S.B. 129 — STATE AND LOCAL AGENCIES CRITERIA IN AWARDING BIDS (<i>J. Evans</i>)</b>	
Read for the first time and referred to the Rules Committee	177
Assigned to standing committee	261
Amendments	386, 404
Placed on calendar	404
Committee report adopted and placed on calendar	391
Read the second time	492
Substituted	493
Circled	493
Uncircled	620
Read the third time	636
Transmitted to the House	637
Enacting Clause Stricken	993
<b>S.B. 130 — REGULATIONS OF CHECK CASHERS (<i>E. Mayne</i>)</b>	
Read for the first time and referred to the Rules Committee	195
Assigned to standing committee	247
Amendments	326
Committee report adopted and placed on calendar	329
Read the second time	381
Read the third time	392
Transmitted to the House	393
Signed by the President and transmitted to the Governor	880
<b>S.B. 131 — INDIVIDUAL INCOME TAX – SUBTRACTIONS FROM FEDERAL TAXABLE INCOME (<i>C. Bramble</i>)</b>	
Read for the first time and referred to the Rules Committee	196
Assigned to standing committee	261
Substituted	329
Committee report adopted and placed on calendar	330
Read the second time	399
Circled	399
Uncircled	400
Read the third time	422
Transmitted to the House	423
Signed by the President and transmitted to the Governor	699
<b>S.B. 132 — CHILD SUPPORT AND PATERNITY AMENDMENTS (<i>L. Hillyard</i>)</b>	
Read for the first time and referred to the Rules Committee	196

Assigned to standing committee	341
Substituted	414
Committee report adopted and placed on calendar	417
Read the second time	502
Amendments	502
Read the third time	512
Transmitted to the House	513
Signed by the President and transmitted to the Governor	880
<b>S.B. 133</b> — REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	213
Assigned to standing committee	403
Committee report adopted and placed on calendar	461
Read the second time	523
Read the third time	540
Circled	540
Uncircled	544
Transmitted to the House	544
Signed by the President and transmitted to the Governor	967, 989
Concurrence	975
Returned to the House	975
<b>S.B. 134</b> — PROMOTION OF PREVENTATIVE HEALTH CARE ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee	213
Assigned to standing committee	261
Substituted	414
Committee report adopted and placed on calendar	417
Read the second time	503
Failed	503
Returned to the staff for filing	504
Enacting Clause Stricken	995
<b>S.B. 135</b> — REDEVELOPMENT AGENCIES – EXEMPTION FOR SCHOOL PROPERTY TAXES ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	234
Assigned to standing committee	307
Returned to the Rules Committee	436
Enacting Clause Stricken	995
<b>S.B. 136</b> — GUILTY AND MENTALLY ILL SENTENCING AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	234
Assigned to standing committee	341
Committee report adopted and placed on calendar	417
Read the second time	505
Read the third time	514
Transmitted to the House	515
Signed by the President and transmitted to the Governor	949
<b>S.B. 137</b> — REGULATION OF COERCIVE RESTRAINT PRACTICES ( <i>P. Hellewell</i> )	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	305
Substituted	652
Returned to the Rules Committee	652
Enacting Clause Stricken	995
<b>S.B. 138</b> — MEDICAL MALPRACTICE AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	262
Assigned to standing committee	306
Amendments	508
Committee report adopted and placed on calendar	509
Read the second time	595

Read the third time . . . . .	615
Transmitted to the House . . . . .	615
Signed by the President and transmitted to the Governor . . . . .	949
<b>S.B. 139</b> — VOTED LEEWAY AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee . . . . .	270
Assigned to standing committee . . . . .	341
Returned to the Rules Committee . . . . .	747
Enacting Clause Stricken . . . . .	995
<b>S.B. 140</b> — PRESCRIPTION DRUG ASSISTANCE PROGRAM ( <i>J. Evans</i> )	
Read for the first time and referred to the Rules Committee . . . . .	270
Assigned to standing committee . . . . .	479
Amendments . . . . .	563
Committee report adopted and placed on calendar . . . . .	566
Read the second time . . . . .	662
Read the third time . . . . .	683
Transmitted to the House . . . . .	683
Signed by the President and transmitted to the Governor . . . . .	880
<b>S.B. 141</b> — LOCAL GOVERNMENT CAPITAL PROJECTS ( <i>H. Stephenson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	270
Assigned to standing committee . . . . .	349, 356
Amendments . . . . .	387
Committee report adopted and placed on calendar . . . . .	391
Read the second time . . . . .	480
Substituted . . . . .	480
Circled . . . . .	480
Uncircled . . . . .	498
Amendments . . . . .	498
Read the third time . . . . .	511
Transmitted to the House . . . . .	511
Signed by the President and transmitted to the Governor . . . . .	699
<b>S.B. 142</b> — AGRICULTURAL COOPERATIVES AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee . . . . .	271
Assigned to standing committee . . . . .	380
Committee report adopted and placed on calendar . . . . .	417
Read the second time . . . . .	505
Read the third time . . . . .	514
Transmitted to the House . . . . .	514
Signed by the President and transmitted to the Governor . . . . .	880
<b>S.B. 143</b> — MOTOR VEHICLE DISCLOSURE REQUIREMENTS – PURCHASER’S RIGHTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee . . . . .	271
Assigned to standing committee . . . . .	323
Committee report adopted and placed on calendar . . . . .	377
Read the second time . . . . .	409
Read the third time . . . . .	426
Transmitted to the House . . . . .	426
Signed by the President and transmitted to the Governor . . . . .	699
<b>S.B. 144</b> — HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	271
Assigned to standing committee . . . . .	380
Amendments . . . . .	460
Committee report adopted and placed on calendar . . . . .	461
Read the second time . . . . .	522
Circled . . . . .	522
Enacting Clause Stricken . . . . .	995

<b>S.B. 145</b> — APPLICATION OF UTAH PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	288
Assigned to standing committee	323
Committee report adopted and placed on calendar	713
Read the second time	741
Circled	741
Enacting Clause Stricken	995
<b>S.B. 146</b> — WASTE FEE AMENDMENTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	288
Assigned to standing committee	446
Committee report adopted and placed on calendar	509
Read the second time	586
Circled	587, 739
Uncircled	715
Amendments	715
Read the third time	738, 800
Amendments	801
Transmitted to the House	803
Concurrence	922
Refuse to Recede	929
Signed by the President and transmitted to the Governor	949
<b>S.B. 147</b> — STREAMLINED SALES TAX PROJECT AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	289
Assigned to standing committee	586
Amendments	672
Committee report adopted and placed on calendar	674
Read the second time	713
Read the third time	734
Transmitted to the House	735
Returned to the House	934
Concurrence	934
Signed by the President and transmitted to the Governor	952
<b>S.B. 148</b> — PROPERTY TAX – FARMLAND ASSESSMENT ACT ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	289
Assigned to standing committee	642
Amendments	744
Committee report adopted and placed on calendar	744
Read the second and third time	796
Transmitted to the House	796
Signed by the President and transmitted to the Governor	967
<b>S.B. 149</b> — BONDING LAW AMENDMENTS – STATE FINANCING CONSOLIDATION ACT ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	289
Assigned to standing committee	518
Committee report adopted and placed on calendar	602
Read the second time	667
Circled	667
Uncircled	691
Read the third time	728
Transmitted to the House	728
Signed by the President and transmitted to the Governor	967
<b>S.B. 150</b> — UNIFORM TRUST ACT ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	289
Assigned to standing committee	518

Returned to the Rules Committee	748
Enacting Clause Stricken	996
<b>S.B. 151</b> — AMENDMENTS RELATED TO INFORMATION TECHNOLOGY ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	289
Assigned to standing committee	641
Amendments	712, 742
Committee report adopted and placed on calendar	713
Read the second time	742
Read the third time	777
Transmitted to the House	778
Returned to the House	936
Concurrence	936
Signed by the President and transmitted to the Governor	952
<b>S.B. 152</b> — UTAH PROCUREMENT CODE AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	289
Enacting Clause Stricken	996
<b>S.B. 153</b> — ALCOHOLIC BEVERAGE AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	289
Assigned to standing committee	480
Committee report adopted and placed on calendar	530
Amendments	530, 606, 638
Read the second time	605
Substituted	605
Read the third time	634
Circled	635
Uncircled	638
Transmitted to the House	641
Concurrence	854
Returned to the House	854
Signed by the President and transmitted to the Governor	880
<b>S.B. 154</b> — PUBLIC EDUCATION AMENDMENTS ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	479
Substituted	564, 621
Amendments	564, 654
Committee report adopted and placed on calendar	566
Read the second time	621
Circled	624
Uncircled	653
Read the second and third times	655
Transmitted to the House	656
Concurrence	912
Returned to the House	912
Signed by the President and transmitted to the Governor	923
<b>S.B. 155</b> — PROFESSIONAL EMPLOYER ORGANIZATIONS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	482
Committee report adopted and placed on calendar	602
Read the second time	675
Amendments	675
Read the third time	687
Transmitted to the House	687
Concurrence	965
Returned to the House	965
Signed by the President and transmitted to the Governor	982

<b>S.B. 156</b> — SAFETY REQUIREMENTS FOR PUBLIC WATER SYSTEMS ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	290
Enacting Clause Stricken	996
<b>S.B. 157</b> — REGULATION OF CREDIT UNION SERVICE ORGANIZATIONS AND OTHER CREDIT UNION RELATED ENTITIES ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	381
Committee report adopted and placed on calendar	436
Read the second time	516
Read the third time	538, 813
Transmitted to the House	539
Recalled	791
Placed on calendar	807
Before the Senate	813
Circled	813, 889
Uncircled	889, 892
Substituted	889
Transmitted to the House	893
Signed by the President and transmitted to the Governor	982
<b>S.B. 158</b> — DIVISION OF CHILD AND FAMILY SERVICES MANAGEMENT INFORMATION SYSTEM AMENDMENTS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	290
Assigned to standing committee	432
Committee report adopted and placed on calendar	486
Read the second time	523
Read the third time	540
Transmitted to the House	540
Signed by the President and transmitted to the Governor	952
<b>S.B. 159</b> — AMENDMENTS TO INSURANCE LAW ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	290
Enacting Clause Stricken	996
<b>S.B. 160</b> — INSURANCE RELATED AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	290
Enacting Clause Stricken	996
<b>S.B. 161</b> — INSURANCE LAW AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	291
Enacting Clause Stricken	996
<b>S.B. 162</b> — MEDICAL BENEFITS RECOVERY ACT AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	291
Assigned to standing committee	402
Committee report adopted and placed on calendar	461
Read the second time	522
Read the third time	540
Circled	540
Uncircled	633
Amendments	633
Transmitted to the House	634
Enacting Clause Stricken	994
<b>S.B. 163</b> — DRIVER LICENSE SUSPENSION REQUIREMENTS ( <i>R. Allen</i> )	
Read for the first time and referred to the Rules Committee	291
Assigned to standing committee	446
Committee report adopted and placed on calendar	509
Read the second time	620
Read the third time	637

Transmitted to the House	637
Signed by the President and transmitted to the Governor	829
<b>S.B. 164</b> — COUNTY AMENDMENTS ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	291
Assigned to standing committee	432
Substituted	519
Committee report adopted and placed on calendar	522
Read the second time	644
Amendments	644, 986
Read the second and third time	645
Transmitted to the House	645
Concurrence	987
Returned to the House	988
Signed by the President and transmitted to the Governor	989
<b>S.B. 165</b> — GUBERNATORIAL NOMINEE AMENDMENTS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	291
Assigned to standing committee	349, 356
Committee report adopted and placed on calendar	391
Read the second time	495
Read the third time	510
Transmitted to the House	510
Concurrence	700
Refuse to Concur	724
Returned to the House	724
Signed by the President and transmitted to the Governor	763
<b>S.B. 166</b> — COMMUNITY AND ECONOMIC DEVELOPMENT AMENDMENTS ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	291
Assigned to standing committee	402
Returned to the Rules Committee	747
Enacting Clause Stricken	996
<b>S.B. 167</b> — SCOPE OF DENTAL PRACTICE ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	291
Enacting Clause Stricken	996
<b>S.B. 168</b> — HIGHER EDUCATION LEGISLATIVE TASK FORCE ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	432
Returned to the Rules Committee	630
Enacting Clause Stricken	996
<b>S.B. 169</b> — TRANSFER OF STATE IRON COUNTY CORRECTION FACILITY TO COUNTY ( <i>T. Hatch</i> )	
Read for the first time and referred to the Rules Committee	292
Enacting Clause Stricken	996
<b>S.B. 170</b> — AMENDMENTS TO WORKERS' COMPENSATION ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	501
Amendments	597
Committee report adopted and placed on calendar	602
Read the second time	664
Circled	664
Enacting Clause Stricken	996
<b>S.B. 171</b> — ENVIRONMENTAL WASTE – TAXATION AND PERPETUAL CARE FUND ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	292
Enacting Clause Stricken	996

<b>S.B. 172</b> — HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE AND MORATORIUM ON ACCEPTANCE OF CLASS B AND C RADIOACTIVE WASTE ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	292
Assigned to standing committee	552
Committee report adopted and placed on calendar	629
Read the second and third time	677
Transmitted to the House	678
Concurrence	855
Returned to the House	855
Signed by the President and transmitted to the Governor	880
<b>S.B. 173</b> — DEPARTMENT OF AGRICULTURE AMENDMENTS ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	292
Placed on calendar	769, 792
Read the second and third time	794
Amendments	794
Transmitted to the House	795
Signed by the President and transmitted to the Governor	880
<b>S.B. 174</b> — LIEN OF CHIROPRACTIC PROVIDERS ( <i>D. C. Butters</i> )	
Read for the first time and referred to the Rules Committee	293
Assigned to standing committee	552
Returned to the Rules Committee	746
Enacting Clause Stricken	996
<b>S.B. 175</b> — REVENUE PROCEDURES AND CONTROL ACT AMENDMENTS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	293
Assigned to standing committee	586
Committee report adopted and placed on calendar	629
Read the second time	678
Read the third time	688
Circled	688
Uncircled	718
Transmitted to the House	719
Signed by the President and transmitted to the Governor	949
<b>S.B. 176</b> — EDUCATION SUPPORT LICENSE PLATE ( <i>J. Evans</i> )	
Read for the first time and referred to the Rules Committee	293
Assigned to standing committee	479
Committee report adopted and placed on calendar	509
Read the second time	594
Circled	594
Uncircled	594
Read the third time	614
Transmitted to the House	615
Signed by the President and transmitted to the Governor	988
<b>S.B. 177</b> — REGULATION OF DEBT CANCELLATION AGREEMENTS AND DEBT SUSPENSION AGREEMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	293
Assigned to standing committee	551
Amendments	649
Committee report adopted and placed on calendar	652
Read the second time	689
Read the third time	725
Transmitted to the House	725
Signed by the President and transmitted to the Governor	880



<b>S.B. 178</b> — INSURANCE COMMISSION REVISIONS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	293
Enacting Clause Stricken	996
<b>S.B. 179</b> — NOTICE OF CLAIM OF GOVERNMENTAL IMMUNITY ( <i>D. Gladwell</i> )	
Read for the first time and referred to the Rules Committee	293
Assigned to standing committee	479
Amendments	520
Committee report adopted and placed on calendar	522
Read the second time	646
Substituted	646
Read the third time	660
Transmitted to the House	660
Enacting Clause Stricken	994
<b>S.B. 180</b> — EMERGENCY MEDICAL SERVICES ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	293
Assigned to standing committee	518
Substituted	599, 758
Amendments	599, 667
Committee report adopted and placed on calendar	602
Read the second time	667
Circled	668, 733
Uncircled	697, 758
Read the third time	733
Transmitted to the House	759
Signed by the President and transmitted to the Governor	922
<b>S.B. 181</b> — APPOINTMENT OF ATTORNEY TO ADVISE COUNTY EXECUTIVE AND COUNTY LEGISLATIVE BODY ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	294
Enacting Clause Stricken	996
<b>S.B. 182</b> — INDIVIDUAL INCOME TAX – CONTRIBUTION TO BOYS AND GIRLS CLUBS OF AMERICA ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	294
Assigned to standing committee	482
Committee report adopted and placed on calendar	602
Read the second time	668
Failed	668
Enacting Clause Stricken	996
<b>S.B. 183</b> — FUNDING FOR CHILDRENS HEALTH INSURANCE PROGRAM – DENTAL ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	294
Enacting Clause Stricken	996
<b>S.B. 184</b> — MUNICIPAL IMPROVEMENT DISTRICT AMENDMENTS ( <i>C. Walker</i> )	
Read for the first time and referred to the Rules Committee	294
Assigned to standing committee	479
Amendments	598, 690
Committee report adopted and placed on calendar	602
Read the second time	664
Circled	664, 667
Uncircled	667, 689
Read the third time	725
Transmitted to the House	726
Signed by the President and transmitted to the Governor	922
<b>S.B. 185</b> — SCHOOL PERSONNEL – PROCEDURAL RIGHTS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	294
Assigned to standing committee	479

	Returned to the Rules Committee	747
	Enacting Clause Stricken	996
<b>S.B. 186</b>	— UNINSURED AND UNDERINSURED MOTORIST COVERAGE ( <i>D. Eastman</i> )	
	Read for the first time and referred to the Rules Committee	294
	Assigned to standing committee	552
	Amendments	671
	Committee report adopted and placed on calendar	674
	Read the second time	695
	Read the third time	731
	Substituted	731
	Transmitted to the House	732
	Signed by the President and transmitted to the Governor	880
<b>S.B. 187</b>	— EMINENT DOMAIN AMENDMENTS ( <i>P. Hellewell</i> )	
	Read for the first time and referred to the Rules Committee	295
	Assigned to standing committee	446
	Committee report adopted and placed on calendar	509
	Read the second time	587
	Read the third time	611
	Transmitted to the House	612
	Signed by the President and transmitted to the Governor	979
<b>S.B. 188</b>	— FUEL TAX CREDIT ( <i>S. Jenkins</i> )	
	Read for the first time and referred to the Rules Committee	295
	Assigned to standing committee	518
	Amendments	651
	Committee report adopted and placed on calendar	652
	Read the second time	694
	Read the third time	730
	Transmitted to the House	731
	Signed by the President and transmitted to the Governor	979
<b>S.B. 189</b>	— VETERANS AFFAIRS COMMITTEE AMENDMENTS ( <i>G. Davis</i> )	
	Read for the first time and referred to the Rules Committee	295
	Enacting Clause Stricken	996
<b>S.B. 190</b>	— EXPANSION OF USES OF PUBLICLY FUNDED SHOOTING RANGES ( <i>B. Wright</i> )	
	Read for the first time and referred to the Rules Committee	295
	Assigned to standing committee	479
	Amendments	564, 665
	Committee report adopted and placed on calendar	566
	Read the second time	663
	Circled	663
	Uncircled	665
	Failed	665
	Returned to the staff for filing	666
	Enacting Clause Stricken	997
<b>S.B. 191</b>	— COUNTY OVERSIGHT OF LOCAL MENTAL HEALTH AUTHORITIES ( <i>C. Walker</i> )	
	Read for the first time and referred to the Rules Committee	295
	Assigned to standing committee	552
	Amendments	650, 738
	Committee report adopted and placed on calendar	652
	Read the second time	694
	Circled	694
	Uncircled	714
	Substituted	714
	Read the third time	738

Transmitted to the House	738
Concurrence	923
Returned to the House	924
Signed by the President and transmitted to the Governor	949
<b>S.B. 192</b> — CORPORATE AND INDIVIDUAL INCOME TAX AMENDMENTS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	295
Enacting Clause Stricken	996
<b>S.B. 193</b> — CERTIFICATION OF CANDIDATE DEADLINE AMENDMENTS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	924
Placed on calendar	924
Read the second and third time	933
Transmitted to the House	934
Signed by the President and transmitted to the Governor	967
<b>S.B. 194</b> — COMMERCE AND TRADE – TELEPHONE AND FACSIMILE SOLICITATION ACT ( <i>D. Thomas</i> )	
Read for the first time and referred to the Rules Committee	296
Assigned to standing committee	482
Amendments	600, 676, 726
Committee report adopted and placed on calendar	602
Read the second time	676
Read the third time	687
Circled	687
Uncircled	726
Transmitted to the House	727
Concurrence	936
Returned to the House	937
Signed by the President and transmitted to the Governor	952
<b>S.B. 195</b> — OBSTRUCTION OF JUSTICE AND TAMPERING WITH EVIDENCE ( <i>D. Thomas</i> )	
Read for the first time and referred to the Rules Committee	296
Assigned to standing committee	432
Committee report adopted and placed on calendar	509
Read the second time	621
Read the third time	637
Transmitted to the House	638
Signed by the President and transmitted to the Governor	989
<b>S.B. 196</b> — ELECTION LAW – DISCLOSURE REQUIREMENTS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	296
Assigned to standing committee	432
Committee report adopted and placed on calendar	522
Read the second time	645
Read the third time	660
Transmitted to the House	660
Signed by the President and transmitted to the Governor	989
<b>S.B. 197</b> — HUNTING WILDLIFE RESTRICTIONS ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	296
Enacting Clause Stricken	997
<b>S.B. 198</b> — DIVISION OF REAL ESTATE – DEFINITIONS AMENDMENTS ( <i>J. Valentine</i> )	
Read for the first time and referred to the Rules Committee	296
Assigned to standing committee	402
Amendments	459
Committee report adopted and placed on calendar	461
Read the second time	517
Read the third time	539
Transmitted to the House	540
Concurrence	896

Returned to the House	897
Signed by the President and transmitted to the Governor	922
<b>S.B. 199</b> — LIMITATIONS ON INFORMAL JUDICIAL REPRIMANDS ( <i>D. Thomas</i> )	
Read for the first time and referred to the Rules Committee	296
Assigned to standing committee	552
Returned to the Rules Committee	746
Enacting Clause Stricken	997
<b>S.B. 200</b> — STATE AUDITOR – EXPANSION OF DUTIES ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	296
Assigned to standing committee	446
Amendments	520
Committee report adopted and placed on calendar	522
Read the second time	652
Read the third time	661
Transmitted to the House	661
Concurrence	975
Returned to the House	976
Signed by the President and transmitted to the Governor	989
<b>S.B. 201</b> — SUSPENSION OF CERTAIN STATUTORY MANDATES ( <i>L. Blackham</i> )	
Read for the first time and referred to the Rules Committee	297
Enacting Clause Stricken	997
<b>S.B. 202</b> — PEACE OFFICER AMENDMENT ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	297
Assigned to standing committee	403
Read the second time and placed on Consent Calendar	486
Read the third time	568
Transmitted to the House	569
Signed by the President and transmitted to the Governor	989
<b>S.B. 203</b> — CONDOMINIUM LAW AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	297
Assigned to standing committee	552
Committee report adopted and placed on calendar	652
Read the second time	693
Circled	693, 945
Uncircled	696, 945
Substituted	696
Read the third time	732
Transmitted to the House	733
Concurrence	944
Returned to the House	946
Signed by the President and transmitted to the Governor	967
<b>S.B. 204</b> — GOVERNMENT EMPLOYEES – PAY FOR UNITED STATES ARMED FORCES OR NATIONAL GUARD SERVICE TIME ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	297
Assigned to standing committee	479
Committee report adopted and placed on calendar	522
Read the second time	661
Read the third time	682
Transmitted to the House	683
Concurrence	935
Returned to the House	935
Signed by the President and transmitted to the Governor	952
<b>S.B. 205</b> — TOBACCO MARKETING PRACTICES RESTRICTIONS ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	297
Assigned to standing committee	479

Committee report adopted and placed on calendar	602
Read the second time	664
Circled	664
Amendments	769
Circled	769
Uncircled	769, 771
Returned to the Rules Committee	771
Enacting Clause Stricken	997
<b>S.B. 206</b> — VEHICLE SALE AND SECURITY INTEREST AMENDMENTS ( <i>D. Steele</i> )	
Read for the first time and referred to the Rules Committee	297
Assigned to standing committee	552
Amendments	649
Committee report adopted and placed on calendar	652
Read the second time	693
Read the third time	729
Transmitted to the House	729
Signed by the President and returned to the House	937
<b>S.B. 207</b> — IDENTITY FRAUD AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	297
Assigned to standing committee	380
Committee report adopted and placed on calendar	509
Read the second time	643
Substituted	643
Read the second and third time	643
Transmitted to the House	644
Concurrence	881
Returned to the House	881
Signed by the President and transmitted to the Governor	907
<b>S.B. 208</b> — WARRANT FOR REMOVAL OF MINOR FROM HOME ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	552
Substituted	650
Amendments	650
Committee report adopted and placed on calendar	652
Read the second time	693
Read the third time	729
Transmitted to the House	730
Concurrence	945
Returned to the House	945
Signed by the President and transmitted to the Governor	964
<b>S.B. 209</b> — REGISTRATION FOR ATV'S AND NONAUTOMOBILES ( <i>C. Bramble</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	552
Amendments	651
Committee report adopted and placed on calendar	652
Read the second time	695
Circled	695
Uncircled	695
Read the third time	732
Transmitted to the House	732
Signed by the President and transmitted to the Governor	880
<b>S.B. 210</b> — SURCHARGE ON MOVING TRAFFIC VIOLATIONS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	642
Returned to the Rules Committee	713
Enacting Clause Stricken	997

<b>S.B. 211</b> — CONSUMER SALES PRACTICES ACT AMENDMENTS ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	482
Amendments	566, 733
Committee report adopted and placed on calendar	566
Read the second time	663
Read the third time	683
Circled	684
Uncircled	733
Transmitted to the House	734
Enacting Clause Stricken	994
<b>S.B. 212</b> — MINERS HEALTH AND SAFETY ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	552
Returned to the Rules Committee	747
Enacting Clause Stricken	997
<b>S.B. 213</b> — AMENDMENTS TO SALES AND USE TAX ( <i>E. Mayne</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	678
Substituted	792
Committee report adopted and placed on calendar	792
Read the second time	794
Circled	794
Uncircled	808
Substituted	808
Amendments	808
Read the second and third time	810
Transmitted to the House	811
Returned to the House	936
Concurrence	935
Signed by the President and transmitted to the Governor	952
<b>S.B. 214</b> — UNINSURED AND UNDERINSURED MOTORIST AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	479
Amendments	566
Committee report adopted and placed on calendar	566
Read the second time	663
Read the third time	684
Circled	684
Uncircled	686
Transmitted to the House	687
Signed by the President and transmitted to the Governor	967
<b>S.B. 215</b> — MOTOR VEHICLE – MINIMUM COVERAGE FOR SELF INSURED ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee	299
Enacting Clause Stricken	997
<b>S.B. 216</b> — MOTOR CARRIER FEE AMENDMENTS ( <i>J. Hickman</i> )	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	519
Substituted	628
Committee report adopted and placed on calendar	629
Read the second time	679
Read the third time	688
Transmitted to the House	688
Signed by the President and transmitted to the Governor	949

<b>S.B. 217</b> — MOTOR VEHICLE – TITLE REQUIREMENTS ( <i>G. Bell</i> )	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	552
Committee report adopted and placed on calendar	629
Read the second time	688
Circled	688
Uncircled	691
Read the third time	728
Transmitted to the House	728
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FIFTY-FIFTH LEGISLATURE

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Circled . . . . .	352, 428
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Tabled on Third Reading Calendar . . . . .	355
Read the third time . . . . .	428
Substituted . . . . .	428
Returned to the House . . . . .	735
Signed by the President and returned to the House . . . . .	807
<b>H.B. 23</b> — PUBLIC AIRPORT AND AERONAUTICS AMENDMENTS ( <i>J. Murray</i> )	
Read for the first time and referred to the Rules Committee . . . . .	116
Assigned to standing committee . . . . .	167
Committee report adopted and placed on calendar . . . . .	233
Read the second time . . . . .	259
Read the third time . . . . .	276
Circled . . . . .	276
Uncircled . . . . .	311
Signed by the President and returned to the House . . . . .	311
<b>H.B. 24</b> — HAZARDOUS WASTE FACILITIES MANAGEMENT AMENDMENTS ( <i>D. Cox</i> )	
Read for the first time and referred to the Rules Committee . . . . .	116
Assigned to standing committee . . . . .	167
Committee report adopted and placed on calendar . . . . .	269
Read the second time . . . . .	320
Read the third time . . . . .	336
Signed by the President and returned to the House . . . . .	337
<b>H.B. 25</b> — EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee . . . . .	116
Assigned to standing committee . . . . .	166
Committee report adopted and placed on calendar . . . . .	212
Read the second time . . . . .	240
Circled . . . . .	240
Uncircled . . . . .	241
Read the third time . . . . .	254
Signed by the President and returned to the House . . . . .	254

<b>H.B. 26</b> — STATE GENERAL OBLIGATION BOND ACT ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	166
Assigned to standing committee	192
Committee report adopted and placed on calendar	249
Read the second time	264
Read the third time	277
Circled	277
Uncircled	279
Signed by the President and returned to the House	280
<b>H.B. 27</b> — BUDGET RESERVE ACCOUNT AMENDMENTS ( <i>C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	226
Assigned to standing committee	248
Committee report adopted and placed on calendar	287
Read the second time	352
Read the third time	367
Signed by the President and returned to the House	368
<b>H.B. 28</b> — OIL AND GAS SEVERANCE TAX AMENDMENTS ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	210
Assigned to standing committee	227
Committee report adopted and placed on calendar	287
Read the second time	353
Read the third time	368
Signed by the President and returned to the House	368
<b>H.B. 29</b> — FEES AND TAXES ON OIL AND GAS ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	210
Assigned to standing committee	227
Committee report adopted and placed on calendar	287
Read the second time	353
Read the third time	368
Signed by the President and returned to the House	369
<b>H.B. 30</b> — PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS ( <i>D. Cox</i> )	
Read for the first time and referred to the Rules Committee	116
Assigned to standing committee	167
Committee report adopted and placed on calendar	212
Read the second time	240
Read the third time	253
Signed by the President and returned to the House	253
<b>H.B. 31</b> — WORKFORCE SERVICES OVERPAYMENT AMENDMENTS ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	284
Assigned to standing committee	307
Read the second time and placed on Consent Calendar	361
Read the third time	419
Signed by the President and returned to the House	419
<b>H.B. 32</b> — VEHICLE IMPOUND FEE FOR DRIVING UNDER THE INFLUENCE CASES ( <i>J. Murray</i> )	
Read for the first time and referred to the Rules Committee	230
Assigned to standing committee	248
Committee report adopted and placed on calendar	269
Read the second time	350
Read the third time	365
Signed by the President and returned to the House	366
<b>H.B. 33</b> — RESPONSIBILITIES OF LEGISLATIVE GENERAL COUNSEL ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee	116
Assigned to standing committee	167
Committee report adopted and placed on calendar	269

Read the second time .....	320
Read the third time .....	336
Signed by the President and returned to the House .....	336
<b>H.B. 34</b> — AMENDMENTS TO CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL ( <i>M. Morley</i> )	
Read for the first time and referred to the Rules Committee .....	284
Assigned to standing committee .....	306
Committee report adopted and placed on calendar .....	329
Read the second time .....	411
Read the third time .....	427
Signed by the President and returned to the House .....	428
<b>H.B. 35</b> — CONSOLIDATION OF CHILD WELFARE REPORTS ( <i>G. Hughes</i> )	
Read for the first time and referred to the Rules Committee .....	191
Assigned to standing committee .....	202
Committee report adopted and placed on calendar .....	269
Read the second time .....	319
Read the third time .....	335
Signed by the President and returned to the House .....	335
<b>H.B. 36</b> — ACCESSIBLE HOUSING ( <i>S. Mascaro</i> )	
Read for the first time and referred to the Rules Committee .....	210
Assigned to standing committee .....	227
Committee report adopted and placed on calendar .....	269
Read the second time .....	319
Read the third time .....	335
Signed by the President and returned to the House .....	336
<b>H.B. 37</b> — RESTRUCTURE SPEND DOWN PROVISION FOR MEDICAID ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee .....	670
Placed on calendar .....	800
Lifted from Second Reading Calendar to Third Reading Calendar .....	827
Read the third time .....	830
Circled .....	830
Uncircled .....	830
Read the second and third time .....	830
Signed by the President and returned to the House .....	831
<b>H.B. 38</b> — DIVISION OF CORPORATIONS AMENDMENT ( <i>J. Gowans</i> )	
Read for the first time and referred to the Rules Committee .....	116
Assigned to standing committee .....	166
Committee report adopted and placed on calendar .....	329
Read the second time .....	411
Read the third time .....	427
Signed by the President and returned to the House .....	427
<b>H.B. 39</b> — REPEAL OF EDUCATION REPORTS AND DUTIES ( <i>M. Dayton</i> )	
Read for the first time and referred to the Rules Committee .....	284
Assigned to standing committee .....	306
Committee report adopted and placed on calendar .....	330
Read the second time .....	412
Read the third time .....	428
Signed by the President and returned to the House .....	429
<b>H.B. 40</b> — NOTICE OF INTENT TO SELL NONPUBLIC PERSONAL INFORMATION ( <i>D. Aagard</i> )	
Read for the first time and referred to the Rules Committee .....	385
Assigned to standing committee .....	403
Amendments .....	484, 607
Committee report adopted and placed on calendar .....	486
Read the second time .....	581

Read the third time . . . . .	607
Returned to the House . . . . .	608
Signed by the President and transmitted to the Governor . . . . .	775
<b>H.B. 41 — LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH</b>	
AUTHORITIES ( <i>J. Seitz</i> )	
Read for the first time and referred to the Rules Committee . . . . .	210
Assigned to standing committee . . . . .	227
Committee report adopted and placed on calendar . . . . .	269
Read the second time . . . . .	319
Read the third time . . . . .	336
Circled . . . . .	336
Uncircled . . . . .	363
Signed by the President and returned to the House . . . . .	363
<b>H.B. 42 — WATER USER NOTIFICATION AMENDMENTS (<i>M. Styler</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	284
Assigned to standing committee . . . . .	306
Committee report adopted and placed on calendar . . . . .	343
Read the second time . . . . .	439
Read the third time . . . . .	464
Signed by the President and returned to the House . . . . .	464
<b>H.B. 43 — REAUTHORIZATION OF FUNDING OF STATE AND COUNTY</b>	
HEALTH AND HUMAN SERVICES TASK FORCE ( <i>J. Seitz</i> )	
Read for the first time and referred to the Rules Committee . . . . .	116
Assigned to standing committee . . . . .	167
Committee report adopted and placed on calendar . . . . .	233
Read the second time . . . . .	244
Tabled on Third Reading Calendar . . . . .	245
Enacting Clause Stricken . . . . .	991
<b>H.B. 44 — SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS (<i>L. Pace</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	116
Assigned to standing committee . . . . .	167
Committee report adopted and placed on calendar . . . . .	233
Read the second time . . . . .	245
Read the third time . . . . .	256
Reconsideration . . . . .	949
Before the Senate . . . . .	957
Amendments . . . . .	957
Returned to the House . . . . .	958
Signed by the President and returned to the House . . . . .	256, 979
<b>H.B. 45 — REAUTHORIZATION OF ADMINISTRATIVE RULES (<i>D. Ure</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	670
Placed on calendar . . . . .	799
Read the second time . . . . .	833
Read the third time . . . . .	857
Signed by the President and returned to the House . . . . .	857
<b>H.B. 46 — HONORARY CONSULATE – SPECIAL GROUP LICENSE PLATES (<i>D. Hogue</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	494
Assigned to standing committee . . . . .	519
Committee report adopted and placed on calendar . . . . .	566
Uncircled . . . . .	666
Read the second and third time . . . . .	666
Signed by the President and returned to the House . . . . .	666
<b>H.B. 47 — FIRE PREVENTION AMENDMENTS (<i>J. Murray</i>)</b>	
Read for the first time and referred to the Rules Committee . . . . .	210
Assigned to standing committee . . . . .	227



	Committee report adopted and placed on calendar	269
	Read the second time	350
	Read the third time	366
	Signed by the President and returned to the House	366
<b>H.B. 48</b>	— UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS ( <i>S. Urquhart</i> )	
	Read for the first time and referred to the Rules Committee	376
	Assigned to standing committee	380
	Returned to the House	459
	Committee report adopted and placed on calendar	486
	Read the second time	556
	Read the third time	576
	Circled	576
	Uncircled	577
	Signed by the President and returned to the House	577
<b>H.B. 51</b>	— HISTORIC PRESERVATION IN GENERAL PLANS ( <i>R. Becker</i> )	
	Read for the first time and referred to the Rules Committee	191
	Assigned to standing committee	202
	Committee report adopted and placed on calendar	269
	Read the second time	315
	Read the third time	331
	Signed by the President and returned to the House	331
<b>H.B. 55</b>	— TOW TRUCK REQUIREMENTS ( <i>J. Gowans</i> )	
	Read for the first time and referred to the Rules Committee	210
	Assigned to standing committee	228
	Committee report adopted and placed on calendar	269
	Read the second time	351
	Read the third time	366
	Signed by the President and returned to the House	367
<b>H.B. 57</b>	— EXPANSION OF PROTECTIVE ORDER ( <i>L. Shurtliff</i> )	
	Read for the first time and referred to the Rules Committee	308
	Assigned to standing committee	403
	Read the second time and placed on Consent Calendar	509
	Read the third time	603
	Signed by the President and returned to the House	604
<b>H.B. 59</b>	— OFF-HIGHWAY VEHICLE PROGRAM FUNDING ( <i>B. Goodfellow</i> )	
	Read for the first time and referred to the Rules Committee	322
	Assigned to standing committee	341
	Committee report adopted and placed on calendar	417
	Read the second time	453
	Read the third time	472
	Signed by the President and returned to the House	473
<b>H.B. 61</b>	— CANDIDATES NOT AFFILIATED WITH A PARTY ( <i>M. Noel</i> )	
	Read for the first time and referred to the Rules Committee	191
	Assigned to standing committee	202
	Committee report adopted and placed on calendar	287
	Read the second time	351
	Read the third time	367
	Signed by the President and returned to the House	367
<b>H.B. 62</b>	— EMERGENCY RESPONSE COSTS ( <i>B. Goodfellow</i> )	
	Read for the first time and referred to the Rules Committee	226
	Assigned to standing committee	248
	Committee report adopted and placed on calendar	330
	Read the second time	412
	Circled	412, 430
	Uncircled	430, 753

	Returned to the Rules Committee	753
	Enacting Clause Stricken	991
<b>H.B. 64</b>	— PUBLIC WATER SYSTEMS AMENDMENTS ( <i>R. Barrus</i> )	
	Read for the first time and referred to the Rules Committee	191
	Assigned to standing committee	261
	Substituted	417
	Committee report adopted and placed on calendar	417
	Read the second time	453
	Amendments	454
	Read the third time	473
	Returned to the House	473
	Signed by the President and transmitted to the Governor	518
<b>H.B. 66</b>	— COUNTY GENERAL FUND EXPENSES ( <i>B. Dee</i> )	
	Read for the first time and referred to the Rules Committee	308
	Assigned to standing committee	323
	Committee report adopted and placed on calendar	522
	Read the second time	749
	Read the third time	778
	Signed by the President and returned to the House	779
<b>H.B. 68</b>	— SAFETY INSPECTION REQUIREMENT FOR SALVAGE VEHICLES ( <i>G. Curtis</i> )	
	Read for the first time and referred to the Rules Committee	230
	Assigned to standing committee	248
	Committee report adopted and placed on calendar	310
	Read the second time	354
	Read the third time	369
	Signed by the President and returned to the House	370
<b>H.B. 69</b>	— APPROPRIATION FOR SCHOOL DISTRICT IMPACTED BY FEE WAIVERS ( <i>L. Shurtliff</i> )	
	Read for the first time and referred to the Rules Committee	414
	Assigned to standing committee	446
	Returned to the Rules Committee	747
	Enacting Clause Stricken	991
<b>H.B. 70</b>	— ASSAULT AMENDMENTS ( <i>M. Thompson</i> )	
	Read for the first time and referred to the Rules Committee	226
	Assigned to standing committee	248
	Read the second time and placed on Consent Calendar	377
	Read the third time	436
	Circled	436
	Uncircled	438
	Signed by the President and returned to the House	439
<b>H.B. 72</b>	— ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM ( <i>D. Hogue</i> )	
	Read for the first time and referred to the Rules Committee	538
	Assigned to standing committee	552
	Committee report adopted and placed on calendar	629
	Read the second time	754
	Tabled on Third Reading Calendar	754
	Read the third time	837
	Signed by the President	838
	Reconsideration	854
	Placed on calendar	854
	Circled	855, 878
	Uncircled	877, 894
	Substituted	877
	Amendments	894

Returned to the House	895
Signed by the President and returned to the House	908
<b>H.B. 73</b> — WITHHOLDING EXEMPTION FOR CERTAIN NONRESIDENT SHAREHOLDERS ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	210
Assigned to standing committee	227
Committee report adopted and placed on calendar	287
Read the second time	353
Read the third time	369
Signed by the President and returned to the House	369
<b>H.B. 74</b> — UNAUTHORIZED ENTRY ON SCHOOL BUS PROHIBITED ( <i>N. Hendrickson</i> )	
Read for the first time and referred to the Rules Committee	210
Assigned to standing committee	227
Read the second time and placed on Consent Calendar	361
Read the third time	418
Signed by the President and returned to the House	419
<b>H.B. 75</b> — NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS ( <i>L. Pace</i> )	
Read for the first time and referred to the Rules Committee	721
Placed on calendar	799
Read the second time	833
Circled	833, 939
Uncircled	891, 940
Read the third time	939
Signed by the President and returned to the House	940
<b>H.B. 76</b> — TRUANCY AMENDMENTS ( <i>D. Bourdeaux</i> )	
Read for the first time and referred to the Rules Committee	230
Assigned to standing committee	247
Amendments	626
Committee report adopted and placed on calendar	629
Read the second time	754
Amendments	754
Failed and returned to the House	755
<b>H.B. 77</b> — HIGH SCHOOL GRADUATION REQUIREMENTS – FINANCIAL LITERACY ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee	682
Placed on calendar	882
Read the second time	909
Read the third time	943
Circled	944
Enacting Clause Stricken	991
<b>H.B. 78</b> — LIEN RECOVERY FUND – RATE OF INTEREST ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	266
Assigned to standing committee	305
Substituted	460
Committee report adopted and placed on calendar	461
Read the second time	547
Read the third time	570
Circled	571
Uncircled	604
Amendments	604, 718
Reconsideration	633, 718
Failed	604
Returned to the House	605, 718
Signed by the President and returned to the House	797

<b>H.B. 79</b> — REGULATION OF AMATEUR RADIO ANTENNAS ( <i>N. Hendrickson</i> )	
Read for the first time and referred to the Rules Committee	284
Assigned to standing committee	305
Committee report adopted and placed on calendar	360
Read the second time	446
Read the third time	466
Signed by the President and returned to the House	466
<b>H.B. 80</b> — SPECIAL SERVICE DISTRICT AMENDMENTS ( <i>E. Anderson</i> )	
Read for the first time and referred to the Rules Committee	322
Assigned to standing committee	341
Amendments	436
Committee report adopted and placed on calendar	436
Read the second time	546
Circled	546, 717
Uncircled	616, 739
Read the third time	717
Returned to the House	740
Signed by the President and returned to the House	807
<b>H.B. 81</b> — COMPENSATION STUDY ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	585
Assigned to standing committee	641
Returned to the Rules Committee	748
Placed on calendar	799
Read the second time	842
Read the third time	861
Signed by the President and returned to the House	861
<b>H.B. 82</b> — INITIATIVES – ONE SUBJECT REQUIREMENT ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee	247
Assigned to standing committee	261
Committee report adopted and placed on calendar	436
Read the second time	525
Circled	525, 749
Uncircled	526, 773
Failed	526, 774
Returned to the House	527
Reconsideration	577
Placed on calendar	597
Before the Senate for reconsideration	749
Amendments	773
Returned to the House	774
<b>H.B. 85</b> — HATE CRIMES AMENDMENTS ( <i>D. Litvack</i> )	
Read for the first time and referred to the Rules Committee	775
Returned to the House	800
<b>H.B. 86</b> — PUBLIC SCHOOL CHOICE ENROLLMENT ( <i>C. Moss</i> )	
Read for the first time and referred to the Rules Committee	432
Assigned to standing committee	446
Amendments	650, 815
Committee report adopted and placed on calendar	652
Read the second time	761
Read the third time	815
Returned to the House	816
Signed by the President and returned to the House	880
<b>H.B. 87</b> — PROPERTY TAX ASSESSMENT OF LOW-INCOME HOUSING TAX CREDITS AND LOW-INCOME HOUSING COVENANTS ( <i>G. Snow</i> )	
Read for the first time and referred to the Rules Committee	308

Assigned to standing committee	323
Committee report adopted and placed on calendar	436
Read the second time	546
Read the third time	570
Signed by the President and returned to the House	570
<b>H.B. 88</b> — PAYMENT OF REWARD UPON ARREST AND CONVICTION ( <i>D. Love</i> )	
Read for the first time and referred to the Rules Committee	551
Assigned to standing committee	586
Committee report adopted and placed on calendar	674
Read the second time	764
Read the third time	817
Signed by the President and returned to the House	817
<b>H.B. 89</b> — RENEWABLE ENERGY AMENDMENTS ( <i>J. Gowans</i> )	
Read for the first time and referred to the Rules Committee	966
Enacting Clause Stricken	991
<b>H.B. 90</b> — EQUIPMENT DEALER WARRANTY REIMBURSEMENT ACT ( <i>D. Peterson</i> )	
Read for the first time and referred to the Rules Committee	322
Assigned to standing committee	380
Committee report adopted and placed on calendar	461
Read the second time	547
Read the third time	571
Signed by the President and returned to the House	571
<b>H.B. 91</b> — ENFORCEMENT PROCEDURE AMENDMENTS OF WATER WELL DRILLERS ( <i>D. Peterson</i> )	
Read for the first time and referred to the Rules Committee	357
Assigned to standing committee	380
Committee report adopted and placed on calendar	417
Read the second time	451
Circled	451
Uncircled	452
Read the third time	472
Signed by the President and returned to the House	472
<b>H.B. 92</b> — SCHOOL FUNDS AMENDMENTS ( <i>B. Last</i> )	
Read for the first time and referred to the Rules Committee	349
Assigned to standing committee	380
Committee report adopted and placed on calendar	461
Read the second time	548
Read the third time	572
Signed by the President and returned to the House	572
<b>H.B. 93</b> — SUSPENSION OF DRIVING PRIVILEGES FOR HABITUAL TRUANTS ( <i>D. Bourdeaux</i> )	
Read for the first time and referred to the Rules Committee	585
Assigned to standing committee	642
Returned to the Rules Committee	749
Placed on calendar	925
Enacting Clause Stricken	991
<b>H.B. 94</b> — UTAH CONTROLLED SUBSTANCES – EXTRACTION AND REDUCTION LABS ( <i>D. Bowman</i> )	
Read for the first time and referred to the Rules Committee	376
Assigned to standing committee	380
Committee report adopted and placed on calendar	461
Read the second time	548
Circled	548, 717
Uncircled	616, 739

Read the third time . . . . .	717
Signed by the President and returned to the House . . . . .	739
<b>H.B. 95</b> — ANNEXATION OF UNINCORPORATED COUNTY ISLANDS INTO CITIES ( <i>T. Kiser</i> )	
Read for the first time and referred to the Rules Committee . . . . .	551
Assigned to standing committee . . . . .	585
Committee report adopted and placed on calendar . . . . .	652
Read the second time . . . . .	761
Read the third time . . . . .	816
Circled . . . . .	816
Uncircled . . . . .	817
Signed by the President and returned to the House . . . . .	817
<b>H.B. 98</b> — MUNICIPAL DISCONNECTION AMENDMENTS ( <i>A. Hardy</i> )	
Read for the first time and referred to the Rules Committee . . . . .	385
Assigned to standing committee . . . . .	402
Committee report adopted and placed on calendar . . . . .	486
Read the second time . . . . .	558
Read the third time . . . . .	577
Circled . . . . .	577
Uncircled . . . . .	613
Amendments . . . . .	613
Returned to the House . . . . .	614
Signed by the President and transmitted to the Governor . . . . .	669
<b>H.B. 100</b> — STATE RETIREMENT CONVERSION WINDOW ( <i>B. King</i> )	
Read for the first time and referred to the Rules Committee . . . . .	563
Assigned to standing committee . . . . .	586
Returned to the Rules Committee . . . . .	749
Enacting Clause Stricken . . . . .	991
<b>H.B. 102</b> — ELECTION DAY MATERIALS ( <i>L. Pace</i> )	
Read for the first time and referred to the Rules Committee . . . . .	376
Assigned to standing committee . . . . .	380
Committee report adopted and placed on calendar . . . . .	436
Read the second time . . . . .	525
Read the third time . . . . .	542
Signed by the President and returned to the House . . . . .	542
<b>H.B. 103</b> — VOTER REGISTRATION AMENDMENTS ( <i>L. Pace</i> )	
Read the first time . . . . .	376
Assigned to standing committee . . . . .	380
Committee report adopted and placed on calendar . . . . .	436
Read the second time . . . . .	527
Amendments . . . . .	527
Read the third time . . . . .	543
Returned to the House . . . . .	543
Signed by the President and returned to the House . . . . .	596
<b>H.B. 104</b> — DISPOSAL OF EVIDENCE IN CRIMINAL PROCEEDINGS ( <i>J. S. Adams</i> )	
Read for the first time and referred to the Rules Committee . . . . .	385
Assigned to standing committee . . . . .	403
Committee report adopted and placed on calendar . . . . .	486
Read the second time . . . . .	582
Read the third time . . . . .	609
Circled . . . . .	609
Uncircled . . . . .	610
Signed by the President and returned to the House . . . . .	611
<b>H.B. 105</b> — INTERNET PRIVACY AND SECURITY AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee . . . . .	585

Assigned to standing committee	641
Returned to the Rules Committee	748
Placed on calendar	882
Read the second time	909
Circled	909
Uncircled	959
Substituted	959
Read the second and third time	960
Returned to the House	960
Signed by the President and returned to the House	979
<b>H.B. 106 — FOSTER CARE GUIDANCE THROUGH PROVIDERS</b>	
CONTRACTS ( <i>M. Dayton</i> )	
Read for the first time and referred to the Rules Committee	349
Assigned to standing committee	380
Committee report adopted and placed on calendar	461
Read the second time	548
Read the third time	571
Signed by the President and returned to the House	572
<b>H.B. 107 — DNA AMENDMENTS (<i>J. S. Adams</i>)</b>	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	552
Read the second time and placed on Consent Calendar	630
Read the third time	722
Signed by the President and returned to the House	722
<b>H.B. 108 — FULLY INTERACTIVE DRIVING SIMULATORS IN</b>	
DRIVER EDUCATION ( <i>J. Dougall</i> )	
Read for the first time and referred to the Rules Committee	414
Assigned to standing committee	433
Committee report adopted and placed on calendar	461
Read the second time	555
Read the third time	574
Signed by the President and returned to the House	574
<b>H.B. 109 — INFORMED CONSENT FOR ELECTROCONVULSIVE TREATMENT</b>	
AND REPORTING REQUIREMENTS ( <i>K. Bryson</i> )	
Read for the first time and referred to the Rules Committee	682
Placed on calendar	925
Enacting Clause Stricken	991
<b>H.B. 112 — COUNTY CORRECTIONAL FACILITY REIMBURSEMENT (<i>B. Dee</i>)</b>	
Read for the first time and referred to the Rules Committee	764
Placed on calendar	882
Read the second time	909
Read the third time	944
Circled	944, 972
Uncircled	972
Amendments	972
Returned to the House	973
Signed by the President and returned to the House	980
<b>H.B. 114 — MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM (<i>B. Dee</i>)</b>	
Read for the first time and referred to the Rules Committee	597
Assigned to standing committee	642
Returned to Rules	745
Enacting Clause Stricken	991
<b>H.B. 116 — PROPERTY TAX – CALCULATION OF CERTIFIED TAX RATE (<i>A. Hardy</i>)</b>	
Read for the first time and referred to the Rules Committee	414
Assigned to standing committee	433

Committee report adopted and placed on calendar	486
Read the second time	559
Circled	560, 718
Uncircled	619, 740
Read the third time	718
Signed by the President and returned to the House	740
<b>H.B. 119</b> — JUDICIAL CONDUCT COMMISSION REVISIONS ( <i>K. Bryson</i> )	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	552
Committee report adopted and placed on calendar	674
Read the second time	765
Circled	765, 818
Uncircled	766, 826
Amendments	818, 826
Read the third time	818
Returned to the House	826
Signed by the President and returned to the House	880
<b>H.B. 121</b> — LEAVE OF ABSENCE FOR DISABLED EMPLOYEES ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	385
Assigned to standing committee	403
Committee report adopted and placed on calendar	486
Read the second time	582
Read the third time	609
Signed by the President and returned to the House	609
<b>H.B. 122</b> — LOCAL GOVERNMENT AMENDMENTS ( <i>A. Hardy</i> )	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	670
Committee report adopted and placed on calendar	744
Read the second time	795
Read the third time	822
Signed by the President and returned to the House	823
<b>H.B. 123</b> — PROHIBITION OF PUBLIC FUNDING FOR ABORTION ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee	700
Placed on calendar	925
Enacting Clause Stricken	991
<b>H.B. 126</b> — MEDICAID BENEFIT AMENDMENTS ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee	775
Placed on calendar	844
Read the second time	866
Read the third time	884
Signed by the President and returned to the House	885
<b>H.B. 129</b> — VOYEURISM AMENDMENTS ( <i>B. Goodfellow</i> )	
Read for the first time and referred to the Rules Committee	812
Placed on calendar	925
Read the second and third time	970
Amendments	970
Signed by the President and returned to the House	979
<b>H.B. 130</b> — DAMAGE ON PRIVATE LAND BY BIG GAME ANIMALS ( <i>S. Urquhart</i> )	
Read for the first time and referred to the Rules Committee	647
Assigned to standing committee	670
Returned to the Rules Committee	748
Placed on calendar	844
Read the second time	901
Read the third time	941
Signed by the President and returned to the House	942



**H.B. 133** — EXPEDITED CHILD WELFARE PROCEDURES (*C. Bennion*)

    Read for the first time and referred to the Rules Committee . . . . . 775

    Placed on calendar . . . . . 837

    Read the second time . . . . . 839

    Circled . . . . . 840

    Uncircled . . . . . 870

    Amendments . . . . . 870

    Read the third time . . . . . 871

    Returned to the House . . . . . 871

    Signed by the President and returned to the House . . . . . 908

**H.B. 136** — COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS FOR PUBLIC TRANSIT (*J. Alexander*)

    Read for the first time and referred to the Rules Committee . . . . . 770

    Placed on calendar . . . . . 844

    Read the second time . . . . . 869

    Circled . . . . . 869

    Uncircled . . . . . 902

    Amendments . . . . . 903, 973

    Read the third time . . . . . 943

    Returned to the House . . . . . 943, 974

    Refuse to recede . . . . . 964

    Joint Conference Committee Report . . . . . 973

    Concurrence . . . . . 974

    House Conference Committee assigned . . . . . 979

    Signed by the President and returned to the House . . . . . 980

**H.B. 137** — RESIDENTIAL FACILITIES FOR THE DISABLED AMENDMENTS (*G. Curtis*)

    Read for the first time and referred to the Rules Committee . . . . . 670

    Placed on calendar . . . . . 844

    Read the second time . . . . . 869

    Circled . . . . . 869

    Uncircled . . . . . 875

    Amendments . . . . . 876

    Read the third time . . . . . 917

    Intent Language . . . . . 918

    Signed by the President and returned to the House . . . . . 918

**H.B. 142** — MANUFACTURED HOME AND MOBILE HOME AMENDMENTS (*W. Harper*)

    Read for the first time and referred to the Rules Committee . . . . . 670

    Placed on calendar . . . . . 799

    Read the second time . . . . . 833

    Circled . . . . . 833, 860

    Uncircled . . . . . 840, 862

    Read the third time . . . . . 860

    Signed by the President and returned to the House . . . . . 863

**H.B. 145** — DEPARTMENT OF ADMINISTRATIVE SERVICES AMENDMENTS (*L. Pace*)

    Read for the first time and referred to the Rules Committee . . . . . 613

    Assigned to standing committee . . . . . 641

    Committee report adopted and placed on calendar . . . . . 744

    Read the second time . . . . . 803

    Read the third time . . . . . 823

    Signed by the President and returned to the House . . . . . 823

**H.B. 146** — NONTRADITIONAL INSURERS (*J. Ferrin*)

    Read for the first time and referred to the Rules Committee . . . . . 626

    Assigned to standing committee . . . . . 641

    Committee report adopted and placed on calendar . . . . . 713

    Read the second time . . . . . 765

    Circled . . . . . 765, 818

Uncircled . . . . .	766, 827
Read the third time . . . . .	818
Signed by the President and returned to the House . . . . .	828
<b>H.B. 148</b> — UNLAWFUL TAKING OF GAME FISH ( <i>S. Clark</i> )	
Read for the first time and referred to the Rules Committee . . . . .	538
Assigned to standing committee . . . . .	552
Committee report adopted and placed on calendar . . . . .	629
Read the second time . . . . .	756
Read the third time . . . . .	783
Signed by the President and returned to the House . . . . .	783
<b>H.B. 149</b> — SCHOOL DISTRICT ADMINISTRATOR AMENDMENTS ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee . . . . .	585
Assigned to standing committee . . . . .	641
Committee report adopted and placed on calendar . . . . .	713
Read the second time . . . . .	767
Amendments . . . . .	767
Read the third time . . . . .	818
Circled . . . . .	818
Uncircled . . . . .	821
Signed by the President and returned to the House . . . . .	822
<b>H.B. 150</b> — POLL WATCHER AND PRESERVATION OF ELECTION DATE AMENDMENTS ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee . . . . .	648
Enacting Clause Stricken . . . . .	991
<b>H.B. 152</b> — LEGISLATIVE AUDITS OF CHILD WELFARE ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee . . . . .	658
Placed on calendar . . . . .	925
Read the second and third time . . . . .	981
Signed by the President and returned to the House . . . . .	981
<b>H.B. 154</b> — VISION SCREENING CHECKOFF FOR MOTOR VEHICLE REGISTRATION AND DRIVER LICENSE APPLICATION AND RENEWAL ( <i>K. Bryson</i> )	
Read for the first time and referred to the Rules Committee . . . . .	518
Assigned to standing committee . . . . .	553
Committee report adopted and placed on calendar . . . . .	629
Read the second time . . . . .	757
Read the third time . . . . .	814
Signed by the President and returned to the House . . . . .	814
<b>H.B. 155</b> — AMENDMENTS TO ELECTION LAW ( <i>B. Goodfellow</i> )	
Read for the first time and referred to the Rules Committee . . . . .	507
Assigned to standing committee . . . . .	518
Committee report adopted and placed on calendar . . . . .	602
Read the second time . . . . .	753
Read the third time . . . . .	781
Signed by the President and returned to the House . . . . .	782
<b>H.B. 157</b> — CONTROL OF WOLF POPULATION ( <i>M. Styer</i> )	
Read for the first time and referred to the Rules Committee . . . . .	538
Assigned to standing committee . . . . .	552
Committee report adopted and placed on calendar . . . . .	629
Read the second time . . . . .	757
Read the third time . . . . .	814
Signed by the President and returned to the House . . . . .	814
<b>H.B. 158</b> — INCORPORATION OF CITIES ( <i>B. Dee</i> )	
Read for the first time and referred to the Rules Committee . . . . .	585
Assigned to standing committee . . . . .	641

Committee report adopted and placed on calendar	744
Read the second time	804
Read the third time	823
Signed by the President and returned to the House	824
<b>H.B. 159</b> — VOLUNTARY CONTRIBUTION ACT AMENDMENTS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	385
Assigned to standing committee	403
Amendments	522, 897
Committee report adopted and placed on calendar	522
Read the second time	752
Circled	752
Uncircled	897
Read the second and third time	897
Amendments	897
Returned to the House	898
Intent Language	898
<b>H.B. 160</b> — EMERGENCY HEALTH RESPONSE AMENDMENTS ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	392
Assigned to standing committee	403
Amendments	456
Committee report adopted and placed on calendar	456
Read the second and third time	477
Returned to the House	477
Signed by the President and returned to the House	493
<b>H.B. 161</b> — SNOW COLLEGE RICHFIELD CAMPUS ( <i>B. Johnson</i> )	
Read for the first time and referred to the Rules Committee	458
Assigned to standing committee	482
Committee report adopted and placed on calendar	629
Read the second time	755
Read the third time	782
Signed by the President and returned to the House	782
<b>H.B. 162</b> — AMENDMENTS RELATED TO FINANCIAL INSTITUTIONS ( <i>J. Alexander</i> )	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	641
Amendments	708, 784, 805
Committee report adopted and placed on calendar	713
Placed on Time Certain	715
Read the second time	751
Substituted	751, 883
Before the Senate	783
Circled	791, 805, 884, 894
Uncircled	804, 883, 891
Read the second and third time	891
Returned to the House	892
Signed by the President and returned to the House	911
<b>H.B. 163</b> — CRIMINAL RESTITUTION AMENDMENTS ( <i>D. Aagard</i> )	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	552
Amendments	629, 759
Committee report adopted and placed on calendar	629
Read the second time	759
Tabled on Third Reading Calendar	760
Placed on calendar	762
Read the third time	816
Returned to the House	816
Signed by the President and returned to the House	880

<b>H.B. 164</b> — JAMES V. HANSEN HIGHWAY DESIGNATION ( <i>D. Aagard</i> )	
Read for the first time and referred to the Rules Committee	226
Assigned to standing committee	248
Committee report adopted and placed on calendar	310
Read the second time	355
Read the third time	370
Signed by the President and returned to the House	370
<b>H.B. 165</b> — REVISOR'S STATUTE ( <i>M. Dillree</i> )	
Read for the first time and referred to the Rules Committee	116
Placed on calendar	168
Read the second time	187
Amendments	187
Read the third time	199
Returned to the House	199
Signed by the President and returned to the House	246
<b>H.B. 166</b> — PAYDAY LENDING ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	247
Assigned to standing committee	305
Returned to the Rules Committee	747
Enacting Clause Stricken	992
<b>H.B. 168</b> — FILLING MIDTERM VACANCIES IN THE LEGISLATURE ( <i>R. Becker</i> )	
Read for the first time and referred to the Rules Committee	191
Assigned to standing committee	202
Committee report adopted and placed on calendar	287
Read the second time	352
Circled	352, 529
Uncircled	528, 557
Substituted	528
Read the third time	576
Returned to the House	577
Signed by the President and returned to the House	626
<b>H.B. 169</b> — PROCESS FOR CREATION OF NEW SCHOOL DISTRICTS ( <i>D. Cox</i> )	
Read for the first time and referred to the Rules Committee	308
Assigned to standing committee	380
Committee report adopted and placed on calendar	461
Read the second time	549
Failed	549
Returned to the House	549
Reconsideration	581
Placed on calendar	581
Circled	581
Other	904
Uncircled	950
Read the second and third time	950
Signed by the President and returned to the House	950
<b>H.B. 171</b> — PAMELA ATKINSON HOMELESS TRUST ACCOUNT ( <i>M. Stephens</i> )	
Read for the first time and referred to the Rules Committee	322
Assigned to standing committee	342
Read the second time and placed on Consent Calendar	391
Read the third time	488
Circled	488
Uncircled	495
Signed by the President and returned to the House	495

<b>H.B. 172</b> — BACKGROUND INVESTIGATIONS OF PEACE OFFICER CANDIDATES ( <i>L. Pace</i> )	
Read for the first time and referred to the Rules Committee	226
Assigned to standing committee	248
Committee report adopted and placed on calendar	343
Read the second time	442
Read the third time	465
Signed by the President and returned to the House	466
<b>H.B. 173</b> — MOTOR VEHICLE OPERATOR FLEEING A PEACE OFFICER ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	230
Assigned to standing committee	248
Read the second time and placed on Consent Calendar	377
Read the third time	438
Signed by the President and returned to the House	438
<b>H.B. 174</b> — UNEMPLOYMENT INSURANCE FRAUD AMENDMENTS ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	230
Assigned to standing committee	247
Amendments	358
Committee report adopted and placed on calendar	360
Read the second time	447
Read the third time	467
Returned to the House	467
Signed by the President and transmitted to the Governor	518
<b>H.B. 175</b> — MANAGEMENT OF NOTARIES PUBLIC BY LIEUTENANT GOVERNOR ( <i>L. Pace</i> )	
Read for the first time and referred to the Rules Committee	284
Assigned to standing committee	306
Committee report adopted and placed on calendar	436
Read the second time	545
Read the third time	569
Signed by the President and returned to the House	569
<b>H.B. 176</b> — TERMINATION OF PARENTAL RIGHTS ( <i>M. Thompson</i> )	
Read for the first time and referred to the Rules Committee	261
Assigned to standing committee	323
Committee report adopted and placed on calendar	360
Read the second time	448
Circled	448
Uncircled	449
Read the third time	469
Signed by the President and returned to the House	469
<b>H.B. 178</b> — FIREARMS AMENDMENTS ( <i>T. McCartney</i> )	
Read for the first time and referred to the Rules Committee	284
Assigned to standing committee	306
Read the second time and placed on Consent Calendar	377
Read the third time	438
Circled	438
Uncircled	443
Signed by the President and returned to the House	443
<b>H.B. 179</b> — IMPOUNDING UNINSURED MOTORIST VEHICLE ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	658
Placed on calendar	925
Enacting Clause Stricken	992
<b>H.B. 180</b> — TRAUMA REGISTRY DATA ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	149
Assigned to standing committee	167

Committee report adopted and placed on calendar	233
Read the second time	257
Circled	257
Uncircled	345
Read the third time	363
Signed by the President and returned to the House	363
<b>H.B. 181</b> — SECURITY REQUIREMENTS IN USE OF SOCIAL SECURITY NUMBERS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	166
Assigned to standing committee	192
Amendments	249
Committee report adopted and placed on calendar	249
Read the second time	264
Read the third time	277
Returned to the House	278
Signed by the President and transmitted to the Governor	322
<b>H.B. 182</b> — AIR CONSERVATION ACT AMENDMENTS ( <i>M. Morley</i> )	
Read for the first time and referred to the Rules Committee	166
Assigned to standing committee	192
Committee report adopted and placed on calendar	269
Read the second time	349
Read the third time	365
Signed by the President and returned to the House	365
<b>H.B. 186</b> — ELEMENTARY SCHOOL VENDING MACHINE SALES ( <i>P. Jones</i> )	
Read for the first time and referred to the Rules Committee	670
Enacting Clause Stricken	992
<b>H.B. 187</b> — CAMPAIGN CONTRIBUTION RESTRICTIONS ( <i>N. Hansen</i> )	
Read for the first time and referred to the Rules Committee	191
Assigned to standing committee	202
Amendments	483, 578
Committee report adopted and placed on calendar	486
Read the second time	558
Read the third time	578
Returned to the House	578
Signed by the President and returned to the House	626
<b>H.B. 188</b> — STATE PARK FEE AMENDMENTS ( <i>B. Johnson</i> )	
Read for the first time and referred to the Rules Committee	284
Assigned to standing committee	306
Committee report adopted and placed on calendar	343
Read the second time	441
Read the third time	464
Signed by the President and returned to the House	465
<b>H.B. 189</b> — LENDING LAW AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	432
Assigned to standing committee	643
Returned to the Rules Committee	748
Substituted	799
Placed on calendar	800
Read the second time	843
Read the third time	862
Returned to the House	862
Signed by the President and returned to the House	896
<b>H.B. 192</b> — OVERSIGHT OF UTAH CLIMATE CENTER BY UTAH STATE UNIVERSITY ( <i>B. Ferry</i> )	
Read for the first time and referred to the Rules Committee	385

Assigned to standing committee	402
Committee report adopted and placed on calendar	461
Read the second time	553
Read the third time	572
Signed by the President and returned to the House	573
<b>H.B. 194</b> — SHERIFF CERTIFICATION REQUIREMENTS ( <i>J. Murray</i> )	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	552
Committee report adopted and placed on calendar	652
Read the second time	762
Read the third time	816
Circled	816
Uncircled	826
Signed by the President and returned to the House	827
<b>H.B. 195</b> — ELECTION PROCESS FOR NONBINDING STATEWIDE OPINION QUESTION ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	414
Enacting Clause Stricken	992
<b>H.B. 197</b> — LICENSE PLATE FOR BOYS AND GIRLS CLUBS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	230
Assigned to standing committee	248
Committee report adopted and placed on calendar	310
Read the second time	410
Substituted	410
Read the third time	426
Amendments	426
Returned to the House	427
Signed by the President and returned to the House	481
<b>H.B. 198</b> — EXPANSION OF ACCESS TO FISH AND GAME OPPORTUNITIES ( <i>S. Clark</i> )	
Read for the first time and referred to the Rules Committee	322
Assigned to standing committee	341
Committee report adopted and placed on calendar	377
Read the second time	450
Read the third time	470
Signed by the President and returned to the House	470
<b>H.B. 199</b> — LINE-OF-DUTY DEATH BENEFIT ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	349
Assigned to standing committee	381
Committee report adopted and placed on calendar	629
Read the second time	760
Read the third time	815
Signed by the President and returned to the House	815
<b>H.B. 200</b> — PROPERTY TAXES AND UNIFORM FEES – INTEREST RATES ON DEFERRED OR DELINQUENT TAXES ( <i>L. Christensen</i> )	
Read for the first time and referred to the Rules Committee	414
Assigned to standing committee	433
Committee report adopted and placed on calendar	486
Read the second time	560
Read the third time	579
Signed by the President and returned to the House	580
<b>H.B. 201</b> — JUDICIARY AMENDMENTS ( <i>M. S. Lawrence</i> )	
Read for the first time and referred to the Rules Committee	585
Assigned to standing committee	642
Returned to the Rules Committee	749
Placed on calendar	799

	Read the second time	833
	Circled	833, 862
	Uncircled	846, 864
	Read the third time	862
	Amendments	864
	Returned to the House	865
	Signed by the President and returned to the House	896
<b>H.B. 202</b>	— UTAH ENERGY OFFICE AMENDMENTS ( <i>S. Urquhart</i> )	
	Read for the first time and referred to the Rules Committee	322
	Assigned to standing committee	341
	Committee report adopted and placed on calendar	377
	Read the second time	450
	Read the third time	470
	Circled	470
	Uncircled	474
	Signed by the President and returned to the House	475
<b>H.B. 203</b>	— RESIDENTIAL MORTGAGE REGULATORY COMMISSION ( <i>G. Snow</i> )	
	Read for the first time and referred to the Rules Committee	284
	Assigned to standing committee	305
	Amendments	358
	Committee report adopted and placed on calendar	360
	Read the second time	448
	Read the third time	468
	Returned to the House	468
	Signed by the President and transmitted to the Governor	518
<b>H.B. 204</b>	— FELONY MURDER AMENDMENTS ( <i>K. Morgan</i> )	
	Read for the first time and referred to the Rules Committee	385
	Assigned to standing committee	403
	Read the second time and placed on Consent Calendar	567
	Read the third time	632
	Signed by the President and returned to the House	633
<b>H.B. 206</b>	— COUNTY RESPONSIBILITY FOR VOTING PRECINCTS AND POLLING PLACES ( <i>R. Bigelow</i> )	
	Read for the first time and referred to the Rules Committee	284
	Assigned to standing committee	306
	Committee report adopted and placed on calendar	436
	Read the second time	546
	Read the third time	569
	Signed by the President and returned to the House	570
<b>H.B. 209</b>	— SENTENCING FOR USE OF DANGEROUS WEAPON ( <i>G. Hughes</i> )	
	Read for the first time and referred to the Rules Committee	376
	Assigned to standing committee	380
	Committee report adopted and placed on calendar	486
	Read the second time	583
	Read the third time	609
	Circled	610
	Uncircled	611
	Signed by the President and returned to the House	611
<b>H.B. 210</b>	— SEXUAL ABUSE OF A CHILD AMENDMENTS ( <i>M. Thompson</i> )	
	Read for the first time and referred to the Rules Committee	349
	Assigned to standing committee	380
	Read the second time and placed on Consent Calendar	486
	Read the third time	569
	Circled	569
	Uncircled	574
	Signed by the President and returned to the House	575



**H.B. 211** — DISABILITIES APPROPRIATIONS NONLAPSING (*R. Lockhart*)

    Read for the first time and referred to the Rules Committee . . . . . 376

    Assigned to standing committee . . . . . 403

    Committee report adopted and placed on calendar . . . . . 486

    Read the second time . . . . . 560

    Circled . . . . . 560, 718

    Uncircled . . . . . 618, 719

    Read the third time . . . . . 717

    Signed by the President and returned to the House . . . . . 719

**H.B. 212** — PRIMARY CARE NETWORK AMENDMENTS FOR GENERAL ASSISTANCE RECIPIENTS (*K. Holdaway*)

    Read for the first time and referred to the Rules Committee . . . . . 597

    Assigned to standing committee . . . . . 642

    Amendments . . . . . 711, 819

    Committee report adopted and placed on calendar . . . . . 713

    Read the second time . . . . . 765

    Tabled on Third Reading Calendar . . . . . 766, 820

    Lifted from Table . . . . . 819

    Read the third time . . . . . 838

    Signed by the President and returned to the House . . . . . 838

**H.B. 213** — COVENANT MARRIAGE OPTION (*D. Aagard*)

    Read for the first time and referred to the Rules Committee . . . . . 648

    Placed on calendar . . . . . 799

    Read the second time . . . . . 835

    Failed . . . . . 835

    Returned to the House for filing . . . . . 836

**H.B. 215** — STATE AGENCY – LOBBYIST RESTRICTION AMENDMENTS (*W. Harper*)

    Read for the first time and referred to the Rules Committee . . . . . 538

    Assigned to standing committee . . . . . 552

    Returned to the Rules Committee . . . . . 746

    Enacting Clause Stricken . . . . . 992

**H.B. 217** — PRIVATE INVESTIGATOR LICENSURE AMENDMENTS (*M. Dayton*)

    Read for the first time and referred to the Rules Committee . . . . . 414

    Assigned to standing committee . . . . . 446

    Amendments . . . . . 601, 828

    Committee report adopted and placed on calendar . . . . . 602

    Read the second time . . . . . 754

    Circled . . . . . 754, 819

    Uncircled . . . . . 768, 828

    Read the third time . . . . . 819

    Returned to the House . . . . . 828

    Signed by the President and returned to the House . . . . . 880

**H.B. 219** — WAGES FOR TIPPED EMPLOYEES (*D. Ure*)

    Read for the first time and referred to the Rules Committee . . . . . 613

    Assigned to standing committee . . . . . 642

    Committee report adopted and placed on calendar . . . . . 744

    Read the second time . . . . . 806

    Read the third time . . . . . 825

    Signed by the President and returned to the House . . . . . 825

**H.B. 221** — EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES (*D. Ure*)

    Read for the first time and referred to the Rules Committee . . . . . 376

    Assigned to standing committee . . . . . 586

    Committee report adopted and placed on calendar . . . . . 629

    Read the second time . . . . . 756

	Circled	756
	Uncircled	768
	Read the third time	819
	Signed by the President and returned to the House	819
<b>H.B. 222</b>	— CHILD WELFARE PROCEEDINGS AMENDMENTS ( <i>G. Curtis</i> )	
	Read for the first time and referred to the Rules Committee	585
	Assigned to standing committee	642
	Returned to the Rules Committee	747, 846
	Placed on calendar	837
	Read the second time	839
	Circled	839, 871
	Uncircled	846, 871, 886
	Read the third time	920
	Signed by the President and returned to the House	920
<b>H.B. 223</b>	— CHANGING STATE SONG ( <i>D. Love</i> )	
	Read for the first time and referred to the Rules Committee	432
	Assigned to standing committee	482
	Committee report adopted and placed on calendar	619
	Read the second and third time	736
	Amendments	736
	Returned to the House	736
	Signed by the President and returned to the House	807
<b>H.B. 224</b>	— STATE RECORDS COMMITTEE – MEMBERSHIP AMENDMENTS ( <i>J. Dunnigan</i> )	
	Read for the first time and referred to the Rules Committee	322
	Assigned to standing committee	341
	Committee report adopted and placed on calendar	486
	Read the second time	559
	Read the third time	578
	Signed by the President and returned to the House	579
<b>H.B. 225</b>	— RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS ( <i>B. Dee</i> )	
	Read for the first time and referred to the Rules Committee	481
	Assigned to standing committee	482
	Read the second time and placed on Consent Calendar	630
	Read the third time	722
	Signed by the President and returned to the House	722
<b>H.B. 228</b>	— LOCAL GOVERNMENT OFFICIALS AMENDMENTS ( <i>M. Thompson</i> )	
	Read for the first time and referred to the Rules Committee	357
	Assigned to standing committee	380
	Committee report adopted and placed on calendar	522
	Read the second time	750
	Circled	750
	Uncircled	771
	Read the third time	820
	Signed by the President and returned to the House	821
<b>H.B. 229</b>	— PROVIDING LOCATION INFORMATION TO NONCUSTODIAL PARENTS WITH VISITATION RIGHTS ( <i>M. Thompson</i> )	
	Read for the first time and referred to the Rules Committee	445
	Assigned to standing committee	482
	Committee report adopted and placed on calendar	566
	Read the second time	752
	Read the third time	780
	Signed by the President and returned to the House	780
<b>H.B. 230</b>	— PARENTAL RELOCATION AMENDMENTS ( <i>M. Thompson</i> )	
	Read for the first time and referred to the Rules Committee	721
	Placed on calendar	925

	Read the second and third time . . . . .	982
	Amendments . . . . .	982
	Returned to the House . . . . .	983
	Signed by the President and returned to the House . . . . .	989
<b>H.B. 231</b>	— HEALTH CARE FACILITY LICENSURE AMENDMENTS ( <i>R. McGee</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	445
	Assigned to standing committee . . . . .	482
	Committee report adopted and placed on calendar . . . . .	566
	Read the second time . . . . .	752
	Read the third time . . . . .	780
	Signed by the President and returned to the House . . . . .	781
<b>H.B. 232</b>	— UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS ( <i>R. Bigelow</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	613
	Assigned to standing committee . . . . .	641
	Amendments . . . . .	712, 820
	Committee report adopted and placed on calendar . . . . .	713
	Read the second time . . . . .	770
	Read the third time . . . . .	820
	Returned to the House . . . . .	820
	Signed by the President and returned to the House . . . . .	880
<b>H.B. 233</b>	— USE OF EDUCATION REVENUES ( <i>M. Styer</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	585
	Assigned to standing committee . . . . .	641
	Returned to the Rules Committee . . . . .	748
	Enacting Clause Stricken . . . . .	992
<b>H.B. 234</b>	— ADMINISTRATIVE TREATMENT OF TRAFFIC VIOLATIONS – TECHNICAL AMENDMENTS ( <i>D. Cox</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	414
	Assigned to standing committee . . . . .	433
	Committee report adopted and placed on calendar . . . . .	461
	Read the second time . . . . .	556
	Read the third time . . . . .	576
	Signed by the President and returned to the House . . . . .	576
<b>H.B. 235</b>	— FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD ( <i>K. Bryson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	414
	Assigned to standing committee . . . . .	446
	Amendments . . . . .	519
	Committee report adopted and placed on calendar . . . . .	522
	Read the second time . . . . .	749
	Read the third time . . . . .	779
	Returned to the House . . . . .	779
	Signed by the President and returned to the House . . . . .	851
<b>H.B. 237</b>	— LEGISLATIVE EVALUATION OF APPROVAL OF RADIOACTIVE WASTE FACILITY ( <i>K. Holdaway</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	613
	Assigned to standing committee . . . . .	642
	Returned to the Rules Committee . . . . .	748
	Enacting Clause Stricken . . . . .	992
<b>H.B. 238</b>	— UTAH CODE OF CRIMINAL PROCEDURE AMENDMENTS ( <i>K. Bryson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	798
	Placed on calendar . . . . .	844
	Read the second time . . . . .	874
	Read the third time . . . . .	917
	Signed by the President and returned to the House . . . . .	917

<b>H.B. 240</b> — VENTURE CAPITAL ENHANCEMENT ACT ( <i>P. Wallace</i> )	
Read for the first time and referred to the Rules Committee	682
Placed on calendar	882
Read the second time	895
Substituted	895
Circled	895
Uncircled	930
Amendments	930
Read the second and third time	931
Returned to the House	931
Signed by the President and returned to the House	951
<b>H.B. 241</b> — PARTIAL BIRTH ABORTION AMENDMENTS ( <i>M. Thompson</i> )	
Read for the first time and referred to the Rules Committee	658
Placed on calendar	925
Read the second time	988
Circled	988
Uncircled	989
Enacting Clause Stricken	992
<b>H.B. 242</b> — PROTECTION OF RIGHTS-OF-WAY – GATES ON COUNTY ROADS ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	626
Assigned to standing committee	642
Returned to the Rules Committee	748
Placed on calendar	844
Read the second time	886
Read the third time	920
Signed by the President and returned to the House	921
<b>H.B. 244</b> — MUNICIPAL GOVERNMENT AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	613
Assigned to standing committee	641
Committee report adopted and placed on calendar	744
Read the second time	805
Circled	805
Uncircled	834
Read the third time	858
Signed by the President and returned to the House	858
<b>H.B. 246</b> — RETIREMENT OFFICE AMENDMENTS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	597
Assigned to standing committee	642
Returned to the Rules Committee	749
Placed on calendar	844
Read the second time	869
Read the third time	914
Signed by the President and returned to the House	914
<b>H.B. 247</b> — POWER OF ATTORNEY IN RELATION TO A TRUST ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	682
Placed on calendar	844
Read the second time	875
Read the third time	917
Circled	917
Uncircled	918
Amendments	918
Returned to the House	919
Signed by the President and returned to the House	938
<b>H.B. 248</b> — PRIVACY OF STATE DATABASE HEALTH RECORDS ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee	658

Assigned to standing committee	670
Returned to the Rules Committee	748
Placed on calendar	882
Read the second and third time	954
Signed by the President and returned to the House	954
<b>H.B. 249</b> — LICENSING MORTGAGE LOAN OFFICERS ( <i>B. Parker</i> )	
Read for the first time and referred to the Rules Committee	721
Placed on calendar	799
Read the second time	833
Circled	834
Uncircled	885, 972
Read the third time	920
Circled	920
Returned to the House	972
Enacting Clause Stricken	972
<b>H.B. 253</b> — POWERSPORT DEALER ASSOCIATION AMENDMENTS ( <i>B. Goodfellow</i> )	
Read for the first time and referred to the Rules Committee	626
Assigned to standing committee	642
Committee report adopted and placed on calendar	713
Read the second time	771
Read the third time	821
Circled	821
Uncircled	825
Signed by the President and returned to the House	826
<b>H.B. 254</b> — MOTOR VEHICLE REGISTRATION – RESIDENT EXEMPTION ( <i>R. Lockhart</i> )	
Read for the first time and referred to the Rules Committee	507
Assigned to standing committee	519
Committee report adopted and placed on calendar	566
Read the second time	753
Read the third time	781
Signed by the President and returned to the House	781
<b>H.B. 255</b> — REGISTERING FOR PRIMARY ELECTIONS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee	647
Assigned to standing committee	670
Committee report adopted and placed on calendar	744
Read the second time	805
Read the third time	824
Signed by the President and returned to the House	824
<b>H.B. 257</b> — PUBLIC EDUCATION LEGISLATIVE TASK FORCE ( <i>K. Holdaway</i> )	
Read for the first time and referred to the Rules Committee	811
Placed on calendar	837
Read the second time	838
Read the third time	860
Signed by the President and returned to the House	860
<b>H.B. 258</b> — MOTOR VEHICLE BUSINESS REGULATION – PENALTIES ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	613
Assigned to standing committee	642
Committee report adopted and placed on calendar	713
Read the second time	772
Read the third time	822
Signed by the President and returned to the House	822
<b>H.B. 260</b> — 2002 HIGHWAY GENERAL OBLIGATION BOND AMENDMENTS ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	658
Placed on calendar	844
Read the second time	867

Substituted . . . . .	867
Amendments . . . . .	867, 915
Circled . . . . .	868
Read the second time . . . . .	872
Read the third time . . . . .	915
Returned to the House . . . . .	915
Signed by the President and returned to the House . . . . .	938
<b>H.B. 264</b> — DIVISION OF PARKS AND RECREATION – RESTRICTED ACCOUNT ( <i>M. Styler</i> )	
Read for the first time and referred to the Rules Committee . . . . .	721
Placed on calendar . . . . .	844
Read the second time . . . . .	869
Read the third time . . . . .	885
Signed by the President and returned to the House . . . . .	885
<b>H.B. 266</b> — POLITICAL ISSUES REPORTING AMENDMENTS ( <i>D. Hogue</i> )	
Read for the first time and referred to the Rules Committee . . . . .	585
Assigned to standing committee . . . . .	641
Committee report adopted and placed on calendar . . . . .	744
Read the second time . . . . .	806
Read the third time . . . . .	824
Signed by the President and returned to the House . . . . .	825
<b>H.B. 271</b> — AIRPORT TO UNIVERSITY OF UTAH LIGHT RAIL RESTRICTED ACCOUNT AMENDMENTS ( <i>D. Ure</i> )	
Read for the first time and referred to the Rules Committee . . . . .	798
Placed on calendar . . . . .	925
Read the second time . . . . .	953
Circled . . . . .	954
Uncircled . . . . .	961
Read the second and third time . . . . .	961
Signed by the President and returned to the House . . . . .	962
<b>H.B. 272</b> — REDEVELOPMENT AGENCIES – TAX INCREMENT AMENDMENTS ( <i>G. Curtis</i> )	
Read for the first time and referred to the Rules Committee . . . . .	682
Placed on calendar . . . . .	844
Read the second time . . . . .	868
Amendments . . . . .	868
Read the third time . . . . .	913
Returned to the House . . . . .	914
Signed by the President and returned to the House . . . . .	938
<b>H.B. 273</b> — UTILITY COSTS TO HOMEOWNER ( <i>S. Mascaro</i> )	
Read for the first time and referred to the Rules Committee . . . . .	670
Placed on calendar . . . . .	925
Read the second time . . . . .	953
Circled . . . . .	953
Uncircled . . . . .	954
Read the second and third time . . . . .	954
Signed by the President and returned to the House . . . . .	955
<b>H.B. 274</b> — RIGHTS-OF-WAY ACROSS FEDERAL LAND ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee . . . . .	682
Placed on calendar . . . . .	844
Read the second time . . . . .	887
Read the third time . . . . .	921
Signed by the President and returned to the House . . . . .	921
<b>H.B. 277</b> — RESIDENTIAL MORTGAGE PRACTICES AMENDMENTS ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee . . . . .	648
Assigned to standing committee . . . . .	670
Returned to the Rules Committee . . . . .	748

Placed on calendar . . . . .	925
Read the second time . . . . .	952
Substituted . . . . .	952
Circled . . . . .	953
Uncircled . . . . .	959
Read the second and third time . . . . .	959
Returned to the House . . . . .	959
Signed by the President and returned to the House . . . . .	979
<b>H.B. 278</b> — MUNICIPAL ANNEXATIONS ACROSS COUNTY LINES ( <i>D. G. Buxton</i> )	
Read for the first time and referred to the Rules Committee . . . . .	721
Placed on calendar . . . . .	800
Read the second time . . . . .	842
Read the third time . . . . .	861
Signed by the President and returned to the House . . . . .	862
<b>H.B. 280</b> — MOTOR VEHICLE ACCIDENTS – ACCESS TO POLICE REPORTS ( <i>L. Christensen</i> )	
Read for the first time and referred to the Rules Committee . . . . .	647
Assigned to standing committee . . . . .	670
Placed on calendar . . . . .	799
Read the second time . . . . .	834
Read the third time . . . . .	858
Circled . . . . .	858
Uncircled . . . . .	863
Signed by the President and returned to the House . . . . .	864
Returned to the Rules Committee . . . . .	748
<b>H.B. 286</b> — WASTE TAX AND FEE AMENDMENTS ( <i>D. Ure</i> )	
Read for the first time and referred to the Rules Committee . . . . .	829
Placed on calendar . . . . .	837
Read the second time . . . . .	840
Amendments . . . . .	840
Circled . . . . .	840
Uncircled . . . . .	873
Read the second and third time . . . . .	873
Returned to the House . . . . .	874
Signed by the President and returned to the House . . . . .	908
<b>H.B. 289</b> — HUMAN RESOURCE MANAGEMENT AMENDMENTS ( <i>J. M. Philpot</i> )	
Read for the first time and referred to the Rules Committee . . . . .	807
Enacting Clause Stricken . . . . .	992
<b>H.B. 290</b> — EXEMPTIONS RELATED TO EXCHANGE OF SECURITIES ( <i>C. Bennion</i> )	
Read for the first time and referred to the Rules Committee . . . . .	682
Placed on calendar . . . . .	799
Read the second time . . . . .	835
Read the third time . . . . .	859
Signed by the President and returned to the House . . . . .	859
<b>H.B. 294</b> — COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS ( <i>S. Allen</i> )	
Read for the first time and referred to the Rules Committee . . . . .	798
Placed on calendar . . . . .	882
Read the second time . . . . .	888
Substituted . . . . .	888, 955
Circled . . . . .	889
Uncircled . . . . .	955
Amendments . . . . .	955
Read the second and third time . . . . .	956
Returned to the House . . . . .	957
Signed by the President and returned to the House . . . . .	979

<b>H.B. 295</b> — STATE LANDS AMENDMENTS ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	682
Placed on calendar	882
Read the second time	959
Circled	959
Read the second and third time	960
Uncircled	960
Signed by the President and returned to the House	961
<b>H.B. 296</b> — MUNICIPAL ANNEXATION AMENDMENTS ( <i>M. S. Lawrence</i> )	
Read for the first time and referred to the Rules Committee	746
Placed on calendar	882
Read the second and third time	967
Signed by the President and returned to the House	968
Reconsideration	980
Returned to House	980
<b>H.B. 299</b> — TRUST LAW AMENDMENTS ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	798
Placed on calendar	925
Read the second and third time	984
Amendments	984
Returned to the House	986
Signed by the President and returned to the House	989
<b>H.B. 301</b> — MOTOR VEHICLE PURCHASE AMENDMENTS ( <i>D. Bush</i> )	
Read for the first time and referred to the Rules Committee	670
Placed on calendar	883
Enacting Clause Stricken	992
<b>H.B. 302</b> — PRIVATIZATION POLICY BOARD AMENDMENTS ( <i>R. Bigelow</i> )	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	671
Returned to the Rules Committee	748
Placed on calendar	883
Read the second and third time	968
Signed by the President and returned to the House	968
<b>H.B. 305</b> — INDIVIDUAL INCOME TAX CONTRIBUTION – WOLF DEPREDATION AND MANAGEMENT RESTRICTED ACCOUNT ( <i>D. Peterson</i> )	
Read for the first time and referred to the Rules Committee	746
Placed on calendar	837
Read the second time	839
Returned to the House	839
Recalled	856
Placed on calendar	882
Before the Senate	902
Read the third time	942
Signed by the President and returned to the House	942
<b>H.B. 306</b> — CONSTRUCTION LIEN AMENDMENTS ( <i>S. Clark</i> )	
Read for the first time and referred to the Rules Committee	812
Placed on calendar	925
Enacting Clause Stricken	992
<b>H.B. 307</b> — CHILD BIGAMY AMENDMENT ( <i>M. S. Lawrence</i> )	
Read for the first time and referred to the Rules Committee	721
Placed on calendar	799, 925
Read the second time	835
Circled	835
Uncircled	846
Returned to the Rules Committee	846



	Read the second and third time	953
	Signed by the President and returned to the House	953
<b>H.B. 308</b>	— HEALTH AND HUMAN SERVICES BOARDS AND COMMISSION AMENDMENT ( <i>J. Seitz</i> )	
	Read for the first time and referred to the Rules Committee	658
	Placed on calendar	844
	Read the second time	871
	Read the third time	914
	Signed by the President and returned to the House	915
<b>H.B. 309</b>	— SPECIAL FUNCTION OFFICERS FOR DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ( <i>J. M. Philpot</i> )	
	Read for the first time and referred to the Rules Committee	658
	Placed on calendar	883
	Enacting Clause Stricken	992
<b>H.B. 310</b>	— TRANSPORTATION PLANNING TASK FORCE ( <i>J. Dougall</i> )	
	Read for the first time and referred to the Rules Committee	613
	Assigned to standing committee	642
	Committee report adopted and placed on calendar	713
	Read the second time	772
	Tabled on Third Reading Calendar	773
	Read the third time	837
	Circled	837
	Uncircled	865
	Amendments	865
	Returned to the House	866
	Signed by the President and returned to the House	896
<b>H.B. 316</b>	— AEROSPACE AND AVIATION DEVELOPMENT ZONE ( <i>B. Dee</i> )	
	Read for the first time and referred to the Rules Committee	775
	Placed on calendar	800
	Read the second time	843
	Circled	843
	Amendments	946
	Uncircled	946
	Read the second and third time	947
	Returned to the House	948
	Signed by the President and returned to the House	966
<b>H.B. 324</b>	— JURY SYSTEM AMENDMENTS ( <i>G. Curtis</i> )	
	Read for the first time and referred to the Rules Committee	812
	Placed on calendar	883
	Read the second and third time	968
	Signed by the President and returned to the House	969
<b>H.B. 325</b>	— COURT-ORDERED COUNSELING ( <i>G. Donnelson</i> )	
	Read for the first time and referred to the Rules Committee	770
	Enacting Clause Stricken	992
<b>H.B. 326</b>	— PARENT-TIME SCHEDULE AMENDMENTS ( <i>S. Daniels</i> )	
	Read for the first time and referred to the Rules Committee	798
	Enacting Clause Stricken	992
<b>H.B. 330</b>	— VETERANS GROUP LICENSE PLATE REVISIONS ( <i>S. Mascaro</i> )	
	Read for the first time and referred to the Rules Committee	721
	Placed on calendar	883
	Enacting Clause Stricken	992
<b>H.B. 332</b>	— INSURANCE COVERAGE OF HEALTH CARE PROFESSIONALS ( <i>J. Dunnigan</i> )	
	Read for the first time and referred to the Rules Committee	682
	Placed on calendar	844

	Read the second time .....	874
	Read the third time .....	916
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Effective Date: 5/5/2003 Chapter 31
- S.B. 52 **Access to Uninsured Motorist Information** D. Steele  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 32
- S.B. 53 **Amendments to Controlled Substance Act** P. Knudson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 33

- S.B. 54 **Mobile Home Park Residency Act Amendments** E. Mayne  
Senate/enacting clause struck on 3/5/2003
- S.B. 55 **Provisional Ballot Amendments** D. Eastman  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 34
- S.B. 56 **Local Government Boards of Examiners** J. Evans  
Senate/enacting clause struck on 3/5/2003
- S.B. 57 **Charter School Amendments** H. Stephenson  
Governor Signed on 3/19/2003  
Effective Date: 7/1/2003 Chapter 199
- S.B. 58 **Youth Corrections – Division Name Amendment** P. Hellewell  
Governor Signed on 3/17/2003  
Effective Date: 7/1/2004 Chapter 171
- S.B. 59 **Amendments to Unsolicited Commercial and Sexually Explicit Email Act** P. Arent  
Senate/filed on 3/5/2003
- S.B. 60 **Health Care – Uniform Data Formatting Standards** G. Bell  
Senate/enacting clause struck on 3/5/2003
- S.B. 61 **Public Utility Related Amendments** J. Valentine  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 200
- S.B. 62 **Utah House Inspection Standard of Practice** P. Julander  
Senate/received from House on 3/5/2003
- S.B. 63 **Core Curriculum Amendments** B. Wright  
Senate/enacting clause struck on 3/5/2003
- S.B. 64 **Alternative Teacher Licensing** B. Wright  
Senate/enacting clause struck on 3/5/2003
- S.B. 65 **Reclamation Surety for Mining Operations** M. Dmitrich  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 35



- S.B. 66 **Alcoholic Beverage Enforcement and Treatment** M. Waddoups  
Governor Signed on 3/24/2003  
Effective Date: 5/5/2003 Chapter 307
- S.B. 67 **Revisions to Boards and Commissions** H. Stephenson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 36
- S.B. 68 **Voter Identification Requirements** D. Eastman  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 37
- S.B. 69 **Pawnbroker Industry Amendments** M. Waddoups  
Senate/enacting clause struck on 3/5/2003
- S.B. 70 **Class Actions for Matters Over Which State Tax  
Commission has Jurisdiction** H. Stephenson  
Senate/enacting clause struck on 3/5/2003
- S.B. 71 **Rollback Tax and One-time in Lieu Fee Amendments** P. Knudson  
Senate/enacting clause struck on 3/5/2003
- S.B. 72 **Amendments to Special Districts and Local Districts  
for Expanded Fire Protection Services** D. Thomas  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 257
- S.B. 73 **Personal Use of Campaign Funds** K. Hale  
Senate/enacting clause struck on 3/5/2003
- S.B. 74 **Amendments to Interlocal Cooperation Act** D. Gladwell  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 38
- S.B. 75 **Criminal Background Checks by Political  
Subdivisions Operating Water Systems** C. Walker  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 39
- S.B. 76 **Utah Fireworks Act Amendments** D. Eastman  
Senate/filed on 3/5/2003

- S.B. 77 **Independent Escrow Agents Amendments** T. Hatch  
Senate/enacting clause struck on 3/5/2003
- S.B. 78 **Repeal of Trading Stamps Regulation** S. Jenkins  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 40
- S.B. 79 **Disabled Parking Fine** D. Buttars  
Governor Signed on 3/15/2003  
Effective Date: 7/1/2003 Chapter 41
- S.B. 80 **Adverse Benefit Determination Amendments** P. Knudson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 42
- S.B. 81 **Public Safety Retirement Amendments** M. Dmitrich  
Senate/enacting clause struck on 3/5/2003
- S.B. 82 **Authorized Overspending Limit in Federal Medicaid Budget** B. Evans  
Senate/filed on 3/5/2003
- S.B. 83 **Occupational and Professional Licensing Modifications** L. Hillyard  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 43
- S.B. 84 **Real Property Voluntary Environmental Restrictive Covenants** B. Wright  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 44
- S.B. 85 **Underground Storage Tank Amendment** B. Wright  
Governor Signed on 3/15/2003  
Effective Date: 7/1/2003 Chapter 45
- S.B. 86 **Prohibition of Automatic Renewal of Service Contracts** M. Waddoups  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 46
- S.B. 87 **Library Amendments** M. Waddoups  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 47

- S.B. 88 **Security Personnel Licensing Act Amendments** D. Eastman  
Governor Signed on 3/24/2003  
Effective Date: 5/5/2003 Chapter 308
- S.B. 89 **Mental Health Professional Practice Act Amendments** D. Buttars  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 201
- S.B. 90 **Prescriptive Practice Peer Committee Repealer** P. Julander  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 48
- S.B. 91 **Funeral Services Amendments** D. Gladwell  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 49
- S.B. 92 **Land Surveyor Amendments** H. Stephenson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 50
- S.B. 93 **Justice Court Judges Amendments** T. Hatch  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 51
- S.B. 94 **Certified Public Accountant Licensing Act Amendments** J. Valentine  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 52
- S.B. 95 **State Emergency Medical Services Amendments** J. Valentine  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 53
- S.B. 96 **Division of Occupational and Professional Licensing Act Amendments** P. Julander  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 54
- S.B. 97 **County Annexation Amendments** C. Walker  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 258

- S.B. 98 **Taxation of Medically Implanted Devices and Prosthetics** D. Buttars  
Senate/failed on 3/5/2003
- S.B. 99 **Seat Belt Enforcement** K. Hale  
Senate/failed on 2/10/2003
- S.B. 100 **Indian Affairs Amendments** B. Evans  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 55
- S.B. 101 **Procurement Code Requirements of Health Care Benefits** E. Mayne  
Senate/enacting clause struck on 3/5/2003
- S.B. 102 **Property Tax Appeal Provisions** C. Bramble  
Senate/enacting clause struck on 3/5/2003
- S.B. 103 **Concealed Weapon Permit Holder Amendments** C. Bramble  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 202
- S.B. 104 **Disclosure of Vehicle Information for Product Recall** D. Eastman  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 56
- S.B. 105 **Pledge of Allegiance in Public Schools** D. Buttars  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 57
- S.B. 106 **Highway Patrol Use of Unmarked Vehicles** C. Bramble  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 58
- S.B. 107 **Certification of Mines** M. Dmitrich  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 59
- S.B. 108 **Dangerous Weapons Amendments** M. Waddoups  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 203

- S.B. 109 **Education Assistance for National Guard Members** P. Knudson  
Governor Signed on 3/17/2003  
Effective Date: 5/5/2003 Chapter 172
- S.B. 110 **Individual Income Tax – State Earned  
Income Tax Credit** T. Hatch  
Senate/filed on 3/5/2003
- S.B. 111 **Process Servers** M. Waddoups  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 204
- S.B. 112 **Government Records Protections for Federal  
Mission of National Guard** P. Knudson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 60
- S.B. 113 **Midwife Certification Act** T. Hatch  
Senate/enacting clause struck on 3/5/2003
- S.B. 114 **Journal of Notary Public Acts** P. Knudson  
Senate/enacting clause struck on 3/5/2003
- S.B. 115 **Theft Detection Shielding Devices Amendments** J. Hickman  
Governor Signed on 3/17/2003  
Effective Date: 5/5/2003 Chapter 173
- S.B. 116 **DNA – Amendment Regarding Warrants** L. Hillyard  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 61
- S.B. 117 **Aggravated Robbery Amendments** L. Hillyard  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 62
- S.B. 118 **Individual Income Tax – Adoption Expenses** C. Walker  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 63
- S.B. 119 **Motor Vehicle Insurance – Personal  
Injury Protection** M. Dmitrich  
Senate/enacting clause struck on 3/5/2003

- S.B. 120 **Payment of Wages Amendments** S. Jenkins  
 Governor Signed on 3/17/2003  
 Effective Date: 5/5/2003 Chapter 174
- S.B. 121 **Federal Health Insurance Portability and  
 Accountability Act Compliance Amendments** P. Knudson  
 Governor Signed on 3/15/2003  
 Effective Date: 3/15/2003 Chapter 64
- S.B. 122 **Utah Antidiscrimination Act Amendments** S. Jenkins  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 65
- S.B. 123 **Inherent Risk of Livestock Activities** B. Evans  
 Governor Signed on 3/17/2003  
 Effective Date: 5/5/2003 Chapter 175
- S.B. 124 **Capitol Arts Placement Commission** K. Hale  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 66
- S.B. 125 **Restrictions on Passengers in Pickup Trucks** C. Bramble  
 Senate/filed on 3/5/2003
- S.B. 126 **Workers' Compensation Amendments** E. Mayne  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 67
- S.B. 127 **Appearance of Driver License Amendments** J. Valentine  
 Governor Signed on 3/24/2003  
 Effective Date: 5/5/2003 Chapter 309
- S.B. 128 **Protective Order Amendments** L. Hillyard  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 68
- S.B. 129 **State and Local Agencies Criteria in Awarding Bids** J. Evans  
 Senate/filed on 3/5/2003
- S.B. 130 **Regulations of Check Cashers** E. Mayne  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 69

- S.B. 131 **Individual Income Tax – Subtractions from Federal Taxable Income** C. Bramble  
Governor Signed on 3/22/2003  
Effective Date: 5/5/2003 Chapter 299
- S.B. 132 **Child Support and Paternity Amendments** L. Hillyard  
Governor Signed on 3/17/2003  
Effective Date: 5/5/2003 Chapter 176
- S.B. 133 **Reauthorization of the Energy Policy Task Force** L. Blackham  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 205
- S.B. 134 **Promotion of Preventative Health Care** P. Julander  
Senate/failed on 2/17/2003
- S.B. 135 **Redevelopment Agencies – Exemption for School Property Taxes** L. Blackham  
Senate/enacting clause struck on 3/5/2003
- S.B. 136 **Guilty and Mentally Ill Sentencing Amendments** D. Gladwell  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 206
- S.B. 137 **Regulation of Coercive Restraint Practices** P. Hellewell  
Senate/enacting clause struck on 3/5/2003
- S.B. 138 **Medical Malpractice Amendments** L. Blackham  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 207
- S.B. 139 **Voted Leeway Amendments** L. Hillyard  
Senate/enacting clause struck on 3/5/2003
- S.B. 140 **Prescription Drug Assistance Program** J. Evans  
Governor Signed on 3/24/2003  
Effective Date: 5/5/2003 Chapter 310
- S.B. 141 **Local Government Capital Projects** H. Stephenson  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 259

- S.B. 142 **Agricultural Cooperatives Amendments** L. Blackham  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 70
- S.B. 143 **Motor Vehicle Disclosure Requirements – Purchaser’s Rights** D. Eastman  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter
- S.B. 144 **Health Insurance – Prompt Payment Amendments** P. Knudson  
 Senate/enacting clause struck on 3/5/2003
- S.B. 145 **Application of Utah Public Officers’ and Employees’ Ethics Act** E. Mayne  
 Senate/enacting clause struck on 3/5/2003
- S.B. 146 **Waste Fee Amendments** B. Wright  
 Governor Signed on 3/24/2003  
 Effective Date: 7/1/2003 Chapter 311
- S.B. 147 **Streamlined Sales Tax Project Amendments** L. Hillyard  
 Governor Signed on 3/24/2003  
 Effective Date: 7/1/2004 Chapter 312
- S.B. 148 **Property Tax – Farmland Assessment Act** T. Hatch  
 Senate/to Lieutenant Governor on 3/19/2003  
 Effective Date: 1/1/2004 Chapter 208
- S.B. 149 **Bonding Law Amendments – State Financing Consolidation Act** L. Blackham  
 Governor Signed on 3/24/2003  
 Effective Date: 5/5/2003 Chapter 313
- S.B. 150 **Uniform Trust Act** L. Hillyard  
 Senate/enacting clause struck on 3/5/2003
- S.B. 151 **Amendments Related to Information Technology** D. Steele  
 Governor Signed on 3/19/2003  
 Effective Date: 5/5/2003 Chapter 209
- S.B. 152 **Utah Procurement Code Amendments** D. Steele  
 Senate/enacting clause struck on 3/5/2003



- S.B. 153 **Alcoholic Beverage Amendments** J. Valentine  
Governor Signed on 3/24/2003  
Effective Date: 5/5/2003 Chapter 314
- S.B. 154 **Public Education Amendments** T. Hatch  
Governor Signed on 3/24/2003  
Effective Date: 5/5/2003 Chapter 315
- S.B. 155 **Professional Employer Organizations** E. Mayne  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 260
- S.B. 156 **Safety Requirements for Public Water Systems** E. Mayne  
Senate/enacting clause struck on 3/5/2003
- S.B. 157 **Regulation of Credit Union Service Organizations  
and Other Credit Union Related Entities** L. Hillyard  
Governor Signed on 3/17/2003  
Effective Date: 5/5/2003 Chapter 177
- S.B. 158 **Division of Child and Family Services  
Management Information System Amendments** D. Buttars  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 210
- S.B. 159 **Amendments to Insurance Law** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 160 **Insurance Related Amendments** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 161 **Insurance Law Amendments** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 162 **Medical Benefits Recovery Act Amendments** D. Steele  
Senate/filed on 3/5/2003
- S.B. 163 **Driver License Suspension Requirements** R. Allen  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 72
- S.B. 164 **County Amendments** D. Gladwell  
Senate/to Governor on 3/19/2003  
Effective Date: 5/5/2003 Chapter 211

- S.B. 165 **Gubernatorial Nominee Amendments** L. Hillyard  
 Governor Vetoed on 3/24/2003  
 Effective Date: 5/5/2003 Chapter
- S.B. 166 **Community and Economic Development Amendments** C. Walker  
 Senate/enacting clause struck on 3/5/2003
- S.B. 167 **Scope of Dental Practice** P. Knudson  
 Senate/enacting clause struck on 3/5/2003
- S.B. 168 **Higher Education Legislative Task Force** D. Gladwell  
 Senate/enacting clause struck on 3/5/2003
- S.B. 169 **Transfer of State Iron County Correction Facility to County** T. Hatch  
 Senate/enacting clause struck on 3/5/2003
- S.B. 170 **Amendments to Workers' Compensation** C. Bramble  
 Senate/enacting clause struck on 3/5/2003
- S.B. 171 **Environmental Waste – Taxation and Perpetual Care Fund** J. Valentine  
 Senate/enacting clause struck on 3/5/2003
- S.B. 172 **Hazardous Waste Regulation and Tax Policy Task Force and Moratorium on Acceptance of Class B and C Radioactive Waste** C. Bramble  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 73
- S.B. 173 **Department of Agriculture Amendments** L. Blackham  
 Governor Signed on 3/24/2003  
 Effective Date: 5/5/2003 Chapter 316
- S.B. 174 **Lien of Licensed Health Care Provider** D. Buttars  
 Senate/enacting clause struck on 3/5/2003
- S.B. 175 **Revenue Procedures and Control Act Amendments** C. Bramble  
 Senate/to Lieutenant Governor on 3/19/2003  
 Effective Date: 7/1/2003 Chapter 212
- S.B. 176 **Education Support License Plate** J. Evans  
 Governor Signed on 3/15/2003  
 Effective Date: 10/1/2003 Chapter 74

- S.B. 177 **Regulation of Debt Cancellation Agreements and Debt Suspension Agreements** J. Valentine  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 75
- S.B. 178 **Insurance Commission Revisions** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 179 **Notice of Claim of Governmental Immunity** D. Gladwell  
Senate/filed on 3/5/2003
- S.B. 180 **Emergency Medical Services** C. Bramble  
Governor Signed on 3/19/2003  
Effective Date: 1/1/2004 Chapter 213
- S.B. 181 **Appointment of Attorney to Advise County Executive and County Legislative Body** C. Walker  
Senate/enacting clause struck on 3/5/2003
- S.B. 182 **Individual Income Tax – Contribution to Boys and Girls Clubs of America** D. Buttars  
Senate/failed on 2/25/2003
- S.B. 183 **Funding for Childrens Health Insurance Program – Dental** P. Knudson  
Senate/enacting clause struck on 3/5/2003
- S.B. 184 **Municipal Improvement District Amendments** C. Walker  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 261
- S.B. 185 **School Personnel – Procedural Rights** D. Buttars  
Senate/enacting clause struck on 3/5/2003
- S.B. 186 **Uninsured and Underinsured Motorist Coverage** D. Eastman  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 76
- S.B. 187 **Eminent Domain Amendments** P. Hellewell  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 214

- S.B. 188 **Fuel Tax Credit** S. Jenkins  
 Governor Signed on 3/17/2003  
 Effective Date: 7/1/2003 Chapter 178
- S.B. 189 **Veterans Affairs Committee Amendments** G. Davis  
 Senate/enacting clause struck on 3/5/2003
- S.B. 190 **Expansion of Uses of Publicly Funded Shooting Ranges** B. Wright  
 Senate/failed on 2/25/2003
- S.B. 191 **County Oversight of Local Authorities for Human Services** C. Walker  
 Governor Signed on 3/21/2003  
 Effective Date: 5/5/2003 Chapter 262
- S.B. 192 **Corporate and Individual Income Tax Amendments** C. Bramble  
 Senate/enacting clause struck on 3/5/2003
- S.B. 193 **Certification of Candidate Deadline Amendments** C. Bramble  
 Governor Signed on 3/15/2003  
 Effective Date: 5/5/2003 Chapter 77
- S.B. 194 **Commerce and Trade – Telephone and Facsimile Solicitation Act** D. Thomas  
 Governor Signed on 3/21/2003  
 Effective Date: 5/5/2003 Chapter 263
- S.B. 195 **Obstruction of Justice and Tampering with Evidence** D. Thomas  
 Governor Signed on 3/17/2003  
 Effective Date: 5/5/2003 Chapter 179
- S.B. 196 **Election Law – Disclosure Requirements** B. Evans  
 Governor Signed on 3/19/2003  
 Effective Date: 5/5/2003 Chapter 215
- S.B. 197 **Hunting Wildlife Restrictions** B. Evans  
 Senate/enacting clause struck on 3/5/2003
- S.B. 198 **Division of Real Estate – Definitions Amendments** J. Valentine  
 Governor Signed on 3/21/2003  
 Effective Date: 5/5/2003 Chapter 264

- S.B. 199 **Limitations on Informal Judicial Reprimands** D. Thomas  
Senate/enacting clause struck on 3/5/2003
- S.B. 200 **State Auditor – Expansion of Duties** M. Waddoups  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 78
- S.B. 201 **Suspension of Certain Statutory Mandates** L. Blackham  
Senate/enacting clause struck on 3/5/2003
- S.B. 202 **Peace Officer Amendment** M. Waddoups  
Governor Signed on 3/19/2003  
Effective Date: 7/1/2003 Chapter 216
- S.B. 203 **Condominium Law Amendments** M. Waddoups  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 265
- S.B. 204 **Government Employees – Pay for United States  
Armed Forces or National Guard Service Time** C. Bramble  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 217
- S.B. 205 **Tobacco Marketing Practices Restrictions** C. Bramble  
Senate/enacting clause struck on 3/5/2003
- S.B. 206 **Vehicle Sale and Security Interest Amendments** D. Steele  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 266
- S.B. 207 **Identity Fraud Amendments** P. Knudson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 79
- S.B. 208 **Warrant for Removal of Minor from Home** B. Wright  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 267
- S.B. 209 **Registration for Atv's and Nonautomobiles** C. Bramble  
Governor Signed on 3/24/2003  
Effective Date: 1/1/2004 Chapter 317

- S.B. 210 **Surcharge on Moving Traffic Violations** M. Dmitrich  
Senate/enacting clause struck on 3/5/2003
- S.B. 211 **Consumer Sales Practices Act Amendments** P. Arent  
Senate/filed on 3/5/2003
- S.B. 212 **Miners Health and Safety** E. Mayne  
Senate/enacting clause struck on 3/5/2003
- S.B. 213 **Amendments to Sales and Use Tax** E. Mayne  
Governor Signed on 3/24/2003  
Effective Date: 7/1/2003 Chapter 318
- S.B. 214 **Uninsured and Underinsured Motorist  
Amendments** M. Waddoups  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 218
- S.B. 215 **Motor Vehicle – Minimum Coverage  
for Self Insured** M. Waddoups  
Senate/enacting clause struck on 3/5/2003
- S.B. 216 **Motor Carrier Fee Amendments** J. Hickman  
Governor Signed on 3/21/2003  
Effective Date: 7/1/2003 Chapter 268
- S.B. 217 **Motor Vehicle – Title Requirements** G. Bell  
Senate/filed on 3/5/2003
- S.B. 218 **Unlawful Sale or Display of Motor Vehicles** G. Bell  
Senate/filed on 3/5/2003
- S.B. 219 **Governmental Immunity Act Amendments** L. Blackham  
Senate/enacting clause struck on 3/5/2003
- S.B. 220 **Funds Related to Workplace Safety and  
Workers’ Compensation** S. Jenkins  
Senate/enacting clause struck on 3/5/2003
- S.B. 221 **Utah National Parks License Plates** T. Hatch  
Senate/filed on 3/5/2003

- S.B. 222 **State Property Amendments** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 223 **Revisions to Parent Time** L. Hillyard  
Governor Signed on 3/21/2003  
Effective Date: 5/5/2003 Chapter 269
- S.B. 224 **Use of Transportation Fund** S. Jenkins  
Senate/enacting clause struck on 3/5/2003
- S.B. 225 **Limitation of Judgments Against Government Entities** L. Blackham  
Governor Signed on 3/17/2003  
Effective Date: 5/5/2003 Chapter 180
- S.B. 226 **State Tax Commission Amendments** H. Stephenson  
Governor Signed on 3/15/2003  
Effective Date: 5/5/2003 Chapter 80
- S.B. 227 **Fee Increase** J. Hickman  
Senate/filed on 3/5/2003
- S.B. 228 **Task Force on Alternative to Incarceration** D. Buttars  
Senate/enacting clause struck on 3/5/2003
- S.B. 229 **Tax Amendments** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 230 **Payment of Fire Suppression Costs on School and Institutional Trust Lands** L. Blackham  
Senate/enacting clause struck on 3/5/2003
- S.B. 231 **Credit Union Amendments** D. Steele  
Senate/enacting clause struck on 3/5/2003
- S.B. 232 **Health Insurance Subrogation Amendments** G. Bell  
Senate/enacting clause struck on 3/5/2003
- S.B. 233 **Budgetary Procedures Amendments** L. Blackham  
Governor Signed on 3/24/2003  
Effective Date: 5/5/2003 Chapter 319

- S.B. 234 **Applied Technology Education** S. Jenkins  
Senate/enacting clause struck on 3/5/2003
- S.B. 235 **General Government Operations** K. Hale  
Senate/enacting clause struck on 3/5/2003
- S.B. 236 **Forfeiture Procedure Amendments** L. Hillyard  
Senate/enacting clause struck on 3/5/2003
- S.B. 237 **Government Records Access Management Act** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 238 **Amendments to Public Education** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 239 **Transportation Amendments** D. Eastman  
Senate/enacting clause struck on 3/5/2003
- S.B. 240 **Term Limit Repeal** C. Bramble  
Governor Signed on 3/17/2003  
Effective Date: 5/5/2003 Chapter 181
- S.B. 241 **Review of Parent Time, Custody, and  
Child Support Laws** J. Evans  
Senate/filed on 3/5/2003
- S.B. 242 **Amendments to Construction Contracts** S. Jenkins  
Senate/enacting clause struck on 3/5/2003
- S.B. 243 **Tourism – Economic Stimulus Package** P. Knudson  
Senate/enacting clause struck on 3/5/2003
- S.B. 244 **Amendments to Lending Law** G. Davis  
Senate/enacting clause struck on 3/5/2003
- S.B. 245 **Changes to General Government** G. Davis  
Senate/enacting clause struck on 3/5/2003
- S.B. 246 **Amendments to Municipal Government** T. Hatch  
Senate/enacting clause struck on 3/5/2003
- S.B. 247 **County Government Amendments** T. Hatch  
Senate/enacting clause struck on 3/5/2003



- S.B. 248 **Bottle and Can Deposit Requirements** G. Davis  
Senate/enacting clause struck on 3/5/2003
- S.B. 249 **Administrative Fines – Clean up Amendments** L. Hillyard  
Senate/enacting clause struck on 3/5/2003
- S.B. 250 **Senate Retention Vote for Judges** J. Valentine  
Senate/enacting clause struck on 3/5/2003
- S.B. 251 **Firearms Revisions** B. Evans  
Governor Vetoed on 3/24/2003  
Effective Date: 5/5/2003 Chapter
- S.B. 252 **Nurse Practice Act Exemption Amendment** P. Julander  
Governor Signed on 3/19/2003  
Effective Date: 5/5/2003 Chapter 219
- S.B. 253 **Privilege Tax – Public Land** T. Hatch  
Governor Signed on 3/17/2003  
Effective Date: 1/1/2004 Chapter 182
- S.B. 254 **Revenue Bond Authorization** J. Valentine  
Senate/filed on 3/5/2003
- S.C.R. 1 **Resolution Urging Light Pollution Prevention** R. Allen  
Senate/enacting clause struck on 3/5/2003
- S.C.R. 2 **Resolution Regarding Clinical Trials for Women’s Health Care** P. Julander  
Governor Signed on 3/15/2003  
Effective Date: 3/15/2003
- S.C.R. 3 **Resolution Designating Legislators Back to School Week** H. Stephenson  
Governor Signed on 3/15/2003  
Effective Date: 3/15/2003
- S.C.R. 4 **Resolution Honoring Life Flight** P. Julander  
Senate/enacting clause struck on 3/5/2003

- S.C.R. 5 **Concurrent Resolution on Workers' Compensation Fund Claims** C. Bramble  
Senate/enacting clause struck on 3/5/2003
- S.C.R. 6 **Resolution Memorializing Frank E. Moss** P. Arent  
Senate/enacting clause struck on 3/5/2003
- S.C.R. 7 **Resolution Supporting Organ Donation** K. Hale  
Senate/filed on 3/5/2003
- S.J.R. 1 **Joint Resolution – Rules Revisions Renaming an Appropriations Subcommittee** B. Evans  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 2/5/2003
- S.J.R. 2 **Resolution Reappointing General Counsel** M. Waddoups  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 1/29/2003
- S.J.R. 3 **Resolution Providing for Contested Judicial Elections** D. Thomas  
Senate/enacting clause struck on 3/5/2003
- S.J.R. 4 **Resolution Urging That a Public Hearing Be Held on the Structure of the Public Service Commission** E. Mayne  
Senate/to Lieutenant Governor on 3/18/2003  
Effective Date: 3/5/2003
- S.J.R. 5 **Resolution on Municipal Water Rights** S. Jenkins  
Senate/enacting clause struck on 3/5/2003
- S.J.R. 6 **Resolution Capping Property Tax for Certain Residents** D. Buttars  
Senate/enacting clause struck on 3/5/2003
- S.J.R. 7 **Resolution Supporting a Free Trade Agreement** P. Knudson  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 2/13/2003
- S.J.R. 8 **Resolution Recognizing Liberty Day** E. Mayne  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 2/24/2003

- S.J.R. 9 **Joint Resolution on Radioactive Waste** M. Waddoups  
Senate/enacting clause struck on 3/5/2003
- S.J.R. 10 **Health Resolution** P. Knudson  
Senate/enacting clause struck on 3/5/2003
- S.J.R. 11 **Resolution Encouraging Congress to Enact Medicare Prescription Drug Benefit** G. Davis  
Senate/filed on 3/5/2003
- S.J.R. 12 **Joint Rule Resolution – Review and Fiscal Noting of Tax Exemptions** L. Hillyard  
Senate/enacting clause struck on 3/5/2003
- SR. 1 **Senate Rules Resolution – Standing Committee Revisions** B. Evans  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 1/21/2003
- S.R. 2 **Senate Rules Resolution – Pledge of Allegiance** D. Gladwell  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 1/23/2003
- SR. 3 **Senate Rules Resolution – Report of Committee Vote** L. Hillyard  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 1/24/2003
- S.R. 4 **Senate Rules Resolution – Quorum in Senate Committee** L. Hillyard  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 1/29/2003
- S.R. 5 **Senate Rules Resolution – Witness Oaths** L. Hillyard  
Senate/to Lieutenant Governor on 3/12/2003  
Effective Date: 2/6/2003
- S.R. 6 **Senate Rules Resolution – Senate Confirmation Process** L. Hillyard  
Senate/to Lieutenant Governor on 3/3/2003  
Effective Date: 2/7/2003

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Corrections Name Change**  
Senate/enacting clause struck on 3/5/2003

P. Hellewell

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STATE OF UTAH

# **SENATE JOURNAL**

FIRST EXTRAORDINARY SESSION OF  
THE  
FIFTY-FIFTH LEGISLATURE

Convened and Adjourned on  
Wednesday, April 16, 2003

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty–Fifth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Extraordinary Session convening on Wednesday, April 16, 2003, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Sandy D. Tenney**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk



**STATE OF UTAH**

**SENATE JOURNAL**

**FIRST EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-FIFTH LEGISLATURE**

*Pursuant to the proclamation of His Excellency, Governor Michael O. Leavitt, the Senate of the Fifty-Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the First Extraordinary Session at 12:00 noon on Wednesday, April 16, 2003.*

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Greg Bell

**Pledge**– Senator David Thomas

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the close of the 2003 General Session of the 55th 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 55th Legislature of the State of Utah into a First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of April, 2003 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 2003 General Session of the 55th 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 April,  
2003.

**Michael O. Leavitt**  
Governor

**Olene S. Walker**  
Lieutenant Governor

#### **CERTIFICATION**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of April 1, 2003, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fifth Legislature of the State of Utah into a First Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 16th day of April, 2003, 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 2003 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 April,  
2003.

**Olene S. Walker**  
Lieutenant Governor

**Roll call** – All Senators present, except Senators Hale, Eastman, and Steele excused.

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2003 General Session of the Fifty–Fifth Legislature as the rules for the First Extraordinary Session.

President Mansell appointed a committee comprised of Senators David Gladwell, Carlene Walker, and Patrice Arent to notify the Governor’s representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

Senator Gladwell advised the Senate that the Governor’s representative has been notified of the convening of the First Extraordinary Session.

Sandy D. Tenney read the following communications:

### **COMMUNICATION FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: March 21, 2003

In accordance with Sections 67–1–1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointment:

#### **DISTRICT COURT**

Scott M. Hadley appointed as a Judge of the District Court of the Second 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 appointments.

**Michael O. Leavitt**  
Governor

Communication filed.

### CONFERENCE COMMITTEE REPORT

Mr. President: April 16, 2003

The Senate Judicial Confirmation Committee recommends that Mr. Scott M. Hadley be confirmed to the position of District Court Judge in the Second Judicial District.

D. Chris Buttars, Chair

On motion of Senator Buttars, the Committee Report was adopted.

\* \* \*

Senator Hillyard moved to consent to the Governor's judicial appointment as read by Sandy D. Tenney. The motion passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Eastman	Hale	Steele
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\* \* \*

On motion of Senator Hillyard, Judge Scott M. Hadley spoke in Committee of the Whole.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

\* \* \*

Dear President Mansell and Members of the Senate: April 1, 2003

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

**COLLEGE OF EASTERN UTAH BOARD OF TRUSTEES**

David Hinkins appointed to fill the unexpired term of Tracy Jeffs as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2005. Section 53B-2-104, Utah Code Annotated 1953, as amended.

**BOARD OF STATE HISTORY**

Paul Anderson reappointed as a member of the Board of State History for a term to expire April 1, 2007. Section 9-8-204, Utah Code Annotated 1953, as amended.

Pamela W. Miller reappointed as a member of the Board of State History for a term to expire April 1, 2007. Section 9-8-204, Utah Code Annotated 1953, as amended.

F. Ross Peterson reappointed as a member of the Board of State History for a term to expire April 1, 2007. Section 9-8-204, Utah Code Annotated 1953, as amended.

Ronald Coleman appointed to replace Richard Sadler as a member of the Board of State History for a term to expire April 1, 2007. Section 9-8-204, Utah Code Annotated 1953, as amended.

Chere Romney appointed to replace Paul Williams as a member of the Board of State History for a term to expire April 1, 2007. Section 9-8-204, Utah Code Annotated 1953, as amended.

**QUALITY GROWTH COMMISSION**

David E. Allen reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended. Mr. Allen is independent.

Brad Barber reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended. Mr. Barber is independent.

Lewis K. Billings reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended.

Carlton J. Christensen reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended.

Gary R. Herbert reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended.

Daniel C. Lofgren reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended. Mr. Lofgren is independent.

Robert L. Morgan reappointed as a member of the Quality Growth Commission for a term to expire April 15, 2007. Section 11-38-201, Utah Code Annotated 1953, as amended.

#### **STATE MONEY MANAGEMENT COUNCIL**

Bruce Cohne reappointed as a member of the State Money Management Council for a term to expire March 1, 2007. Section 51-7-16, Utah Code Annotated 1953, as amended. Mr. Cohne is a democrat.

Daniel A. Mul appointed to replace David W. Zobell as a member of the State Money Management Council for a term to expire March 1, 2007. Section 51-7-16, Utah Code Annotated 1953, as amended. Mr. Mul is non-partisan.

#### **WATER QUALITY BOARD**

Ray M. Child reappointed as a member of the Water Quality Board for a term to expire March 1, 2007. Section 19-5-103, Utah Code Annotated 1953, as amended. Mr. Child is non-partisan.

Douglas E. Thompson reappointed as a member of the Water Quality Board for a term to expire March 1, 2007. Section 19-5-103, Utah Code Annotated 1953, as amended. Mayor Thompson is non-partisan.

Ronald C. Sims reappointed as a member of the Water Quality Board for a term to expire March 1, 2007. Section 19-5-103, Utah Code Annotated 1953, as amended. Mr. Sims is non-partisan.

Jay I. Olsen appointed to replace Nan W. Bunker as a member of the Water Quality Board for a term to expire March 1, 2007. Section 19-5-103, Utah Code Annotated 1953, as amended. Mr. Olsen is republican.

David Echols appointed to replace K.C. Shaw as a member of the Water Quality Board for a term to expire March 1, 2007. Section 19-5-103, Utah Code Annotated 1953, as amended. Mr. Echols is republican.

#### **DRINKING WATER BOARD**

Laurie S. McNeil reappointed as a member of the Drinking Water Board for a term to expire May 8, 2007. Section 19-4-103, Utah Code Annotated 1953, as amended. Ms. McNeil is independent.

Dale F. Pierson reappointed as a member of the Drinking Water Board for a term to expire May 8, 2007. Section 19-4-103, Utah Code Annotated 1953, as amended. Mr. Pierson is a democrat.

Ron Thompson appointed to replace Boyd Workman as a member of the Drinking Water Board for a term to expire May 8, 2007. Section 19-4-103, Utah Code Annotated 1953, as amended. Mr. Thompson is republican.

Petra Rust appointed to replace Ruth Perry as a member of the Drinking Water Board for a term to expire May 8, 2007. Section 19-4-103, Utah Code Annotated 1953, as amended. Ms. Rust is independent.

#### **BOARD OF WATER RESOURCES**

Warren H. Peterson reappointed as a member of the Board of Water Resources for a term to expire March 1, 2007. Section 73-10-1.5, Utah Code Annotated 1953, as amended. Mr. Peterson is a democrat.

Harold G. Shirley reappointed as a member of the Board of Water Resources for a term to expire March 1, 2007. Section 73-10-1.5, Utah Code Annotated 1953, as amended. Mr. Shirley is a democrat.

George Harmond appointed to replace Cleal Bradford as a member of the Board of Water Resources for a term to expire March 1, 2007. Section 73-10-1.5, Utah Code Annotated 1953, as amended. Mr. Harmond is a democrat.

Paul McPherson appointed to replace Lucille Taylor as a member of the Board of Water Resources for a term to expire March 1, 2007. Section 73-10-1.5, Utah Code Annotated 1953, as amended. Mr. McPherson is republican.

#### **SOLID AND HAZARDOUS WASTE CONTROL BOARD**

W. Cullen Battle reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2007. Section 19-6-103, Utah Code Annotated 1953, as amended. Mr. Battle is a democrat.

David K. Cunningham reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2007. Section 19-6-103, Utah Code Annotated 1953, as amended. Mr. Cunningham is a democrat.

William J. Doucette reappointed as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2007. Section 19-6-103, Utah Code Annotated 1953, as amended. Mr. Doucette is independent.

John D. Newman appointed to replace William Joe Melling as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2007. Section 19-6-103, Utah Code Annotated 1953, as amended. Mr. Newman is republican.

Michael Brehm appointed to replace Richard B. White as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2007.

Section 19–6–103, Utah Code Annotated 1953, as amended. Mr. Brehm is a democrat.

Carlton Christensen appointed to replace John D. Newman as a member of the Solid and Hazardous Waste Control Board for a term to expire May 8, 2007. Section 19–6–103, Utah Code Annotated 1953, as amended. Mr. Christensen is republican.

### **AIR QUALITY BOARD**

JoAnn B. Seghini reappointed as a member of the Air Quality Board for a term to expire March 1, 2007. Section 19–2–103, Utah Code Annotated 1953, as amended. Mayor Seghini is a democrat.

John M. Veranth reappointed as a member of the Air Quality Board for a term to expire March 1, 2007. Section 19–2–103, Utah Code Annotated 1953, as amended. Mr. Veranth is a democrat.

Ernest E. Wessman reappointed as a member of the Air Quality Board for a term to expire March 1, 2007. Section 19–2–103, Utah Code Annotated 1953, as amended. Mr. Wessman is independent.

Jonathan C. Cherry appointed to replace David B. George as a member of the Air Quality Board for a term to expire March 1, 2007. Section 19–2–103, Utah Code Annotated 1953, as amended. Mr. Cherry is independent.

Jerry D. Grover appointed to replace Dannie R. McConkie as a member of the Air Quality Board for a term to expire March 1, 2007. Section 19–2–103, Utah Code Annotated 1953, as amended. Commissioner Grover is republican.

Thank you for your timely consideration and confirmation of the above appointments.

**Michael O. Leavitt**  
Governor

Communication filed.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans



J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Buttars	Eastman	Hale	Steele
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\* \* \*

President Mansell directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Gladwell reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Waddoups, and at 12:55 p.m., the Senate adjourned sine die.

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