STATE OF UTAH

SENATE JOURNAL

SECOND EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Tuesday, May 20, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second 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 Second Extraordinary Session convening on Tuesday, May 20, 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

SECOND 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 Second Extraordinary Session at 12:00 noon on Wednesday, May 20, 2003.

The Senate was called to order with President Mansell presiding.

Prayer − Senator Dan Eastman

Pledge− Senator Chris Buttars

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 Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of May, 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 5th day of May, 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 May 5, 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 Second Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 20th day of May, 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 5th day of May, 2003.

Olene S. Walker
Lieutenant Governor

Roll call − All Senators present, except Senators Bell, Steele, and Wright 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 Second Extraordinary Session.

President Mansell appointed a committee comprised of Senators Beverly Evans, Scott Jenkins and Paula Julander to notify the Governor that the Senate is convened in the Second Extraordinary Session in accordance with his proclamation.

Senator Evans advised the Senate that the Governor's representative has been notified of the convening of the Second 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

Eric A. Ludlow appointed as a Judge of the District Court of the Fifth Judicial District. Utah Constitution Article VIII, Section 8 and Section 78−3−3, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communication filed.

CONFERENCE COMMITTEE REPORT

Dear President Mansell and Members of the Senate: April 16, 2003

The Senate Judicial Confirmation Committee recommends that Mr. Eric A. Ludlow be confirmed to the position of District Court Judge in the Fifth Judicial District.

D. Chris Buttars, Chair

* * *

Senator Hillyard moved to consent to the Governor's judicial appointment as read by Sandy D. Tenney. Senators Buttars, Stephenson, and Arent commented. The motion 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Bell	Steele	Wright

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: April 5, 2003

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

JUVENILE COURT

C. Dane Nolan appointed as a Judge of the Juvenile Court of the Third Judicial District. Utah Constitution Article VIII, Section 8 and Section 78−3a−107, Utah Code Annotated 1953, as amended.

Mary Noonan appointed as a Judge of the Juvenile Court of the Fourth Judicial District. Utah Constitution Article VIII, Section 8 and Section 78−3a−107, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communication filed.

CONFERENCE COMMITTEE REPORT

Mr. President: April 30, 2003

The Senate Judicial Confirmation Committee met on April 30, 2003 and unanimously reports a favorable recommendation for Mr. C. Dane Nolan to be confirmed to the position of Juvenile Court Judge in the Third Judicial District.

D. Chris Buttars, Chair

Senator Hillyard moved to consent to the Governor's judicial appointment of C. Dane Nolan as read by Sandy D. Tenney. Senators Buttars and James Evans commented. The motion 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Bell	Steele	Wright

* * *

Mr. President: April 30, 2003

The Senate Judicial Confirmation Committee met on April 30, 2003 and unanimously reports a favorable recommendation for Ms. Mary T. Noonan to be confirmed to the position of Juvenile Court Judge in the Fourth Judicial District.

D. Chris Buttars, Chair

Senator Hillyard moved to consent to the Governor's judicial appointment of Mary T. Noonan as read by Sandy D. Tenney. Senators Buttars and Evans commented. The motion 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Bell	Steele	Wright

* * *

On motion of Senator Buttars, Judge Eric A. Ludlow, Judge C. Dane Nolan, and Judge Mary T. Noonan spoke in Committee of the Whole. Senators Hickman and Arent commented.

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

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: May 5, 2003

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

STATE TAX COMMISSION

Palmer DePaulis reappointed as a member of the State Tax Commission for a term to expire June 30, 2007. Section 59−1−201, Utah Code Annotated 1953, as amended. Mr. DePaulis is a democrat.

COLLEGE OF EASTERN UTAH BOARD OF TRUSTEES

Dennis J.P. Dooley reappointed as a member of the College of Eastern Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Richard N. Lee reappointed as a member of the College of Eastern Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Thomas Sawyer reappointed as a member of the College of Eastern Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Dominic Welch reappointed as a member of the College of Eastern Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

UTAH COMPREHENSIVE HEALTH INSURANCE POOL BOARD OF DIRECTORS

Victor N. Gibb reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2007. Section 31A−29−104, Utah Code Annotated 1953, as amended.

John W. Hanshaw reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2007. Section 31A−29−104, Utah Code Annotated 1953, as amended.

Irene Link reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2007. Section 31A−29−104, Utah Code Annotated 1953, as amended.

Randall R. Smart reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2007. Section 31A−29−104, Utah Code Annotated 1953, as amended.

Gerald W. Tedrow reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2007. Section 31A−29−104, Utah Code Annotated 1953, as amended.

SCHOOL AND INSTITUTIONAL TRUST LANDS BOARD OF TRUSTEES

James B. Lee appointed to replace Lonnie M. Bullard on the School and Institutional Trust Lands Board of Trustees for a term to expire July 1, 2009. Section 53C−1−202, Utah Code Annotated 1953, as amended.

QUALITY GROWTH COMMISSION

Dennis P. Larkin appointed to fill the unexpired term of Jerry W. Stevenson on the Quality Growth Commission, a term to expire April 15, 2005. Section 11−38−201, Utah Code Annotated 1953, as amended.

REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD

Dawn Buxton appointed to full the unexpired term of R. Curt Webb on the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2004. Section 61−2b−7, Utah Code Annotated 1953, as amended.

UTAH DINEH COMMITTEE

Oscar Begay 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 SERVICES FOR PEOPLE WITH DISABILITIES

Tim Daynes reappointed as a member of the Board of Services for People with Disabilities for a term to expire April 1, 2007. Section 62A−1−107 and 62A−5−105, Utah Code Annotated 1953, as amended. Mr. Daynes is a democrat.

Drew R. Hansen reappointed as a member of the Board of Services for People with Disabilities for a term to expire April 1, 2007. Section 62A−1−107 and 62A−5−105, Utah Code Annotated 1953, as amended. Mr. Hansen is a democrat.

Terri Stettler reappointed as a member of the Board of Services for People with Disabilities for a term to expire April 1, 2007. Section 62A−1−107 and 62A−5−105, Utah Code Annotated 1953, as amended. Ms. Stettler is non−partisan.

Gary D. Watts reappointed as a member of the Board of Services for People with Disabilities for a term to expire April 1, 2007. Section 62A−1−107 and 62A−5−105, Utah Code Annotated 1953, as amended. Mr. Watts 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. Senators Walker, Bramble, Stephenson, Hale, Allen, and Arent commented. The motion 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Bell	Steele	Wright

* * *

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

Senator Evans 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 1:00 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

FIRST SPECIAL SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened Wednesday, May 21, 2003
and Adjourned on Wednesday, June 18, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special 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 Special Session convening on Wednesday, May 21, 2003, 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

FIRST SPECIAL 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 a Special Session at 12:00 noon, on Wednesday, May 21, 2003.

The Senate was called to order with President Mansell presiding.

Prayer − Senator John Valentine

Pledge − Senator Gene Davis

Roll call − All Senators present.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2003 General Session of the Fifty−Fifth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into 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−Fifth Legislature of the State of Utah into a Special Session at the State Capitol in Salt Lake City, Utah, on the 21st day of May, 2003 at 12:00 noon, for the following purposes:

1. To consider amendments to Utah Code Title 63B, Chapter 1a, Master General Obligation Bond Act;

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 15th day of May, 2003.

Michael O. Leavitt
Governor

Olene S. Walker
Lieutenant Governor

SUPPLEMENTAL PROCLAMATION

PURSUANT to Item 2 of the Proclamation issued May 15, 2003, calling the Legislature into special session, I add the following item to the agenda for the special session:

1. To consider authorizing the transfer of money between funding sources at the end of the fiscal year to address any end−of−year imbalance.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 19th day of May, 2003.

Michael O. Leavitt
Governor

CERTIFICATION

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation

issued under date of May 15th, 2003, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty−Fifth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 21st day of May, 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 19th day of May, 2003.

Olene S. Walker,
Lieutenant Governor

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2003 General Session of the Fifty−Fifth Legislature as the rules for the First Special Session.

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

President Mansell appointed a committee comprised of Senators Stephenson, Eastman, and Hale to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Stephenson reported that the House has been notified.

Senator Bramble reported that the Governor has been notified.

* * *

On motion of Senator Hillyard, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read

for the first time and introduced and considered on Second Reading, Third Reading and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

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

* * *

On motion of Senator Waddoups, and at 12:30 p.m., the Senate recessed.

The Senate reassembled at 1:50 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 21, 2003

The House passed **H.B. 1001**, AMENDMENTS TO MASTER BOND ACT, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1001** was read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, the bill was placed on the Second Reading Calendar for immediate consideration.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **H.B. 1001**, AMENDMENTS TO MASTER BOND ACT, was considered read the second and third times. Senator Waddoups 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	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Steele	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Hatch Thomas

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

* * *

At the direction of President Mansell, Senator Knudson notified the House that the Senate was adjourning for more than three days.

A committee from the House notified the Senate that the House has adjourned for more than three days.

On motion of Senator Waddoups and at 2:00 p.m., the Senate adjourned until notification is received from the President that the legislature will reconvene.

STATE OF UTAH

SENATE JOURNAL

FIRST SPECIAL 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 a Special Session at 12:00 noon, on Wednesday, June 18, 2003.

The Senate was called to order with President Mansell presiding.

Prayer − Senator David Gladwell

Pledge − Senator Ed Mayne

Roll call − All Senators present except Senator Hillyard, excused.

ADMINISTRATION OF OATH OF OFFICE

President Mansell administered the Oath of Office to Sheldon L. Killpack who was appointed by Governor Leavitt to fill the unexpired term of David Steele in Senate District 21.

* * *

A citation was read commemorating the 100−year anniversary of Kennecott Copper Corporation.

On motion of Senator Buttars, Louie Cononelos, representative of Kennecott Copper Corporation, spoke in Committee of the Whole. Senators Mayne, Stephenson, Allen, and Waddoups commented.

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

* * *

President Mansell appointed Senators James Evans, Bill Hickman, and Ron Allen to wait upon the Governor and ask if he has any further business to bring before the Senate.

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

Senator James Evans reported that his committee, with a like committee from the House, have notified the Governor that the Legislature has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Waddoups, and at 12:55 p.m., the First Special Session of the Fifty−Fifth Legislature adjourned sine die.

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FIFTY−FIFTH LEGISLATURE

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STATE OF UTAH

SENATE JOURNAL

THIRD EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, June 18, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third 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 Third Extraordinary Session convening on Wednesday, June 18, 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

THIRD 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 Second Extraordinary Session at 1:00 p.m. on Wednesday, June 18, 2003.

The Senate was called to order with President Mansell presiding.

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 Third Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of June, 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 3rd day of June, 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 June 3, 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 Third Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 18th day of June, 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 3rd day of June, 2003.

Olene S. Walker
Lieutenant Governor

Roll call − All Senators present, except Senator Hillyard, excused.

On motion of Senator Valentine, the Senate voted to adopt the Senate Rules of the 2003 General Session of the Fifty−Fifth Legislature as the rules for the Third Extraordinary Session.

President Mansell appointed a committee comprised of Senators Parley Hellewell, Greg Bell, and Gene Davis to notify the Governor that the Senate is convened in the Third 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 Third Extraordinary Session.

On motion of Senator Valentine, the Senate voted to amend the proclamation to include the appointment of Senator Sheldon Killpack, sworn in on June 18, 2003, to represent Senate District 21.

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: June 3, 2003

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

PUBLIC SERVICE COMMISSION

Ted Boyer appointed to replace Steve Mecham as a member of the Public Service Commission for a term to expire March 1, 2009. Section 54−1−1.5, Utah Code Annotated 1953, as amended. Mr. Boyer is a republican.

DEPARTMENT OF COMMERCE

Klare Bachman appointed to replace Ted Boyer as the Executive Director of the Department of Commerce. Section 13−1−3, Utah Code Annotated 1953, as amended.

BOARD OF PARDONS AND PAROLE

Jesse Gallegos appointed to replace Keith Hamilton as a member of the Board of Pardons and Parole for a term to expire February 28, 2008. Section 77−27−2, Utah Code Annotated 1953, as amended.

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Frank W. Budd reappointed as a member of the Alcoholic Beverage Control Commission for a term to expire July 1, 2007. Section 32A−1−106, Utah Code Annotated 1953, as amended. Mr. Budd is an independent.

Nicholas E. Hales reappointed as a member of the Alcoholic Beverage Control Commission for a term to expire July 1, 2007. Section 32A−1−106, Utah Code Annotated 1953, as amended. Mr. Hales is a republican.

Larry Lunt reappointed as a member of the Alcoholic Beverage Control Commission for a term to expire July 1, 2007. Section 32A−1−106, Utah Code Annotated 1953, as amended. Mr. Lunt is a republican

STATE BOARD OF REGENTS

Bill Edwards appointed to replace Khay Douangdara as the student representative on the State Board of Regents for a term to expire June 30, 2004. Section 53B−1−104, Utah Code Annotated 1953, as amended.

UTAH STATE UNIVERSITY BOARD OF TRUSTEES

R. Brent Nyman reappointed as a member of the Utah State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

L.J. Godfrey reappointed as a member of the Utah State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Richard L. Shipley appointed to replace Barre Burgon as a member of the Utah State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

David Cook appointed to replace Willis Candland as a member of the Utah State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

DIXIE STATE COLLEGE BOARD OF TRUSTEES

Mary L. Chamberlain reappointed as a member of the Dixie State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Shandon D. Gubler reappointed as a member of the Dixie State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Jeannine Holt reappointed as a member of the Dixie State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Stephen W. Wade reappointed as a member of the Dixie State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

D. Williams Ronnow appointed to fill the unexpired term of Eric Ludlow on the Dixie State College Board of Trustees, a term to expire June 30, 2005. Section 53B−2−104, Utah Code Annotated 1953, as amended.

UTAH VALLEY STATE COLLEGE BOARD OF TRUSTEES

Dan Campbell reappointed as a member of the Utah Valley State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Ronald Dallin reappointed as a member of the Utah Valley State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Michael Mower appointed to replace Wilford Clyde as a member of the Utah Valley State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Karen Ashton appointed to replace Marianne Heaps as a member of the Utah Valley State College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

SNOW COLLEGE BOARD OF TRUSTEES

Jerold N. Johnson reappointed as a member of the Snow College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Carl R. Albrecht reappointed as a member of the Snow College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

John Willmore appointed to replace Richard Waddingham as a member of the Snow College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Tim Barney appointed to replace Louanne Brown as a member of the Snow College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

BOARD OF BUSINESS AND ECONOMIC DEVELOPMENT

Joel A. Bradford reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Mr. Bradford is a democrat.

Dell Loy Hansen reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Mr. Hansen is a republican.

Mark Howell reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Mr. Howell is a republican.

Jerold G. Oldroyd reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Mr. Oldroyd is a democrat.

David Simmons reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Mr. Simmons is a republican.

Debra Tanzi reappointed as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Ms. Tanzi is a republican.

Cliff White appointed to replace Alan Ashton as a member of the Board of Business and Economic Development for a term to expire March 15, 2007. Section 9−2−203, Utah Code Annotated 1953, as amended. Mr. White is a republican.

AIR QUALITY BOARD

Scott Hirschi appointed to fill the unexpired term of Karl Brooks on the Air Quality Board, a term to expire March 1, 2005. Section 19−2−103, Utah Code Annotated 1953, as amended. Mr. Hirschi is a republican.

UTAH HOUSING CORPORATION BOARD OF TRUSTEES

J. Ross Hurst reappointed as a member of the Utah Housing Corporation Board of Trustees for a term to expire June 1, 2007. Section 9−4−904, Utah Code Annotated 1953, as amended. Mr. Hurst is a democrat.

Scott H. Parkinson reappointed as a member of the Utah Housing Corporation Board of Trustees for a term to expire June 1, 2007. Section 9−4−904, Utah Code Annotated 1953, as amended. Mr. Parkinson is an independent.

Mark R. Cornelius appointed to replace Daniel C. Lofgren as a member of the Utah Housing Corporation Board of Trustees for a term to expire June 1, 2007. Section 9−4−904, Utah Code Annotated 1953, as amended. Mr. Cornelius is a republican.

UTAH ARTS COUNCIL BOARD OF DIRECTORS

Margaret K. Brady reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2007. Section 9−6−204, Utah Code Annotated 1953, as amended.

Anne C. Decker reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2007. Section 9−6−204, Utah Code Annotated 1953, as amended.

John T. Nielsen reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2007. Section 9−6−204, Utah Code Annotated 1953, as amended.

June D. Thorley reappointed as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2007. Section 9−6−204, Utah Code Annotated 1953, as amended.

Alexander M. Schiel appointed to replace Fred Babcock as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2007. Section 9−6−204, Utah Code Annotated 1953, as amended.

Kathleen Pitcher appointed to replace Robert Olpin as a member of the Utah Arts Council Board of Directors for a term to expire July 1, 2007. Section 9−6−204, Utah Code Annotated 1953, as amended.

Katharine Coles appointed to fill the unexpired term of Kenneth Brewer 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.

BOARD OF AGING AND ADULT SERVICES

Kenneth R. Brown reappointed as a member of the Board of Aging and Adult Services for a term to expire April 1, 2007. Section 62A−1−105 and 107, Utah Code Annotated 1953, as amended. Mr. Brown is a republican.

Mildred T. Sparks appointed as a member of the Board of Aging and Adult Services for a term to expire April 1, 2007. Section 62A−1−105 and 107, Utah Code Annotated 1953, as amended. Mrs. Sparks is independent.

Pearl Rex Hartzell appointed as a member of the Board of Aging and Adult Services for a term to expire April 1, 2007. Section 62A−1−105 and 107, Utah Code Annotated 1953, as amended. Ms. Rex Hartzell is a republican.

UTAH HORSE RACING COMMISSION

Don R. Randall appointed to replace Robert L. Poulson as a member of the Utah Horse Racing Commission for a term to expire December 31, 2006. Section 4−38−3, Utah Code Annotated 1953, as amended.

David Hinkins appointed to replace Don J. Edmunds as a member of the Utah Horse Racing Commission for a term to expire December 31, 2006. Section 4−38−3, Utah Code Annotated 1953, as amended.

UTAH COMPREHENSIVE HEALTH INSURANCE POOL BOARD OF DIRECTORS

Byron T. Okutsu appointed to fill the unexpired term of John W. Hanshaw on the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2007. Section 31A−29−104, Utah Code Annotated 1953, as amended.

RURAL ELECTRONIC COMMERCE COMMUNICATIONS SYSTEM FUND BOARD

James J. Eardley reappointed as a member of the Rural Electronic Commerce Communications System Fund Board for a term to expire January 1, 2007. Section 9−15−103, Utah Code Annotated 1953, as amended.

M. Lynn Lemon reappointed as a member of the Rural Electronic Commerce Communications System Fund Board for a term to expire January 1, 2007. Section 9−15−103, Utah Code Annotated 1953, as amended.

Gary B. Mason reappointed as a member of the Rural Electronic Commerce Communications System Fund Board for a term to expire January 1, 2007. Section 9−15−103, Utah Code Annotated 1953, as amended.

Drew Sitterud appointed to replace Kimberly Schappert on the Rural Electronic Commerce Communications System Fund Board for a term to expire January 1, 2007. Section 9−15−103, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communication filed.

On motion of Senator Waddoups, the Senate voted to accept the roll call from the First Special Session, Day 29, (June 18, 2003) with the addition of Senator Killpack's vote.

Senator Valentine moved to consent to the appointments as read by Sandy D. Tenney. Senators Hickman, Bell, and Waddoups commented. The motion 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
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Valentine, Ted Boyer, Klare Bachman and Jesse Gallegos spoke in Committee of the Whole.

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

* * *

President Mansell directed the committee to wait upon the Governor 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 Waddoups, and at 1:20 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

FOURTH EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, July 16, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth 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 Fourth Extraordinary Session convening on Wednesday, July 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

FOURTH 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 Fourth Extraordinary Session at 11:30 a.m. on Wednesday, July 16, 2003.

The Senate was called to order with President Mansell presiding.

Prayer − Senator Karen Hale

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 Fourth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of July, 2003 at 11:30 a.m., 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 July, 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 July 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 Fourth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 16th day of July, 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,

except that Sheldon L. Killpack was appointed to fill the vacancy in District 21 that was created by the resignation of David H. Steele.

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 July, 2003.

Olene S. Walker
Lieutenant Governor

Roll call − All Senators present, except Senators Walker and Hellewell, excused.

On motion of Senator Valentine, the Senate voted to adopt the Senate Rules of the 2003 General Session of the Fifty−Fifth Legislature as the rules for the Fourth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Dave Thomas, Chris Buttars, and Karen Hale to notify the Governor that the Senate is convened in the Fourth Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: June 12, 2003

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

DISTRICT COURT

G. Michael Westfall appointed as a Judge of the District Court of the Fifth 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.

COMMITTEE COMMUNICATION

Mr. President: July 15, 2003

The Senate Judicial Confirmation Committee met on July 14, 2003 and unanimously reports a favorable recommendation for Mr. G. Michael Westfall to be confirmed to the position of District Court Judge in the Fifth Judicial District.

D. Chris Buttars, Chair

Senator Valentine moved to consent to the appointment of G. Michael Westfall. Senator Buttars commented and the motion passed on the following roll call vote:

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
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Eastman	Gladwell	Hellewell	Walker

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: July 1, 2003

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

THIRD DISTRICT COURT

Royal I. Hansen appointed as a Judge of the District Court of the Third Judicial District. Utah Constitution Article VIII, Section 8 and Section 78−3−3, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communication filed.

COMMITTEE COMMUNICATION

Mr. President: July 15, 2003

The Senate Judicial Confirmation Committee met on July 14, 2003 and unanimously reports a favorable recommendation for Mr. Royal I. Hansen to be confirmed to the position of District Court Judge in the Third Judicial District.

D. Chris Buttars, Chair

Senator Valentine moved to consent to the appointment of Royal I. Hansen. Senator Buttars commented and the motion passed on the following roll call vote:

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
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Eastman	Gladwell	Hellewell	Walker

COMMUNICATIONS FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: July 1, 2003

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

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

Kim Christensen appointed as the Executive Director of the Department of Human Resource Management. Section 67−19−5, Utah Code Annotated 1953, as amended.

STATE BOARD OF REGENTS

Charles E. Johnson reappointed as a member of the State Board of Regents for a term to expire June 30, 2009. Section 53B−1−104, Utah Code Annotated 1953, as amended. Mr. Johnson is a republican.

David J. Jordan reappointed as a member of the State Board of Regents for a term to expire June 30, 2009. Section 53B−1−104, Utah Code Annotated 1953, as amended. Mr. Jordan is a republican.

Jed H. Pitcher reappointed as a member of the State Board of Regents for a term to expire June 30, 2009. Section 53B−1−104, Utah Code Annotated 1953, as amended. Mr. Pitcher is independent.

Bonnie Jean Beesley appointed to replace Brent Hoggan on the State Board of Regents for a term to expire June 30, 2009. Section 53B−1−104, Utah Code Annotated 1953, as amended. Mrs. Beesley is a republican.

UNIVERSITY OF UTAH BOARD OF TRUSTEES

H. Roger Boyer reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Randy L. Dryer reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

E. Jake Garn reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

James L. Macfarlane reappointed as a member of the University of Utah Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Amy Hansen appointed to fill the unexpired term of Sally Burbidge Cassity on the University of Utah Board of Trustees, a term to expire June 30, 2005. Section 53B−2−104, Utah Code Annotated 1953, as amended.

WEBER STATE UNIVERSITY BOARD OF TRUSTEES

Mac Christensen reappointed as a member of the Weber State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Thomas F. Davidson reappointed as a member of the Weber State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Kathy S. Petersen appointed to replace Doug Holmes as a member of the Weber State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Barney B. Chapman appointed to replace Scott Marquardt as a member of the Weber State University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Jewel Lee Kenley appointed to fill the unexpired term of Jean Bickmore White on the Weber State University Board of Trustees, a term to expire June 30, 2005. Section 53B−2−104, Utah Code Annotated 1953, as amended.

SOUTHERN UTAH UNIVERSITY BOARD OF TRUSTEES

Dwayne O. Nielson reappointed as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Anne A. Judd reappointed as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Marsha G. Fetzer appointed to replace Larry Lunt as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Lee Fife appointed to replace Cyndi Gilbert as a member of the Southern Utah University Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

David H. Jeppson appointed to fill the unexpired term of Henry Eyring on the Southern Utah University Board of Trustees, a term to expire June 30, 2005. Section 53B−2−104, Utah Code Annotated 1953, as amended.

SALT LAKE COMMUNITY COLLEGE BOARD OF TRUSTEES

Ellen Betit reappointed as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Leticia Medina appointed to replace Brent Hatch as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Jeff Edwards appointed to replace Randall Mackay as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

Kevin S. Garn appointed to replace Norman Riggs as a member of the Salt Lake Community College Board of Trustees for a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

UTAH ARTS COUNCIL BOARD OF DIRECTORS

Hector Ahumada appointed to fill the unexpired term of Katharine Coles 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.

BOARD OF PARKS AND RECREATION

Norman L. Nielsen reappointed as a member of the Board of Parks and Recreation for a term to expire July 1, 2007. Section 63−11−14, Utah Code Annotated 1953, as amended. Mr. Nielsen is a republican.

Irene S. Hansen appointed to replace Heather Campbell as a member of the Board of Parks and Recreation for a term to expire July 1, 2007. Section 63−11−14, Utah Code Annotated 1953, as amended. Ms. Hansen is independent.

William R. Bleak appointed to replace Jack DeMann as a member of the Board of Parks and Recreation for a term to expire July 1, 2007. Section 63−11−14, Utah Code Annotated 1953, as amended. Mr. Bleak is a republican.

Karl D. Bentley appointed to replace Bill Hedden as a member of the Board of Parks and Recreation for a term to expire July 1, 2007. Section 63−11−14, Utah Code Annotated 1953, as amended. Mr. Bentley is a democrat.

Joe Hansen appointed to replace Beverlee Murray as a member of the Board of Parks and Recreation for a term to expire July 1, 2007. Section 63−11−14, Utah Code Annotated 1953, as amended. Mr. Hansen is a republican.

BOARD OF TRAVEL DEVELOPMENT

Howard A. Brinkerhoff reappointed as a member of the Board of Travel Development for a term to expire July 1, 2007. Section 9−3−202, Utah Code Annotated 1953, as amended. Mr. Brinkerhoff is non−partisan.

Lucille Tuttle reappointed as a member of the Board of Travel Development for a term to expire July 1, 2007. Section 9−3−202, Utah Code Annotated 1953, as amended. Ms. Tuttle is independent.

Robert L. Syrett appointed to replace Joe Houston as a member of the Board of Travel Development for a term to expire July 1, 2007. Section 9−3−202, Utah Code Annotated 1953, as amended. Mr. Syrett is independent.

Kim D. McClelland appointed to replace John Brinton as a member of the Board of Travel Development for a term to expire July 1, 2007. Section 9−3−202, Utah Code Annotated 1953, as amended. Mr. McClelland is a democrat.

HEBER VALLEY HISTORIC RAILROAD AUTHORITY

Robyn Rix Pearson reappointed as a member of the Heber Valley Historic Railroad Authority for a term to expire June 30, 2006. Section 9−3−302, Utah Code Annotated 1953, as amended.

Marilyn K. Toone reappointed as a member of the Heber Valley Historic Railroad Authority for a term to expire June 30, 2006. Section 9−3−302, Utah Code Annotated 1953, as amended.

Ralph Gochnour appointed to fill the unexpired term of Stephen L. Carr on the Heber Valley Historic Railroad Authority, a term to expire June 30, 2004. Section 9−3−302, Utah Code Annotated 1953, as amended.

UTAH STATE RETIREMENT BOARD

Phyllis Sorensen reappointed as a member of the Utah State Retirement Board for a term to expire July 1, 2007. Section 49−11−202, Utah Code Annotated 1953, as amended.

Kenneth L. Serre appointed to replace Duane Frisby as a member of Utah State Retirement Board for a term to expire July 1, 2007. Section 49−11−202, Utah Code Annotated 1953, as amended.

Alan C. Ashton appointed to replace Cliff White as a member of the Utah State Retirement Board for a term to expire July 1, 2007. Section 49−11−202, Utah Code Annotated 1953, as amended.

BOARD OF YOUTH CORRECTIONS

Myron T. Benson reappointed as a member of the Board of Youth Corrections for a term to expire April 1, 2007. Section 62A−1−105, Utah Code Annotated 1953, as amended. Mr. Benson is a republican.

James L. Earl reappointed as a member of the Board of Youth Corrections for a term to expire April 1, 2007. Section 62A−1−105, Utah Code Annotated 1953, as amended. Mr. Earl is a republican.

Jody Valantine reappointed as a member of the Board of Youth Corrections for a term to expire April 1, 2007. Section 62A−1−105, Utah Code Annotated 1953, as amended. Ms. Valantine is a republican.

Perry L. Buckner appointed to replace Lois McArthur as a member of the Board of Youth Corrections for a term to expire April 1, 2007. Section 62A−1−105, Utah Code Annotated 1953, as amended. Mr. Buckner is a democrat.

Curtis M. Oda appointed to fill the unexpired term of Georganna Petry on the Board of Youth Corrections, a term to expire April 1, 2005. Section 62A−1−105, Utah Code Annotated 1953, as amended. Mr. Oda is a republican.

YOUTH PAROLE AUTHORITY

Doyle E. Talbot reappointed as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Randy J. Ence reappointed as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Veronica Thomas reappointed as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Jeff L. Norton reappointed as a pro tempore member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Ferris E. Groll appointed to replace Charles Semken as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Hank Hoole appointed to replace Gustave Verrett as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Ray Terry appointed to replace Ferris Groll as a pro tempore member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

Carlos A. Esqueda appointed to replace Hank Hoole as a pro tempore member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62A−7−109, Utah Code Annotated 1953, as amended.

STATE BOARD OF FINANCIAL INSTITUTIONS

David Poulsen reappointed as a member of the State Board of Financial Institutions for a term to expire July 1, 2007. Section 7−1−203, Utah Code Annotated 1953, as amended. Mr. Poulsen is independent.

William D. Farley appointed to replace Eugene Erbin as a member of the State Board of Financial Institutions for a term to expire July 1, 2007. Section 7−1−203, Utah Code Annotated 1953, as amended. Mr. Farley is a republican.

* * *

Dear President Mansell and Members of the Senate: July 11, 2003

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

STATE BOARD OF REGENTS

David L. Maher appointed to replace Pamela Atkinson as a member of the State Board of Regents for a term to expire June 30, 2009. Section 53B−1−104, Utah Code Annotated 1953, as amended. Mr. Maher is a democrat.

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

Michael O. Leavitt
Governor

Communications filed.

On motion of Senator Valentine, the Senate, pursuant to Section 67−1−2 of the Utah Code, voted to waive the 15−day requirement on the submittal dated July 11, 2003, for purposes of acting on gubernatorial nominees.

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

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	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

Absent or not voting were: Senators

Eastman	Hellewell	Walker

* * *

On motion of Senator Buttars, Kim Christensen, Judge G. Michael Westfall, and Judge Royal I. Hansen spoke in Committee of the Whole. Senators Hickman and Hale commented.

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

Senators Hillyard and Stephenson asked leave of the body to allow aye votes be cast on the appointments made today. The motion passed.

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

Senator Thomas 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 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

FIFTH EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, September 17, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth 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 Fifth Extraordinary Session convening on Wednesday, September 17, 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

FIFTH 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 Fifth Extraordinary Session at 12:00 noon on Wednesday, September 17, 2003.

The Senate was called to order at 12:35 p.m. with President Mansell presiding.

Prayer − Senator Parley Hellewell

Pledge − Senator Leonard Blackham

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 Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of September, 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 2nd day of September, 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 September 2, 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 Fifth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 17th day of September, 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,

except that Sheldon L. Killpack was appointed to fill the vacancy in District 21 that was created by the resignation of David H. Steele.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 2nd day of September, 2003.

Olene S. Walker
Lieutenant Governor

Roll call − All Senators present, except Senators Valentine, Dmitrich, and Gladwell, 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 Fifth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Bill Hickman, Sheldon Killpack, and Ed Mayne to notify the Governor that the Senate is convened in the Fifth 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 Fifth Extraordinary Session.

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: July 27, 2003

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

DISTRICT COURT

Derek P. Pullan appointed as a Judge of the District Court of the Fourth Judicial District. Utah Constitution Article VIII, Section 8 and Section 78−3−3, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communication filed.

COMMITTEE COMMUNICATION

Mr. President: September 5, 2003

The Senate Judicial Confirmation Committee met on September 5, 2003 and unanimously reports a favorable recommendation for Mr. Derek P. Pullan to be confirmed to the position of District Court Judge in the Fourth Judicial District.

D. Chris Buttars, Chair

Senator Hillyard moved to consent to the appointment of Derek P. Pullan. Senators Buttars, Thomas, Bev Evans, and Waddoups commented and the motion passed on the following roll call vote:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dmitrich	Gladwell	Valentine

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: September 2, 2003

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

UTAH ATHLETIC FOUNDATION BOARD OF DIRECTORS

Fraser Bullock reappointed as a member of the Utah Athletic Foundation Board of Directors for a term to expire August 15, 2006. H.J.R. 25, 2002 General Session.

Gordon C. Strachan reappointed as a member of the Utah Athletic Foundation Board of Directors for a term to expire August 15, 2006. H.J.R. 25, 2002 General Session.

Robert H. Garff appointed as a member of the Utah Athletic Foundation Board of Directors for a term to expire August 15, 2006. H.J.R. 25, 2002 General Session.

UTAH COMMISSION ON UNIFORM STATE LAWS

Greg J. Curtis reappointed as a member of the Utah Commission on Uniform State Laws for a term to expire July 1, 2007. Section 68−4−5, Utah Code Annotated 1953, as amended.

WORKERS COMPENSATION FUND BOARD OF DIRECTORS

Dallas Bradford appointed to fill the unexpired term of Vicki Varela on the Workers Compensation Fund Board of Directors, a term to expire June 30, 2006. Section 31A−33−106, Utah Code Annotated 1953, as amended.

RADIATION CONTROL BOARD

Keith C. Barnes appointed to fill the unexpired term of Royal Hansen on the Radiation Control Board, a term to expire July 1, 2006. Section 19−3−103, Utah Code Annotated 1953, as amended. Mr. Barnes is a republican.

UTAH TELEHEALTH COMMISSION

Joseph G. Cramer reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2006. Section 26−9f−103, Utah Code Annotated 1953, as amended.

Dennis R. Hauze reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2006. Section 26−9f−103, Utah Code Annotated 1953, as amended.

Robert Resendes reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2006. Section 26−9f−103, Utah Code Annotated 1953, as amended.

David B. Goddard reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2005. Section 26−9f−103, Utah Code Annotated 1953, as amended.

Ruthann Jarvis reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2005. Section 26−9f−103, Utah Code Annotated 1953, as amended.

E. Rod Ross reappointed as a member of the Utah Telehealth Commission for a term to expire October 1, 2005. Section 26−9f−103, Utah Code Annotated 1953, as amended.

Matthew T. Weed appointed to replace Allan Ainsworth as a member of the Utah Telehealth Commission for a term to expire October 1, 2005. Section 26−9f−103, Utah Code Annotated 1953, as amended.

John R. Morris, Jr. appointed to replace Kitty Dunn as a member of the Utah Telehealth Commission for a term to expire October 1, 2006. Section 26−9f−103, Utah Code Annotated 1953, as amended.

CRIME VICTIM REPARATIONS BOARD

Anthony Middleton reappointed as a member of the Crime Victims Reparations Board for a term to expire April 15, 2007. Section 63−25a−404, Utah Code Annotated 1953, as amended.

Afton Ririe reappointed as a member of the Crime Victims Reparations Board for a term to expire April 15, 2007. Section 63−25a−404, Utah Code Annotated 1953, as amended.

Nancy F. Wright reappointed as a member of the Crime Victims Reparations Board for a term to expire April 15, 2007. Section 63−25a−404, Utah Code Annotated 1953, as amended.

S. Brent Scharman appointed to replace David A. Tomb on the Crime Victims Reparations Board for a term to expire April 15, 2007. Section 63−25a−404, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communications filed.

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

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Eastman

B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Dmitrich	Gladwell	Valentine

* * *

On motion of Senator Buttars, Derek P. Pullan 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 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 Waddoups, and at 1:05 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

SIXTH EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, October 15, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth 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 Sixth Extraordinary Session convening on Wednesday, October 15, 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

SIXTH 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 Sixth Extraordinary Session at 12:15 p.m. on Wednesday, October 15, 2003.

The Senate was called to order with President Pro Tem Michael G. Waddoups presiding.

Prayer − Senator Bill Hickman

Pledge− Senator Ed Mayne

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 Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 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 30th day of September, 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 September 30, 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 Sixth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 15th day of October, 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,

except that Sheldon L. Killpack was appointed to fill the vacancy in District 21 that was created by the resignation of David H. Steele.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 30th day of September, 2003.

Olene S. Walker
Lieutenant Governor

Roll call − All Senators present except President Mansell, Senators Allen, Thomas, and Gladwell, 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 Sixth Extraordinary Session.

Senator Waddoups appointed a committee comprised of Senators James Evans, Greg Bell, and Gene Davis to notify the Governor that the Senate is convened in the Sixth Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: September 30, 2003

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

WILDLIFE BOARD

Paul Niemeyer reappointed as a member of the Wildlife Board for a term to expire August 15, 2009. Section 23−14−2, Utah Code Annotated 1953, as amended.

Lee Howard appointed to replace Connie Brooks on the Wildlife Board for a term to expire August 15, 2009. Section 23−14−2, Utah Code Annotated 1953, as amended.

UTAH COMPREHENSIVE HEALTH INSURANCE POOL BOARD OF DIRECTORS

Elizabeth S. Hunter appointed to fill the unexpired term of Patrick Johnson on the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2005. Section 31A−29−104, Utah Code Annotated 1953, as amended.

COMMITTEE OF CONSUMER SERVICES

Ryan P. Atkinson appointed to fill the unexpired term of Candace Hammer on the Committee of Consumer Services, a term to expire July 1, 2006. Section 54−10−2, Utah Code Annotated 1953, as amended. Mr. Atkinson is a democrat.

PERMANENT COMMUNITY IMPACT FUND BOARD

Craig W. Collett appointed to fill the unexpired term of Sharon Walters on the Permanent Community Impact Fund Board, a term to expire March 1, 2006. Section 9−4−304, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

Communications filed.

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

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	

Absent or not voting were: Senators

Allen	Bramble	B. Evans	Gladwell
Thomas	Mansell		

* * *

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

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

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

STATE OF UTAH

SENATE JOURNAL

SECOND SPECIAL SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on Wednesday, November 19, 2003

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Special 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 Second Special Session convening on Wednesday, November 19, 2003, 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

SECOND SPECIAL SESSION of the FIFTY−FIFTH LEGISLATURE

Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty−Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in a Special Session at 2:00 p.m., on Wednesday, November 19, 2003.

The Senate was called to order with President Mansell presiding.

Prayer − Senator Howard Stephenson

Pledge − Senator Carlene Walker

Roll call − All Senators present except Senator Killpack, excused.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2003 General Session of the Fifty−Fifth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I,OLENE S. WALKER, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty−Fifth Legislature of the State of Utah into a Special Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2003 at 2:00 p.m., for the following purposes:

1. to consider changes to the election law allowing county clerks greater flexibility in establishing the size of voter precincts and to consider lowering the age of poll workers to 17 to allow a greater number of high school seniors to participate;

2. to consider amendments to H.B. 371, Court Security Fee, from the 2003 General Session;

3. to consider amendments to H.B. 299, Trust Law Amendments, from the 2003 General Session;

4. to consider amendments to H.B. 240, Venture Capital Enhancement Act, from the 2003 General Session;

5. to consider amendments to S.B. 66, Alcoholic Beverage Enforcement and Treatment, from the 2003 General Session;

6. to consider amendments to S.B. 154, Public Education Amendments, from the 2003 General Session, regarding the dates for nomination and recruitment of candidates for the Utah State Board of Education;

7. to consider amendments to S.B. 72, Amendments to Special Districts and Local Districts for Expanded Fire Protection Services, from the 2003 General Session, to allow the initiation of a fire service district by a county;

8. for the Senate to advise and consent to appointments made by the Governor; and

9. 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 WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 14th day of November, 2003.

Olene S.Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

SUPPLEMENTAL PROCLAMATION

PURSUANT to Item 9 of the Proclamation issued November 14, 2003, calling the Legislature into a special session, I add the following item to the agenda:

1. to consider changes to the Revenue and Taxation Code relating to confidentiality of commercial property tax information.

IN WITNESS 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 17th day of November, 2003.

Olene S. Walker
Governor
Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of November 14th, 2003, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Fifty−Fifth Legislature of the State of Utah into a Special Session at the State

Capitol at Salt Lake City, Utah, on the 19th day of November, 2003, at 2:00 p.m., for the purpose named in the Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 14th day of November, 2003.

Gayle F. McKeachnie
Lieutenant Governor

* * *

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 Second Special Session.

President Mansell appointed a committee comprised of Senators Hellewell, Bell, and Arent to notify Governor Olene S. Walker that the Senate is convened in the Second Special Session in accordance with her proclamation and is organized and ready to receive any communications from her.

President Mansell appointed a committee comprised of Senators Blackham, Walker, and Allen to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Blackham reported that the House has been notified.

Senator Hellewell reported that the Governor has been notified.

* * *

On motion of Senator Valentine, 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.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: October 8, 2003

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

UTAH DEPARTMENT OF HEALTH

Scott D. Williams appointed as the Executive Director of the Utah Department of Health. Section 26−1−8 Utah Code Annotated 1953, as amended.

Mr. President: November 4, 2003

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

UTAH STATE RETIREMENT BOARD

David B. Winder appointed to replace Alan Ashton as a member of the Utah State Retirement Board for a term to expire July 1, 2007. Section 49−11−202, Utah Code Annotated 1953, as amended.

BOARD OF CHILD AND FAMILY SERVICES

Barbara Feaster appointed to fill the unexpired term of Richard Shipley 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. Feaster is independent.

SALT LAKE COMMUNITY COLLEGE BOARD OF TRUSTEES

Richard J. Bradford appointed to fill the unexpired term of Ellen Betit on the Salt Lake Community College Board of Trustees, a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953, as amended.

UTAH CAPITAL INVESTMENT BOARD

Robert P. Majka appointed as a member of the Utah Capital Investment Board for a term to expire November 1, 2008. Section 9−2−1905, Utah Code Annotated 1953, as amended.

W. David Hemingway appointed as a member of the Utah Capital Investment Board for a term to expire November 1, 2007. Section 9−2−1905, Utah Code Annotated 1953, as amended.

Sterling K. Jenson appointed as a member of the Utah Capital Investment Board for a term to expire November 1, 2006. Section 9−2−1905, Utah Code Annotated 1953, as amended.

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

Michael O. Leavitt
Governor

* * *

On motion of Senator Valentine, the Senate voted to consent to the Governor's appointments as read my Sandy Tenney. The motion passed on the following roll call vote:

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
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Killpack

On motion of Senator Hillyard, Scott D. Williams, newly appointed Executive Director of the Utah Department of Health spoke in Committee of the Whole.

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

INTRODUCTION OF BILLS

ALCOHOLIC BEVERAGE AMENDMENTS

S.B. 2001 *Michael G. Waddoups*

THIS BILL MODIFIES PROVISIONS RELATED TO THE ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT AND APPROPRIATES MONIES, was read for the first time.

STATE SCHOOL BOARD CANDIDATE SELECTION PROCESS AMENDMENTS

S.B. 2002 *Thomas V. Hatch*

THIS BILL MODIFIES THE DEADLINES RELATING TO THE SELECTION PROCESS OF CANDIDATES FOR MEMBERSHIP ON THE STATE BOARD OF EDUCATION, was read for the first time.

AMENDMENTS TO COUNTY SERVICE AREA FOR EXTENDED FIRE PROTECTION

S.B. 2003 *David L. Thomas*

THIS BILL MODIFIES PROVISIONS RELATING TO THE CREATION OF A COUNTY SERVICE AREA FOR FIRE PROTECTION, PARAMEDIC, AND EMERGENCY SERVICES, was read for the first time.

PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION

S.B. 2004 *Howard A. Stephenson*

THIS BILL AMENDS PROVISIONS OF THE REVENUE AND TAXATION CODE RELATING TO CONFIDENTIALITY OF INFORMATION, was read for the first time.

SELECTION PROCESS FOR STATE SCHOOL BOARD CANDIDATES

S.B. 2005 *Karen Hale*

THIS BILL MODIFIES THE PROVISIONS REGARDING THE NOMINATING AND RECRUITING COMMITTEE THAT SELECTS CANDIDATES FOR MEMBERSHIP ON THE STATE BOARD OF EDUCATION, was read for the first time.

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

SECOND READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, **S.B. 2001**, ALCOHOLIC BEVERAGE AMENDMENTS, was considered read the second and third times. 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Killpack

S.B. 2001 was transmitted to the House.

* * *

S.B. 2002, STATE SCHOOL BOARD CANDIDATE SELECTION PROCESS AMENDMENT, was read the second time.

On motion of Senator Hatch, the bill was circled.

* * *

On motion of Senator Thomas, under suspension of the rules, **S.B. 2003**, AMENDMENTS TO COUNTY SERVICE AREA FOR EXTENDED FIRE PROTECTION, was considered read the second and third times. 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	Blackham
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

Bramble	Killpack

S.B. 2003 was transmitted to the House.

* * *

On motion of Senator Stephenson, under suspension of the rules, **S.B. 2004**, PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION, was considered read the second and third times. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 12, Line 348:
   Delete "(7)" and insert "(8)"

2. Page 13, Line 394:
   After Line 394 insert:
   "(8) Notwithstanding Subsection (2), the commission may:
   (a) share commercial information with a county assessor in accordance with the authority provided in Chapter 2, Property Tax Act; or
   (b) by rule, made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, share commercial information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, if these political subdivisions or the federal government grant substantially similar privileges to this state."

3. Page 13, Line 395:
   Delete "(8)" and insert "(9)"

4. Page 13, Line 397:
   Delete "(8)" and insert "(9)"

Senator Stephenson's motion to amend passed on a voice vote.

Senators Mayne, Valentine, Bell, Davis, and Arent commented. The bill passed on the following roll call:

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

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	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators
Davis Mayne

Absent or not voting was: Senator
Killpack

S.B. 2004, as amended, was transmitted to the House.

* * *

On motion of Senator Hale, under suspension of the rules, **S.B. 2005**, SELECTION PROCESS FOR STATE SCHOOL BOARD CANDIDATES, was considered read the second and third times. Senator Hale explained the bill. Senators Arent, Hatch, Waddoups, Davis, and James Evans commented. The bill failed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Julander	Mayne

Voting in the negative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Killpack Wright

S.B. 2005 was returned to the Secretary of the Senate for filing.

* * *

On motion of Senator Valentine and at 3:55 p.m., the Senate sauntered.

The Senate was called to order at 5:30 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: November 19, 2003

The House passed **H.B. 2002**, COURT SECURITY FUND AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 2003**, TRUST LAW AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 2004**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Representative P. Wallace, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 2002, H.B. 2003,** and **H.B. 2004** were read the first time.

On motion of Senator Waddoups, under suspension of the rules, the bills were placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Gladwell, under suspension of the rules, **H.B. 2002**, COURT SECURITY FUND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Eastman	Killpack	Knudson
Stephenson			

H.B. 2002 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 2003, TRUST LAW AMENDMENTS, was read the second time.

On motion of Senator Gladwell, the bill was circled.

* * *

On motion of Senator Jenkins, under suspension of the rules, **H.B. 2004**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Hillyard

Absent or not voting were: Senators

Blackham	Killpack	Stephenson

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

* * *

On motion of Senator Gladwell, the circle was removed from **H.B. 2003**, TRUST LAW AMENDMENTS.

Senator Gladwell proposed the following amendment:

1. Page 4a, Line 116ac:
   After "ACTION" insert "." and delete "SPECIFIED IN THE SUBSECTION."

Senator Gladwell's motion to amend passed on a voice vote.

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

Yeas, 25; Nays, 3; 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	Jenkins
Julander	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Blackham	Hillyard	Knudson

Absent or not voting was: Senator
Killpack

H.B. 2003as amended, was returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: November 19, 2003

The House passed, as amended, **H.B. 2001**, ELECTION LAW AMENDMENTS, by Representative L. Pace, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 2001** was read the first time.

On motion of Senator Bev Evans, under suspension of the rules, the Senate voted to move the bill to the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bev Evans, under suspension of the rules, **H.B. 2001**, ELECTION LAW AMENDMENTS, was considered read the second and third times. Senators Bramble, Waddoups, Jenkins, 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	Blackham
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

Hickman	Killpack

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: November 19, 2003

The House passed, **S.B. 2001**, ALCOHOLIC BEVERAGE 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. 2003**, AMENDMENTS TO COUNTY SERVICE AREA FOR EXTENDED FIRE PROTECTION, 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. 2004**, PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION, 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

S.B. 2001, S.B. 2003, and **S.B. 2004** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: November 19, 2003

The House concurred in the Senate amendments and passed **H.B. 2003**, TRUST LAW AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

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

* * *

The enacting clause was struck on **S.B. 2002**.

* * *

President Mansell appointed Senators Hillyard, Thomas, and Hale to wait upon the Governor and ask if she has any further business to bring before the Senate.

President Mansell appointed Senators Jenkins, Hatch, and Davis to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Hillyard reported that his committee, with a like committee from the House, has notified the Governor that the Legislature has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Waddoups, and at 6:10 p.m., the Second Special Session of the Fifty−Fifth Legislature adjourned sine die.

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STATE OF UTAH

SENATE JOURNAL

2004 GENERAL SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened
Monday, January 19, 2004

Adjourned Sine Die
Wednesday, March 3, 2004

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2004 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 19, 2004, and adjourning sine die on Wednesday, March 3, 2004.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk

PRESIDENT OF THE SENATE

2004 General Session
Fifty−Fifth Legislature

Having just completed my final session as President of the Senate, I want to thank my colleagues for giving me the opportunity to serve in this capacity for the past four years. These years have been some of the finest of my life. I have had experiences I never expected to have, and my colleagues in the senate have played a very important role in making that possible. I express my appreciation to Senator Mike Dmitrich and his leadership team−−Senators Ron Allen, Gene Davis, and Karen Hale−−for their support and cooperation in making some important and sometimes difficult decisions. I also express appreciation to the majority leadership team−−Senators Michael Waddoups, John Valentine, and Peter Knudson−−for making these last two years of my presidency especially memorable. I want to pay special tribute to Senators Leonard Blackham and Bill Hickman for their work on the budget and to Senator Lyle Hillyard for his service as Rules Committee Chair. I also express appreciation to all the committee chairs, the legislative staff, and the senate staff for their dedication and commitment to the process. Overall, I am pleased with the work accomplished during the 2004 general session and the bipartisan effort to pass good legislation. I believe the 55th Legislature has served the people of the state of Utah well.

This session has not been without controversy, however. The passage of Senate Bill 24 creates a marriage−recognition policy for the state and adds the requirement that applicants for a marriage license be a man and a woman. Senate Bill 175 modifies the Utah Uniform Forfeiture Procedures Act. House Bill 268 amends the Child and Family Services and Judicial Code and creates the Office of Child Welfare Parental Defense. These bills all generated a great deal of public interest and healthy debate.

The Senate will bid farewell in December to two of its members who have decided not to run for re−election. They are Senator David Gladwell (R, District 19) who has served in the legislature for 8 years (4 in the House of Representatives and 4 in the Senate) and Senator Bill Wright (R, District 13) who has served for 16 years (12 in the House of Representatives and 4 in the Senate). The Senate also welcomed Senator Sheldon Killpack who was appointed to replace Senator David Steele (R, District 21) who resigned in June of 2003. Senator Steele was elected in 1986.

During my tenure as President of the Senate, I can truly say that I did my very best to be fair and honest with everyone; and if I could ask to be remembered for one thing, it would be that I was successful in achieving that goal.

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 . . . . . Olene S. Walker
Lieutenant Governor . . . . . Gayle F. McKeachnie
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 . . . . . Jill Parrish
Justice . . . . . Ronald E. Nehring

MEMBERS OF THE SENATE

Sheldon L. Killpack

MEMBERS OF THE SENATE
Fifty−Fifth Legislature

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

Ron Allen Minority Whip	12	Salt Lake, Tooele	D	835 Lakeview Stansbury Park, Utah 84074 Home (435) 882−3535
Bill Wright	13	Tooele Utah	R	P.O. Box 178 Elberta, Utah 84626 Home (801)667−3333
John L. Valentine Majority Whip	14	Utah	R	857 East 970 North Orem, Utah 84097 Home (801) 224−1693
Parley G. Hellewell	15	Utah	R	492 South 1000 West Orem, Utah 84058 Home (801) 226−3034
Curtis S. Bramble	16	Utah	R	3663 North 870 East Provo, Utah 84604 Home (801)226−3663
Peter C. Knudson Asst. Majority Whip	**17**	Box Elder, Cache, Tooele	R	1209 Michelle Drive Brigham City, Utah 84302 Home (435) 723−2035
David L. Thomas	18	Davis Weber	R	7875 South 2250 East South Weber, Utah 84405 Home (801) 479−7479
David L. Gladwell	19	Morgan, Summit, Weber	R	3159 North 1075 East Ogden, Utah 84414 Home (801) 782−4130
Scott K. Jenkins	20	Weber	R	4385 West 1975 North Plain City, Utah 84404 Home (801) 731−5120
Sheldon Killpack	21	Davis	R	3406 South 875 West Syracuse, Utah 84075 Home (801) 773−5486
Greg Bell	22	Davis	R	744 Eagle Way Fruit Heights, Utah 84037 Office (801) 543−2001
Dan R. Eastman	23	Davis	R	968 Canyon Crest Drive Bountiful, Utah 84010 Home (801) 295−5133

Leonard M. Blackham	24	Juab, Piute Sanpete, Sevier, Tooele Wayne,	R	P.O. Box 337 Moroni, Utah 84646 Home (435) 436−8489
Lyle W. Hillyard	25	Cache, Rich,	R	175 East First North Logan, Utah 84321 Home (435) 753−0043
Beverly A. Evans	26	Daggett, Duchesne,, Summit, Uintah, Wasatch	R	HC 65, Box 36 Altamont, Utah 84001 Home (435) 454−3719
Mike Dmitrich Minority Leader	27	Carbon, Emery, Grand, San Juan, Utah	D	566 North Dover Circle Price, Utah 84501 Home (435) 637−0426
Thomas Hatch	28	Beaver Garfield Iron, Kane Millard Washington	R	P O Box 391 Panguitch, Utah 84759 Home (435) 676−2421
J. W. “Bill” Hickman	29	Washington, Iron	R	214 North Emeraud 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 2004"**

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
2004 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 19, 2004 at ten o'clock a.m.

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

PRAYER BY ELDER M RUSSELL BALLARD
QUORUM OF TWELVE APOSTLES
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

Our Father in Heaven, we are so grateful for the privilege that is ours in this great land of America to be able to assemble together and to be able to work for the interests of the people of the United States; and particularly this morning, we are grateful for these men and women who have accepted the responsibility to serve in the Senate of the Utah State Legislature.

We pray that they may be blessed, each and every one of them, with a rich outpouring of Thy Spirit, that they may have wisdom beyond their normal capacity, that they may be able to see what is right and what would be the greatest blessing for the people of the State of Utah.

Every blessing that they stand in need of, we humble ask Thee to grant unto them as we open up this legislative year in 2004, acknowledging Thy divine presence in all that we do. For this we humbly pray in the sacred name of the Lord Jesus Christ, Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Pledge of Allegiance − Mayor Dennis Nordfelt, West Valley City

SPECIAL MUSICAL PRESENTATION

The University of Utah Singers, under the direction of Dr. Brady Allred, performed "A Prayer of the Middle Ages," "Acinu Malkeynu," and "I Can Tell the World."

* * *

On motion of Senator Michael Waddoups, the Senate thanked Elder Ballard for delivering the invocation and ordered it printed upon the pages of the Senate Journal.

* * *

Annette B. Moore read the following Certification of Membership for the 2004 General Session of the Utah State Senate:

CERTIFICATE OF MEMBERSHIP OF THE 2004 GENERAL SESSION OF THE UTAH STATE SENATE 55TH LEGISLATURE

I, GAYLE F. McKEACHNIE, 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

I FURTHER CERTIFY THAT Sheldon L. Killpack was appointed by the Governor on June 17, 2003 to fill the vacancy in Senate District Twenty−One occasioned by the resignation of David H. Steele.

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 Sixteenth day of January, 2004.
Gayle F. McKeachnie
Lieutenant Governor

Communication filed.

Roll Call − All Senators present

On motion of Senator Waddoups, President Mansell directed that the following be recorded in the Senate Journal as leaders of the 2004 General Session of the 55th Legislature:

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

President Mansell appointed a Senate Rules Committee comprised of Senator Lyle Hillyard, Chairman, and Senators Curtis Bramble, D. 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 2003 General Session of the Fifty−Fifth Legislature were adopted with the understanding that changes to these rules for the 2004 General Session of the Fifty−Fifth Legislature will be considered and adopted as soon as possible.

President Mansell appointed Senators David Thomas, Greg Bell, and Karen Hale as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Mansell appointed Senators James Evans, Sheldon Killpack, and Gene Davis as a committee to notify Governor Olene M. Walker that the Senate is organized for the 2004 General Session of the Fifty−Fifth Legislature and ready to do business.

Representatives Aagard, Buxton and McGee formally notified the Senate that the House is organized and ready to do business.

Senator Thomas, 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 James Evans, Chairman of the Committee to Notify the Governor, reported that Her Excellency, Governor Olene M. Walker 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 Legislative Rules of the Legislature, the Senate voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a Senate calendar and not read the long title of the bills and resolutions unless any senator requests the reading of the long title 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 R. Eastman
Thomas Hatch
Michael G. Waddoups
Carlene Walker
Gene Davis
Ed Mayne

Education
Bill Wright, *Chair*
D. Chris Buttars
David L. Gladwell
Sheldon Killpack
Howard L Stephenson
John Valentine
Karen Hale
Patrice Arent

Natural Resources, Agriculture and Environment
Beverly Evans, *Chair*
Leonard M. Blackham
Thomas Hatch
Parley Hellewell
Scott K. Jenkins
Bill Wright
Gene Davis
Paula Julander

Health and Human Services
James Evans, *Chair*
Leonard M. Blackham
Beverly Evans
Scott K. Jenkins
Peter Knudson
David L. Thomas
Paula Julander
Ron Allen

Workforce Services and Community and Economic Development
David L. Thomas, *Chair*
Thomas Hatch
Lyle W. Hillyard
Scott K. Jenkins
Sheldon Killpack
John L. Valentine
Paula Julander
Ed Mayne

Judiciary, Law Enforcement and Criminal Justice
Gregory Bell, *Chair*
D. Chris Buttars
James Evans
David L. Gladwell
Lyle W. Hillyard
Al Mansell
Mike Dmitrich
Patrice Arent

Revenue and Taxation
Curtis S. Bramble, *Chair*
Gregory Bell
Leonard M. Blackham
David L. Gladwell
Howard Stephenson
Michael G. Waddoups
Mike Dmitrich
Ron Allen

Government Operations and Political Subdivisions
Carlene Walker, *Chair*
Dan R. Eastman
Beverly Evans
Bill W. (Bill) Hickman
Peter Knudson
Karen Hale
Patrice Arent

Transportation and Public Utilities and Technology
Sheldon Killpack, *Chair*
Dan R. Eastman
John R. "Bill" Hickman
Peter Knudson
Howard Stephenson
Carlene Walker
Karen Hale
Ed Mayne

Retirement and Independent Entities
John L. Valentine, *Chair*
Beverly Evans
Carlene Walker
Ron Allen
Paula Julander

Rules
Lyle W. Hillyard, *Chair*
Curtis S. Bramble
D. Chris Buttars
David L. Gladwell
Parley Hellewell
Scott K. Jenkins
Michael G. Waddoups
Gene Davis
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
Carlene Walker, *Co Chair*
Leonard Blackham
John Valentine
Ed Mayne

Economic Development and Human Resources
Scott Jenkins, *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
Sheldon Killpack, *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

Retirement & Independent Entitites
John Valentine, *Co−Chair*
Beverly Evans
Carlene Walker
Ron Allen
Paula Julander

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 Bev Evans, the Senate voted to adopt the following committee report and employ the persons recommended by Senate Bev Evans.

EMPLOYEE COMMITTEE REPORT

Senator Bev 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 2004 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
Ric Cantrell	Majority Administrative Assistant
Rolayne Day	Secretarial Supervisor
Mary Andrus	Journal Clerk
Sharon Johnson	Rules Secretary
Saundra Maeser	Committee & Amending Secretary
Bonnie Brinton	Committee Secretary
Kartrina Yarrington	Committee Secretary
Karen Allred	Committee Secretary
Nedra Duzett	Committee Secretary
Norda Shepard	Committee Secretary
Jeanne Wride	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Virgil Blair	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Wendell Coombs	Security
Paul Jacobs	Security
Tony Mascaro	Security
Cliff Park	Security
Gayle C. Petersen	Page Supervisor
Shirley C. Taylor	Asst. Page Supervisor
Diane Lloyd	Page
Linda Cornaby	Page
Jacque Frei	Page
Christine Hunter	Page
Judy Paulson	Page
Mary L. Russell	Page
Dianne Richards	Page
Kathy Fotheringham	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address System Operator
Paula Tew	Legislative & Third House Aide
Evoline Gardner	Hostess and 3rd House Aide
Vicki Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Darlene D. Nilson	Public Information Officer
Pamela H. Benson	Legislative Tour Guide

INTRODUCTION OF SENATE INTERNS FOR THE 2004 GENERAL SESSION

Allen, Matthew
Bartlett, Mandi
Blackham, Jeanette
Cannon, Lance
Dayton, Paul
Donahue, Thomas
Hargreaves, Matthew
Heusser, Cydnee
Macfarlane, Isaac
Mcconkie, Oscar
Mckenzie, Michael
Nay, Brittney
Nix, Jesse
Province, Allison
Pugh, Richard
Ransom, Melissa
Richards, Lauren
Robinson, Lucille
Stephenson, Andrew
Winters, Christopher

REMARKS BY PRESIDENT MANSELL

I was reading what I perceived to be a bit of a joke, but I thought it had a very interesting base.

Two men arrived at the Pearly Gates at about the same time, both wanting to know if they would be admitted to Heaven. St. Peter asked the first man his name, where he was from, and what he did in life. The man answered that his name was John Smith and that he was a taxi driver in New York City. St. Peter looked at his book and then gave the man a luxurious robe and a golden staff and bid him welcome into Heaven for his eternal reward.

St. Peter then asked the second man the same question, and he replied that his name was Thomas O'Malley, and that he was a Catholic priest in Chicago. St. Peter looked at his book and then gave the man a cotton robe and a wood staff and bid him enter into Heaven for his eternal reward.

Father O'Malley said, "Wait a minute. Why does that taxi cab driver get a silver robe and a golden staff while I, a Catholic priest and a man of God, got a cotton robe and a wooden staff." St. Peter told him that the reward in Heaven is based on results; and while Father O'Malley preached, the people slept, but when John Smith drove, people prayed.

So, I hope as we go through our Senate session this year, that we are able to keep everybody awake and that we can have some great results. We have a number of difficult issues facing us at this time.

There is a statement made by Justice Lewis Brandeis that I think we need to pay some attention to during this session. He says, "The greatest dangers to liberty lurk in the insidious encroachments by men (and I will add by women) of zeal, well−meaning, but without understanding."

I think sometimes when we look at some of the things that come to the Legislature, we need to be sure that the ones that we are acting upon are not those that are of zeal only, but have understanding and have a basis for us to actually act upon, and that we will benefit those whom we are trying to help.

With that, I would just like to thank you for the opportunity again this year to be able to serve as your Senate President. It has been a pleasure to do so for the past three and a half/four sessions. There are days that I would happily give up this job, and then there are days that are quite fun and quite rewarding. As we go through this session, I hope that each of you will have the opportunity to get some enjoyment out of it.

I would just caution you again, as I have in other sessions, to make sure that as we deal with one another and as we deal with the public, that we do so in a civil manner, that we are able to disagree but not be disagreeable, that we are able to work with those who come up here to see us and be able to discuss information with them.

One of the great statements I've heard is a statement that says, "If everybody thinks alike, somebody isn't thinking." I happen to agree that it's true. So the fact that we don't all agree in what we are thinking is not a bad thing; but we need to make sure that as we go through this process and don't think alike, that we have active debate.

One of the things that I am not trying to do with this little bit of direction is to say that we should not have active debate−−we certainly should have. We should have debate in a manner that is befitting the positions that we hold.

With that, I would just like to thank you again for your service here. I know it is a sacrifice for each and every one of you to be up here for the next 45 days. I have found over the years that I have been up here that it is a much greater sacrifice of time, reputation and effort than anything I would ever have imagined when I first came. So, I thank you for your willingness to come here and serve.

INTRODUCTION OF BILLS

S.B. 4, **Repeal of Cost−savings Suggestions Pilot Program** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 5, **Employment Security Modifications** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 6, **Refurbished Computers in Schools Program** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 8, **Local Referendum Amendments** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 9, **Property Rights Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 10, **Amendments to Local Referendum Process** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 11, **Guidelines for Local Matching Dollars for Transportation Projects** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 12, **Transportation of Children for Parent−time** (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 13, **Resort Communities Tax Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 14, **Insurance Code Exemption** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 15, **Carryover of Authorized Capital Outlay Amendments** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 16, **Identity Theft Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 17, **Reauthorization of Energy Policy Task Force** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 18, **Municipal Annexation Provisions in First Class Counties** (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 19, **Sales and Use Taxes − Exemption for Energy Related Equipment and Machinery** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 20, **Driving Under the Influence Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 21, **Drug Offenders Reform Act** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 22, **Administrative Rules Reauthorization** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 23, **Amendments to Municipal Government** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 24, **Marriage Defined** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 25, **Death Penalty Amendments** (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 26, **Public Safety Retirees' Cost−of−living Increase** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 27, **Telephone and Facsimile Solicitation Act** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 28, **Home Inspection − Action Against Inspector** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 29, **Access to Rural Health Care Providers** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 30, **Medical Benefits Recovery Act Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 31, **Sales and Use Tax Amendments** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 32, **Use of Asthma Medication by Pupils in School** (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 33, **Mobile Home Park Residency Act** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 34, **Occupational Therapists Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 35, **Pharmacist Technician Exemption** (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 36, **Prevention of Child Access to Firearms** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 37, **Deferred Deposit Lending Amendments** (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 38, **Arson Offense Amendments** (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 39, **State and School Recognition of Cesar Chavez** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 40, **Cesar Chavez Scholarship Program** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 67, **Designation of American Indian Heritage Month and an Indigenous People Day** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 68, **Prohibition of Public Funding for Abortion** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 69, **Partial Birth Abortion Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 70, **Health Care Facility Licensing Exemption** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 71, **Safety Belt Enforcement** (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 72, **Disposition of Fines for Registration Violations** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 73, **Escape Amendments** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 74, **Aerospace and Aviation Development Zone Amendments** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 75, **Consumer Credit Contracts** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 76, **Revisions to Royalty on Brine Shrimp** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 77, **Expansion of New Motor Vehicle Warranties** (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 78, **Exemptions to Residential Property Tax** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 79, **Repeal of Child Welfare Worker Designations** (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 80, **Capital Punishment Amendments − Excluded Days** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 81, **Child and Family Services − Plea in Abeyance** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 82, **Deposits into Uintah Basin Revitalization Fund** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 83, **Uninsured Employers' Fund Amendments** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 84, **Party to Felony Offense Enhancement** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 85, **Political Activities of Public Entities Amendments** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 86, **Mental Health Professional Practice Act Amendments** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 87, **Driver License Certificate Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 88, **Uniform Building Standards Act − Manufactured Housing Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 89, **Contractor Licensing Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 90, **Medical Neglect − Exclusion** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 91, **Emergency Medical Service Provider Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 92, **Repeal of Unsolicited Commercial and Sexually Explicit Email Act** (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 93, **Telecommunications Annual Report Amendments** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 94, **Mine Certification Requirements** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 95, **Issuing a Bad Check or Draft** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 96, **Utah Occupational Safety and Health Act Amendments** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 97, **Certification Deadline for Political Parties** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 98, **Fees for Electronic Processing of Certain Motor Vehicle Transactions** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 99, **Child and Family Services − Standard of Review** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 100, **Adoption Responsibilities − State Oversight** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 101, **Use of Education Revenues** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 102, **Journal of Notary Public Acts** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 103, **Child Removal Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 104, **Selection of Mental Health Therapist in Termination of Parental Rights** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 105, **Abuse, Neglect, and Dependency Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 106, **Dishonored Checks − Motor Vehicle Repair Facilities** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 107, **Advanced Practice Registered Nurse Modifications** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 108, **Revisor's Statute** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, **Concurrent Resolution Approving Solid Waste Permit** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, **Resolution Supporting Hill Air Force Base** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, **Resolution Reappointing Legislative Fiscal Analyst** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, **Resolution Approving Compensation of In−session Employees** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, **Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion** (R. Allen), read the first time by short title and referred to the Rules Committee.

S.R. 1, **Senate Rules Resolution − Use of Postage** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.R. 2, **Senate Rules Resolution − Technical Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator James Evans, the Senate resolved into a Committee of the Whole for a presentation recognizing Martin Luther King Jr. Day. Phyllis Carruth and Teresa Martinez spoke in Committee of the Whole.

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 12, 2004

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

Business and Labor

S.B. 27	Telephone and Facsimile Solicitation Act (Sen. D. Thomas)
S.B. 28	Home Inspection − Action Against Inspector (Sen. P. Julander)
S.B. 30	Medical Benefits Recovery Act Amendments (Sen. S. Killpack)
S.B. 33	Mobile Home Park Residency Act (Sen. E. Mayne)
S.B. 37	Deferred Deposit Lending Amendments (Sen. R. Allen)
S.B. 75	Consumer Credit Contracts (Sen. G. Bell)
S.B. 83	Uninsured Employers' Fund Amendments (Sen. E. Mayne)
S.B. 88	Uniform Building Standards Act − Manufactured Housing Amendments (Sen. L. Hillyard)
S.B. 89	Contractor Licensing Amendments (Sen. P. Hellewell)
S.B. 92	Repeal of Unsolicited Commercial and Sexually Explicit Email Act (Sen. P. Arent)
S.B. 95	Issuing a Bad Check or Draft (Sen. P. Hellewell)
S.B. 96	Utah Occupational Safety and Health Act Amendments (Sen. E. Mayne)

Government Operations and Political Subdivisions

S.B. 9	Property Rights Amendments (Sen. C. Walker)
S.B. 10	Amendments to Local Referendum Process (Sen. J. Hickman)
S.B. 18	Municipal Annexation Provisions in First Class Counties (Sen. P. Arent)
S.B. 23	Amendments to Municipal Government (Sen. T. Hatch)
S.B. 85	Political Activities of Public Entities Amendments (Sen. D. Thomas)
S.B. 91	Emergency Medical Service Provider Amendments (Sen. S. Jenkins)

Health and Human Services

S.B. 14	Insurance Code Exemption (Sen. G. Bell)

S.B. 29	Access to Rural Health Care Providers (Sen. L. Blackham)
S.B. 32	Use of Asthma Medication by Pupils in School (Sen. P. Arent)
S.B. 34	Occupational Therapists Amendments (Sen. G. Davis)
S.B. 35	Pharmacist Technician Exemption (Sen. D. Eastman)
S.B. 70	Health Care Facility Licensing Exemption (Sen. J. Hickman)
S.B. 79	Repeal of Child Welfare Worker Designations (Sen. D. Eastman)
S.B. 81	Child and Family Services − Plea in Abeyance (Sen. P. Hellewell)
S.B. 86	Mental Health Professional Practice Act Amendments (Sen. D. C. Buttars)
S.B. 90	Medical Neglect − Exclusion (Sen. D. Thomas)
S.J.R. 3	Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion (Sen. R. Allen)

Judiciary, Law Enforcement, and Criminal Justice

S.B. 12	Transportation of Children for Parent−time (Sen. P. Arent)
S.B. 16	Identity Theft Amendments (Sen. C. Walker)
S.B. 21	Drug Offenders Reform Act (Sen. D. C. Buttars)
S.B. 24	Marriage Defined (Sen. D. C. Buttars)
S.B. 25	Death Penalty Amendments (Sen. R. Allen)
S.B. 36	Prevention of Child Access to Firearms (Sen. P. Julander)
S.B. 68	Prohibition of Public Funding for Abortion (Sen. C. Bramble)
S.B. 69	Partial Birth Abortion Amendments (Sen. C. Bramble)
S.B. 72	Disposition of Fines for Registration Violations (Sen. J. Hickman)
S.B. 73	Escape Amendments (Sen. T. Hatch)
S.B. 80	Capital Punishment Amendments − Excluded Days (Sen. J. Valentine)
S.B. 84	Party to Felony Offense Enhancement (Sen. M. Waddoups)

Natural Resources, Agriculture, and Environment

S.B. 17	Reauthorization of Energy Policy Task Force (Sen. L. Blackham)
S.B. 67	Designation of American Indian Heritage Month and an Indigenous People Day (Sen. B. Evans)

S.B. 76	Revisions to Royalty on Brine Shrimp (Sen. T. Hatch)
S.B. 82	Deposits into Uintah Basin Revitalization Fund (Sen. B. Evans)
S.B. 94	Mine Certification Requirements (Sen. M. Dmitrich)
S.C.R. 1	Concurrent Resolution Approving Solid Waste Permit (Sen. T. Hatch)

Revenue and Taxation

S.B. 13	Resort Communities Tax Amendments (Sen. L. Hillyard)
S.B. 19	Sales and Use Taxes − Exemption for Energy Related Equipment and Machinery (Sen. L. Blackham)
S.B. 31	Sales and Use Tax Amendments (Sen. E. Mayne)
S.B. 78	Exemptions to Residential Property Tax (Sen. E. Mayne)

Transportation and Public Utilities and Technology

S.B. 11	Guidelines for Local Matching Dollars for Transportation Projects (Sen. C. Walker)
S.B. 20	Driving Under the Influence Amendments (Sen. C. Walker)
S.B. 71	Safety Belt Enforcement (Sen. K. Hale)
S.B. 74	Aerospace and Aviation Development Zone Amendments (Sen. M. Dmitrich)
S.B. 77	Expansion of New Motor Vehicle Warranties (Sen. P. Arent)
S.B. 87	Driver License Certificate Amendments (Sen. C. Walker)
S.B. 93	Telecommunications Annual Report Amendments (Sen. B. Evans)

Workforce Services and Community and Economic Development

S.B. 5	Employment Security Modifications (Sen. S. Jenkins)
S.C.R. 3	Resolution Supporting Hill Air Force Base (Sen. D. Thomas)

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 12, 2004

The Rules Committee recommends the assignment of the following bills and resolutions to the Second Reading Calendar:

S.B. 4	Repeal of Cost−savings Suggestions Pilot Program (Sen. B. Evans)
S.B. 6	Refurbished Computers in Schools Program (Sen. H. Stephenson)
S.B. 8	Local Referendum Amendments (Sen. B. Evans)
S.B. 15	Carryover of Authorized Capital Outlay Amendments (Sen. B. Evans)
S.J.R. 1	Resolution Reappointing Legislative Fiscal Analyst (Sen. P. Knudson)
S.J.R. 2	Resolution Approving Compensation of In−Session Employees (Sen. B. Evans)
S.R. 1	Senate Rules Resolution − Use of Postage (Sen. L. Hillyard)

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 place the bills on the Second Reading Calendar.

* * *

On motion of Senator Waddoups, and at 11:30 p.m., the Senate recessed.

AFTERNOON SESSION

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

* * *

On motion of Senator Bev Evans, the Senate voted to suspend the 24−hour rule for consideration of bills today.

SECOND READING CALENDAR

S.B. 4, REPEAL OF COST−SAVINGS SUGGESTIONS PILOT PROGRAM, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Dmitrich	Eastman	Hellewell	Hickman

* * *

S.B. 6, REFURBISHED COMPUTERS IN SCHOOLS PROGRAM, was read the second time. Senator Stephenson explained the bill. The bill passed second reading 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	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hellewell	Hickman

* * *

S.B. 8, LOCAL REFERENDUM AMENDMENTS, was read the second time.

On motion of Senator Bev Evans, the bill was circled.

* * *

S.B. 15, CARRYOVER OF AUTHORIZED CAPITAL OUTLAY AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hellewell	Hickman

* * *

On motion of Senator Bev Evans, the circle was removed from **S.B. 8**, LOCAL REFERENDUM AMENDMENTS, and it was before the Senate. Senator Bev Evans explained the bill. Senator Gladwell 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	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hellewell	Hickman

* * *

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 1**, RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, was considered read the second and third times. Senator Knudson explained the bill. Senator Waddoups 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

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

* * *

On motion of Senator Bev Evans, under suspension of the rules, **S.J.R. 2**, RESOLUTION APPROVING COMPENSATION OF IN−SESSION EMPLOYEES, was considered read the second and third times. Senator Bev Evans 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

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

* * *

S.R. 1, SENATE RULES RESOLUTION − USE OF POSTAGE, was read the second time. Senator Hillyard explained the bill. Senator Arent commented. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting was: Senator Wright

* * *

On motion of Senator Waddoups, Chief Justice Christine Durham spoke in Committee of the Whole. Senators Hillyard, Stephenson, James Evans, and Hellewell commented.

STATE OF THE JUDICIARY

It is a great pleasure to discuss the condition of Utah's judicial branch of government. I do so in my capacity as the Chair of the Utah Judicial Council, the body constitutionally charged with the power and obligation to make rules for the administration of the courts. Some of you may not be aware of the composition and role of the Council. It is a representative body composed of judges selected by each of the appellate and trial courts for three− to six−year terms, along with a lawyer selected by the Utah State Bar. The Administrative Office of the Courts provides staff support to the Council and, under the Council's direction, administrative support to all of the courts of the state. The Council operates by majority vote, and is responsible for the development of policy and procedure relating to the budget and the operations of the entire judicial branch. It relies upon information and input on priorities that come from governing Boards of Judges for each of the court levels − appellate, district, juvenile, and justice courts. As the chief administrative officer for the system, the chief justice has the obligation to preside over the Council's work, to contribute direction to its goals and policies, and to serve as a spokesperson for the judicial branch.

The governance system I have just described is probably the most "representative" or "democratic" system of judicial governance in the United States, in terms of the participation it permits and requires from all court levels, and the degree of cooperation and collaboration it encourages from all parts of the system. The Supreme Court, for example, has a number of constitutional responsibilities that belong solely to it, as opposed to the Council, such as the promulgation of rules of procedure and evidence, the management of the appellate process, the governance of the practice of law, and the power to impose sanctions for judicial misconduct upon recommendation from the Judicial Conduct Commission. In turn, the court relies on the administrative staff of the Council for support in the management of many of its separate constitutional duties such as the rule−making process. In sum, we have in Utah both a highly organized and a very collaborative system of governance for the judiciary.

What I believe to be the excellence of our governance structure is critical to the operation of a court system for the 21st century. Times have changed dramatically for state courts in the last thirty years. As is the case for the rest of the private and

public sectors, information management and sophisticated communication systems characterize our everyday business. We rely on professional training and education for our staff and our judges to keep up with always increasing demands for efficiency and effectiveness. In recent years, our people have consistently been asked to do more with less in terms of resources. We have actually had to downsize by 100 people, eight percent of our non−judicial workforce. I would like to publicly acknowledge the commitment to excellence and to public service that court personnel have shown during hard times.

Another significant development in the work of state courts with which you will be familiar is the still−growing initiative known as problem−solving justice. Far from being a departure from so−called "traditional" adjudication, I see problem−solving justice as a necessary and vital evolution of the core functions of courts; courts exist to provide peaceful and fair places for individuals and society to bring some of their most difficult and painful problems, and resolving problems sometimes requires more than merely disposing of cases. As long ago as 1971, a federal judge made the following observation about what was happening to American courts:

We expect courts to encompass every reach of the law, and we expect law to encircle us in our earthly sphere and to travel with us to the alien vastness of outer space. We want courts to sustain personal liberty, to end our racial tensions, to outlaw war, and to sweep contaminants from the globe. We ask courts to shield us from public wrong and private temptation, to penalize us for our transgressions and to restrain those who would transgress against us, to adjust our private differences, to resuscitate our moribund businesses, to protect us prenatally, to marry us, to divorce us, and, if not to bury us, at least to see to it that our funeral expenses are paid. (Hufstedler, Charles Evans Hughes Address, N.Y. County Bar Association, 1971)

We could all extend that list of expectations with no trouble at all, and it would contain just about every significant public and private problem anyone could identify. That said, however, it is important to remember that state court dockets tend to consist overwhelmingly of the stuff of everyday life − the repeated minor criminal acts of defendants who can't seem to get their lives together for reasons that include things like substance abuse and lack of education and employment skills, landlords and tenants with disagreements over rent and repairs, families that come to court when relationships go bad, and the tragic aftermath of domestic violence, child abuse, and juvenile delinquency. These categories account for a huge percentage, certainly half or more, of the cases in Utah's courts. And Utah's courts do a good job of staying on top of individual cases. Despite crowded dockets, our trial courts meet or exceed most national case−processing guidelines, and we have not seen the frightening delays that have compromised justice in other states. We could probably, in fact, continue to do nothing but fine−tune our case disposition systems, and still call ourselves a well−run court system.

We aspire to do more, however, and we have embraced the concept that behind the thousands of "everyday" cases I described earlier, there are tens of thousands of people in pain and distress, who cannot solve their problems themselves. Conventional case processing may dispose of legal questions connected to those problems, but it does little to address the real difficulties that cause people to return to court again and again. Nor does it adequately account for the increasing numbers of people who lack the resources to obtain meaningful access to the courts in the first place. Utah's courts today are invested not just in the disposition of cases, but also in case outcomes and in ensuring access to justice for everyone in our community.

As my counterpart in New York, Chief Judge Judith Kaye, said in a speech last year:

Problem−solving courts are courts. They strive to ensure due process, to engage in neutral fact−finding, and to dispense fair and impartial justice. What's different is that these courts have developed a new architecture − including new technology, new staffing and new linkages − to improve the effectiveness of court sanctions, particularly intermediate sanctions like drug treatment and community restitution. (Kaye, "Delivering Justice Today," Anderson Memorial Lecture, Yale Law School, April 2003)

Nowhere is this focus on outcomes more apparent in Utah's courts than in the juvenile arena. Due to months and years of work by the courts, the legislature, and child welfare advocates, children from non−functioning families, who a decade or two ago could have been expected to grow up in foster care and frequently to graduate from the juvenile to the adult criminal courts, can now be expected to reunite with their parents thanks to services and programs designed to help those parents, or to be permanently placed in loving, stable homes where their chances of success in life will be greatly enhanced. The following is a letter shared with me by the juvenile court judge who received it two years ago from a little boy I will call "Josh." I have also changed the other names in the letter.

Dear Judge:

I'm just writing this letter to let you know a few things.

I remember the day I was taken away from Sally. I packed one Winnie the Pooh shirt, two toys, a bunny, and an angel teddy bear. I felt sad when I was taken away from Sally.

I went to the Christmas Box House for a day, then I left that night. I cried a lot, hugging my bear and bunny. Then I went to Mary Brown's house. She had three children. The oldest was named Jerry, the second oldest was named Matt, the youngest was named Debra. They were nice because we were close in age. I was sad when I left their house because they were nice.

Then I went to Mary and Jack Wilson's. They had one child; his name was Pete. He was one−and−a−half. They were very kind. It was hard for me to say goodbye. I was sad when I left.

I went to Susan and Bill Jones' house. They had other foster children. Their names were Jackson and Maddie. They were fun because we were close in age. It was hard to go because they were my friends, so I was sad.

Then I went to Kent and Joan Smith's house, my adoptive parents. They're great. I love them a lot more than they think and I feel safe and happy because they're loving and kind, and care about me a lot more than I think they do.

I just wanted you to know that.

Love,
Josh

The little boy who wrote that letter was seven years old. He is the second youngest child of nine born to a single mother with serious functional deficits, probably related to cognitive impairments. One of the older children in the same family first came into the court system when she was two months old and the subject of a neglect referral. She literally grew up in a long series of foster care homes. Services were not provided to her mother, who was never able to regain custody (and was in fact unable to care for subsequent children), but whose parental rights were never terminated. Every twelve to eighteen months a court review would determine there was no change of circumstance and would continue previous orders for foster care. At age 18, this young woman appeared before the court and asked, heartbreakingly, why an adoptive family had never been found for her. Another of the brothers, four years younger, had a similar experience, but his court record begins to show delinquency referrals from age nine, including theft, possession of dangerous weapons, assault, alcohol, tobacco and truancy violations. If I have read his court records correctly, he was referred for delinquent acts 51 times during a nine year period during which he was in foster care. I can't help wondering where he is now, and suspecting that his life still brings him regularly to court. These events preceded the Child Welfare Act of 1994 and the present commitment of the courts to provide oversight and leadership in outcomes for children, the kind of outcome that permits Josh to declare, after so many "I was sad's", that he now feels safe and happy.

The courts' role in the process of problem solving is vital: the "Key Principles for Permanency Planning for Children" from the National Council of Juvenile and Family Court Judges identifies, among others, the following obligations of judges. I cite them in illustration of my point that courts no longer simply "adjudicate" cases.

−Judges must ensure that the courts they administer provide efficient and timely justice for children and their families.

−Judges must ensure that their juvenile and family court system has the capacity to collect, analyze, and report aggregate data relating to judicial performance,

including the timely processing of cases, to ensure the achievement of permanency for children who are under court jurisdiction.

− Judges must convene and engage the community in meaningful partnerships to promote the safety and permanency of children.

−Judges must use their legal authority to ensure that social and protective services are immediately available to families whose children have been placed at risk of abuse or neglect.

−Judges must provide oversight of children and families under court jurisdiction to ensure that these children are safe and have a permanent home in a timely fashion and that the parents/caretakers receive due process of law.

The striking characteristic of these principles is the expansive nature of the responsibilities they place on judges − not just for processing cases, but for protecting and helping people. I am told that research shows that almost everything that happens to move children in custody towards permanent resolution happens in the nine days before the next court hearing − whenever that hearing is − six, three, or one month later. The average length of time a Utah child used to spend in the limbo of foster care was two to three years. Now it is ten and a half months. That change is in significant part the result of your legislative work and the way judges now treat these cases.

I could talk about problem−solving courts in the adult arena also − drug courts, mental health courts, domestic violence courts − but I think it is very easy for all of us to understand the high stakes nature of what judges do when we think about it in terms we all experience − families and children. I know that child welfare issues will be a significant part of your agenda in this session, and I want to emphasize that the courts have a stake only in the following three things: (1) the safety and welfare of at−risk children; (2) the preservation of fundamental due process rights for parents and family members; and (3)adequate resources for good decision−making (including legal representation for all parties to court proceedings) and good outcomes. The juvenile judge who shared the letter I read to you earlier has been involved with Josh's family for over twenty years now, and tells me that there are children on her docket who represent the third and fourth generations of children from families for whom earlier methods have failed, many of whom literally grew up in foster care. This judge says that Josh's story, and that of two of his other siblings who have been permanently placed under the current scheme, may reflect the beginning of the end of large numbers of children lost in the limbo of foster care. The judge also, and less optimistically, predicts an upcoming "balloon" in the number of delinquency referrals as earlier generations of those children experience the aftermath of the lack of stability in their early lives.

Before I leave the subject of juvenile justice, I want to mention briefly an innovation of recent duration: the pilot program opening juvenile court proceedings to the public. The courts participating in the pilot have worked hard

to create public awareness and protocols that have allowed, so far, a smooth transition. We hope the experiment will yield good information for the development of future practices in this area. We all benefit when the work of institutions that serve the public is visible and understandable. We are committed to the idea that the courts must be accountable, and we supported this legislation for that very reason.

I have said a good deal about the outcome focused nature of the ways courts and judges view cases these days. From an administrative perspective, we are also making efforts to focus on effectiveness and outcomes and to evaluate our use of resources. We need to be certain that we are investing limited time and money in programs that, first of all, work, but also, and more importantly, are in line with our highest priorities and needs. To that end, the Judicial Council has asked each of the court levels, and each programmatic entity within the court system (including the Council itself), to assess all aspects of court operations in terms of importance and effectiveness. We are undertaking this effort partially in response to the significant budget losses we have incurred over the past few years and in view of the likelihood that our state's economic recovery will not be instantaneous. We are also doing it because it seems to us to be good stewardship over our public responsibilities. Once again, our people constitute our most important asset, and the Judicial Council is depending on them to inform policy and budget priorities for today's and tomorrow's courts.

Finally, let me say a word about issues relating to access to justice and the delivery of legal services. We in the courts are well aware of the need to shore up and maintain public trust and confidence in our institutions. We are actively engaged in numerous public outreach and public educational programs designed to explain the courts, our constitutional system, and the importance of the rule of law to the larger community. We are also very sensitive to the changing characteristics of the people who need to use our services. Just as our dockets are filled by the stuff of everyday life, the people behind the cases are everyday people, sometimes without the resources to obtain legal representation. The courts have done much to facilitate access by pro se litigants, and to make information and forms available on line to the public. Likewise, there are numerous entities in the private and non−profit sector who offer discounted or free legal services for persons of limited means, and the Supreme Court and the Utah Bar have encouraged lawyers to perform pro bono services to meet some of the need. The Bar estimates, based on reported pro bono hours and contributions to the And Justice For All fund, that lawyers have donated $10,000,000 in services and cash to provide legal services to the poor in Utah.

There have been and are now many conversations going on in Utah to address the problem of access to civil justice and the delivery of legal services. I believe the time has come for the creation of a broad−based community initiative to assess the need for legal services in Utah and to bring together the many strands of interest in this problem. We have remarkable resources, and admirable

collaboration, in our state, including the Community Legal Center, which the legislature helped fund in its inception and which now houses four different legal service entities under one roof, the And Justice for All project, a cooperative fund−raising program that supports those entities, the clinical pro bono programs at our two excellent law schools, where students learn to be lawyers and provide valuable services at the same time, the Utah State Bar's projects on pro bono and delivery of legal services, the on−line court assistance programs, and the self−representation clinics currently being staffed by legal services lawyers, sometimes in the courthouses themselves, and other programs too numerous to mention. It is time to take these efforts to the next level, and to create a network of providers, stakeholders, lawmakers, community leaders, consumers, lawyers and court leaders who can address the issue of access to justice on a statewide level. Other states have begun this effort. Washington state, for example, has created such a network, known as the Access to Justice Board, whose five founding principles are:

−Access to justice is a fundamental right in a just society.

−Access to justice requires . . . [that] legal issues must be adequately understood, presented, and dealt with in a timely, fair, and impartial manner.

−Access to justice depends on the availability of affordable legal information and services, including assistance and representation when needed.

−Access to justice needs adequate funding, resources and support.

−Equal justice under the law requires that justice be available to all people . . . regardless of the popularity of the cause involved, status, or other considerations or characteristics. (State of Washington Access to Justice Board Principles, adopted May 8, 2003)

Let me repeat the first principle: "access to justice is a fundamental right in a just society." The responsibility for guaranteeing and protecting it does not lie only with courts and lawyers. It belongs to all who aspire to live in a just society. I believe, however, that the Judicial Council, our court, and the Utah State Bar, which we supervise, can and should play a significant part in putting this issue on our statewide public policy agenda. I know that many of you also have long−standing concerns about access to justice, and I hope that we will find ways to strengthen the vision of a just society in our state and to form partnerships that work. As we begin to think about how to accomplish this, I look forward to productive conversations with your leadership on these important questions.

In conclusion, may I say how grateful I am, and we in the judicial branch of government are, for your service and for your courtesy in inviting me here today. We wish you success and look forward to working with you in the session ahead.

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

* * *

On motion of Senator Waddoups and at 3:25 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 20, 2004.

SECOND DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

Prayer −Michael Christensen, Director of the Office of Legislative Research and General Counsel
Pledge of Allegiance − Senator Lyle Hillyard
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

INTRODUCTION OF BILLS

S.B. 41, **Hate Crime Amendments** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 109, **Individual Income Tax Contributions for Education** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 110, **Construction Services Commission Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 111, **Mechanics' Liens Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 112, **Uniform Anatomical Gift Act Amendments** (K. Hale), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 4, REPEAL OF COST−SAVINGS SUGGESTIONS PILOT PROGRAM, 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	Blackham
Bramble	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Hatch	Jenkins	Mayne

S.B. 4 was transmitted to the House.

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S.B. 6, REFURBISHED COMPUTERS IN SCHOOLS PROGRAMS, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Julander
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Hatch	Jenkins	Mayne

S.B. 6 was transmitted to the House.

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S.B. 15, CARRYOVER OF AUTHORIZED CAPITAL OUTLAY 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
Hillyard	Julander	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Jenkins Mayne

S.B. 15 was transmitted to the House.

* * *

S.B. 8, LOCAL REFERENDUM 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
Hillyard	Julander	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Jenkins Mayne

S.B. 8 was transmitted to the House.

* * *

S.R. 1, SENATE RULES RESOLUTION − USE OF POSTAGE, 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
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Hillyard	Julander	Killpack	Knudson
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

Absent or not voting were: Senators

Jenkins	Mayne	Waddoups

S.R. 1 was signed by the President in open session and transmitted to the Lt. Governor.

* * *

On motion of Senator Waddoups and at 10:30 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 21, 2004.

THIRD DAY

MORNING SESSION

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

Prayer − Senator Ed Mayne
Pledge of Allegiance − Senator Peter Knudson
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 20, 2004

The House passed **H.B. 6,** REPEAL OF UTAH INTERSTATE COMMISSION FOR COOPERATION IN HIGHER EDUCATION, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.B. 15,** MOTOR VEHICLES TITLE AND REGISTRATION AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed **H.B. 16,** LIFE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.J.R. 7,** JOINT RULES RESOLUTION − RESOLUTIONS AMENDMENTS, by Representative M. Dillree, and it is transmitted for consideration; and

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 6, H.B. 15, H.B. 16**, and **H.J.R. 7** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 20, 2004

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

Government Operations and Political Subdivisions

S.B. 97 Certification Deadline for Political Parties
(Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice
S.B. 38 Arson Offense Amendments (Sen. P. Arent)

Revenue and Taxation
S.B. 98 Fees for Electronic Processing of Certain Motor Vehicle Transactions (Sen. C. Bramble)

Lyle Hillyard
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 20, 2004

The Rules Committee recommends the assignment of the following bills and resolutions to the Second Reading Calendar:

S.R. 2 Senate Rules Resolution − Technical Amendments (Sen. L. Hillyard)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 20, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 27**, TELEPHONE AND FACSIMILE SOLICITATION ACT, by Senator D. Thomas; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 7, Line 211 through Page 8, Line 217

211 electronic form; and

212 (2) a third party shall accept an electronic record of payments by the department for

213 medical services on behalf of a recipient as evidence in support of the department's claim [[~~; and~~]] .

214 (3) an electronic record from the department showing claims submitted for medical

215 services provided to the recipient and amounts of medical assistance paid on behalf of the

216 recipient by the department is admissible as evidence as a business record of the department in

217 any civil action.

Parley Hellewell, Chair; and

Mr. President: January 20, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 9**, PROPERTY RIGHTS AMENDMENTS, by Senator C. Walker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 10**, AMENDMENTS TO LOCAL REFERENDUM PROCESS, by Senator J. Hickman; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 18**, MUNICIPAL ANNEXATION PROVISIONS IN FIRST CLASS COUNTIES, by Senator P. Arent; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 85**, POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS, by Senator D. Thomas.

Carlene M. Walker, Chair; and

Mr. President: January 20, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 13**, RESORT COMMUNITIES TAX AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Line 44 through 47:

44 (1) (a) Except as provided in Subsection (1)(b), and in addition to other sales and use taxes, a

45 city or town in which the transient room capacity as defined in Section 59−12−405 is greater

46 than or equal to 66% of the municipality's permanent census population may impose a sales and use and use tax

47 of up to 1% on the transactions described in Subsection 59−12−103(1).

2. Page 3, Lines 67 through 71:

67 (1) (a) Except as provided in Subsections (1)(b) and 59−12−207.1(7)(c), and in addition

68 to other sales and use taxes, a city or town in which the transient room capacity as defined in Section

69 59−12−405 is greater than or equal to 66% of the municipality's permanent census population

70 may impose a sales and use tax of up to 1% on the transactions described in Subsection 59−12−103(1)

71 located within the city or town.

3. Page 8, Line 216:

216 (ii) [[~~a~~]] recreational vehicle park that provides the following hookups:

4. Page 8, Line 220:

220 (iii) [[~~a~~]] unit similar to Subsection (1)(c)(i) or (ii) as determined by the commission by; and

The Revenue and Taxation Committee recommends **S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY, by Senator L. Blackham, be replaced and favorably recommends

1st Sub. S.B. 19, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY.

Curtis S. Bramble, Chair; and

Mr. President: January 20, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 3**, RESOLUTION SUPPORTING HILL AIR FORCE BASE, by Senator D. Thomas.

David L. Thomas, Chair; and

Mr. President: January 20, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 17**, REAUTHORIZATION OF ENERGY POLICY TASK FORCE, by Senator L. Blackham; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 67**, DESIGNATION OF AMERICAN INDIAN HERITAGE MONTH AND AN INDIGENOUS PEOPLE DAY, by Senator B. Evans; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 82**, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND, by Senator B. Evans.

Beverly Ann Evans, Chair; and

Mr. President: January 20, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 11**, GUIDELINES FOR LOCAL MATCHING DOLLARS FOR TRANSPORTATION PROJECTS, by Senator C. Walker, with the following amendments:

1. Page 1, Lines 13 through 15:

13 This bill:

14 ▸ requires the Transportation Commission [[~~to adopt~~]] , in consulation with representatives of local government, to make rules adopting guidelines that encourage

15 partnering, help finance projects, and provide for:

2. Page 2, Lines 32 through 36:

32 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

33 commission , in consulation with representatives of local government, shall make rules adopting guidelines for partnering with counties and

34 municipalities for their help to finance state highway improvement projects through:

35 (a) local matching dollars; or

36 (b) other local participation methods; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 77**, EXPANSION OF NEW MOTOR VEHICLE WARRANTIES, by Senator P. Arent, with the following amendments:

1. Page 1, Lines 12 through 14:

12 This bill:

13 ▸ amends the definition of motor vehicles to include motorcycles [[~~sold in this state~~]] designed primarily for use and operation on paved highways as

14 motor vehicles covered under the New Motor Vehicles Warranties Act.

2. Page 2, Lines 34 through 38:

34 (4) (a) “Motor vehicle” includes:

35 (i) a motor home, as defined in this section, but only the self−propelled vehicle and

36 chassis sold in this state; [and]

37 (ii) a motor vehicle, as defined in Section 41−1a−102, sold in this state[.]; and

38 (iii) a motorcycle, as defined in Section 41−1a−102, sold in this state if the motorcycle is designed primarily for use and operation on paved highways.

3. Page 2, Lines 39 through 46:

39 (b) “Motor vehicle” does not include:

40 (i) those portions of a motor home designated, used, or maintained primarily as a

41 mobile dwelling, office, or commercial space;

42 (ii) farm tractor, [motorcycle,] road tractor, or truck tractor as defined in Section

43 41−1a−102;

44 (iii) mobile home as defined in Section 41−1a−102; [[~~or~~]]

45 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except a

46 motor home as defined under Subsection (3) [[~~.~~]] ;
(v) a motorcycle, as defined in Section 41−1a−102, if the motorcycle is designed primarily for use or operation over unimproved terrain;
(vi) an electric assisted bicycle as defined in Section 41−1a−102;
(vii) a moped as defined in Section 41−6−1;
(viii) a motor assisted scooter as defined in Section 41−6−1; or
(ix) a motor−driven cycle as defined in Section 41−6−1; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 87**, DRIVER LICENSE CERTIFICATE AMENDMENTS, by Senator C. Walker.

Sheldon L. Killpack, Chair; and

Mr. President: January 20, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 12**, TRANSPORTATION OF CHILDREN FOR PARENT−TIME, by Senator P. Arent, with the following amendments:

1. Page 2, Lines 39 through 51:

39 (4) [~~the noncustodial parent shall pick up the child at the times specified and return the~~

40 ~~child at the times specified, and the child's regular school hours shall not be interrupted~~] the

41 responsibility for the pick up, delivery, and return of the child shall be determined by the court

42 [[~~at the time~~]] when the parent−time order is entered, and may be changed at any time a subsequent modification is

made to the parent−time order; [[~~and the child's regular school hours shall not be~~

~~interrupted~~;]]

(5) if the noncustodial parent will be providing transportation, the custodial parent

shall have the child ready for parent−time at the time [~~he~~] the child is to be picked up and shall

be present at the custodial home or shall make reasonable alternate arrangements to receive the

child at the time [~~he~~] the child is returned;

(6) if the custodial parent will be transporting the child, the noncustodial parent shall

be at the appointed place at the time the noncustodial parent is to receive the child, and have

the child ready to be picked up at the appointed time and place, or have made reasonable

alternate arrangements for the custodial parent to pick up the child;

(7) regular school hours may not be interrupted for a school−age child for the exercise of parent−time by either parent;

Renumber remaining subsections accordingly; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 68**, PROHIBITION OF PUBLIC FUNDING FOR ABORTION, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 68,** PROHIBITION OF PUBLIC FUNDING FOR ABORTION; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 69**, PARTIAL BIRTH ABORTION AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 69,** PARTIAL BIRTH ABORTION AMENDMENTS.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 27, S.B. 30,** as amended**, S.B. 9, S.B. 10, S.B. 18, S.B. 85, S.B. 13,** as amended, **1st Sub. S.B. 19, S.C.R. 3, S.B. 17, S.B. 67, S.B. 82, S.B. 11,** as amended, **S.B. 77,** as amended, **S.B. 87, S.B. 12,** as amended, **1st Sub. S.B. 68,** and **1st. Sub. S.B. 69** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 42, **Utah Exemption Code Amendments** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

S.B. 43, **Recreational Therapy Practice Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 113, **Administrative Procedures Act Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 114, **Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, **Joint Rules Resolution − Fiscal Note Process Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.R. 3, **Senate Rules Resolution − Fiscal Notes** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, the Senate voted to suspend the 24−hour rule for consideration of bills today.

* * *

On motion of Senator Waddoups, a bill file regarding the Division of Real Estate was approved to be opened.

On motion of Senator Bell, a bill file regarding the Sentencing Commission was approved to be opened.

SECOND READING CALENDAR

S.R. 2, SENATE RULES RESOLUTION − TECHNICAL AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 27, TELEPHONE AND FACSIMILE SOLICIATION ACT, was read the second time. Senator Thomas explained the bill. The bill passed second reading 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	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Davis	Gladwell	Hillyard

* * *

S.B. 30, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 9, PROPERTY RIGHTS AMENDMENTS, was read the second time.

On motion of Senator Walker, the bill was circled.

* * *

S.B. 10, AMENDMENTS TO LOCAL REFERENDUM PROCESS, was read the second time. Senator Hickman explained the bill. Senator Stephenson commented.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 56:
   Delete “45” and insert “60”

Senator Stephenson’s motion to amend passed on a voice vote.

The bill passed second reading 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	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Davis Hale

* * *

On motion of Senator Hillyard, the circle was removed from **S.R. 2**, SENATE RULES RESOLUTION − TECHNICAL AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Davis Hale

* * *

S.B. 18, MUNICIPAL ANNEXATION PROVISIONS IN FIRST CLASS COUNTIES, was read the second time. Senator Arent explained the bill. The bill passed second reading 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
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hale

* * *

On motion of Senator Walker, the Senate voted to place **S.B. 9**, PROPERTY RIGHTS AMENDMENTS, on the Time Certain Calendar for Thursday, January 22, 2004 at 10:30 a.m.

* * *

S.B. 85, POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS, was read the second time. Senator Thomas explained the bill. Senators Eastman, Hillyard, and Stephenson commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Buttars

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 13, RESORT COMMUNITIES TAX AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Hickman and Dmitrich commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Dmitrich

Absent or not voting was: Senator
Arent

* * *

1st Sub. S.B. 19, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENTS, was read the second time. Senator Blackham explained the bill.

On motion of Senator Blackham, the bill was circled.

* * *

S.C.R. 3, RESOLUTION SUPPORTING HILL AIR FORCE BASE, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 3, Line 79:
   After "Hill Air Force Base" insert "and another $2 million for an emergency landing strip";

Senator Thomas' motion to amend passed on a voice vote. The bill passed second reading 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	Gladwell	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Dmitrich	J. Evans	Hale	Hickman
Julander			

* * *

S.B. 17, REAUTHORIZATION OF ENERGY POLICY TASK FORCE, was read the second time. Senator Blackham explained the bill. Senators Knudson and Mayne commented. The bill passed second reading 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	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Dmitrich	J. Evans

* * *

S.B. 67, DESIGNATION OF AMERICAN INDIAN HERITAGE MONTH AND AN INDIGENOUS PEOPLE DAY, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Dmitrich	J. Evans	Julander

* * *

S.B. 82, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND, was read the second time. On motion of Senator Bev Evans, the bill was circled.

* * *

S.B. 11, GUIDELINES FOR LOCAL MATCHING DOLLARS FOR TRANSPORTATION PROJECTS, was read the second time. Senator Walker explained the bill. Senators Jenkins, Knudson, and Valentine commented. The bill passed second reading 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
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	B. Evans	J. Evans

* * *

S.B. 77, EXPANSION OF NEW MOTOR VEHICLE WARRANTIES, was read the second time. Senator Arent explained the bill. Senator Bramble commented. The bill passed second reading 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	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

Voting in the negative was: Senator Waddoups

Absent or not voting was: Senator J. Evans

* * *

On motion of Senator Waddoups and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 22, 2004.

FOURTH DAY

MORNING SESSION

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

Prayer − Wayne Welsh, Legislative Auditor General
Pledge of Allegiance − Senator John Valentine
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 2004

The House passed **S.J.R.1,** RESOLUTION REAPPOINTING LEGISLATIVE FISCAL ANALYST, 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.J.R.2,** RESOLUTION APPROVING COMPENSATION OF IN−SESSION EMPLOYEES, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.J.R. 1, and **S.J.R. 2** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: January 21, 2004

The House passed **H.B. 4,** TECHNICAL AMENDMENT − POLLING PLACE SUPPLIES, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 17,** CAPTIVE INSURANCE COMPANIES ACT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 18,** UTAH STATE SCENIC BYWAY COMMITTEE, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 19,** EMPLOYMENT SUPPORT ACT AMENDMENTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed **H.B. 21,** LICENSING − INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 23,** JOINT TRANSPORTATION PLANNING AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 25,** GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 26,** PARENT−TIME SCHEDULE AMENDMENTS, by Representative S. Daniels, and it is transmitted for consideration; and

The House passed **H.B. 31,** INFORMATION TECHNOLOGY PROCUREMENT AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.J.R. 6,** RESOLUTION AMENDING JOINT RULES REGARDING LONG TITLE, by Representative B. Ferry, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 4, H.B. 17, H.B. 18, H.B. 19, H.B. 21, H.B. 23, H.B. 25, H.B. 26, H.B. 31,** and **H.J.R. 6** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 21, 2004

The Rules Committee recommends the following bills to standing committees:

Business and Labor Committee

S.B. 102	Journal of Notary Public Acts (Sen. P. Knudson)

Education Committee

S.B. 22	Administrative Rules Reauthorization (Sen. H. Stephenson)
S.B. 101	Use of Education Revenues (Sen. T. Hatch)
S.B. 109	Individual Income Tax Contributions for Education (Sen. D. Thomas)

S.B. 112 Uniform Anatomical Gift Act Amendments (Sen. K. Hale)

Government Operations and Political Subdivisions Committee
S.B. 113 Administrative Procedures Act Amendments (Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 42 Utah Exemption Code Amendments (Sen. D. Gladwell)

Workforce Services and Community and Economic Development Committee
S.B. 43 Recreational Therapy Practice Amendments (Sen. G. Davis)
S.B. 111 Mechanics' Liens Amendments (Sen. S. Jenkins)

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, 2004

The Rules Committee recommends the assignment of the following bills and resolutions to the Second Reading Calendar:

S.B. 108 Revisor's Statute (Sen. L. Hillyard)
S.R. 3 Senate Rules Resolution − Fiscal Notes (Sen. L. Hillyard)
S.J.R. 4 Joint Rules Resolution − Fiscal Note Process Amendments (Sen. 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 22, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 83**, UNINSURED EMPLOYERS' FUND AMENDMENTS, by Senator E. Mayne; and

The Business and Labor Committee recommends **S.B. 88**, UNIFORM BUILDING STANDARDS ACT − MANUFACTURED HOUSING AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 88**, UNIFORM BUILDING STANDARDS ACT − MANUFACTURED HOUSING AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 92**, REPEAL OF UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, by Senator P. Arent; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 96**, UTAH OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS, by Senator E. Mayne.

Parley Hellewell, Chair

Mr. President: January 20, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 14**, INSURANCE CODE EXEMPTION, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 32**, USE OF ASTHMA MEDICATION BY PUPILS IN SCHOOL, by Senator P. Arent, with the following amendments:

1. Page 2, Line 51:
   After line 51 insert:
   "(4) Section 53A−11−904 does not apply to the possession and self−administration of asthma medication in accordance with this section."; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 34**, OCCUPATIONAL THERAPISTS AMENDMENTS, by Senator G. Davis, with the following amendments:

1. Page 2, Line 31

   31 (d) graduate with a bachelors or
   [[~~masters~~]] **graduate** degree in occupational therapy from a

2. Page 2, Lines 41 through 43:

   41 (d) graduate with a two−year associate degree in occupational therapy from a program

42 accredited by the [~~American~~] ~~[[National Board for Certification in]]~~ Accreditation Council for Occupational Therapy **Education**

43 [~~Certification Board~~]; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 70**, HEALTH CARE FACILITY LICENSING EXEMPTION, by Senator J. Hickman; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 79**, REPEAL OF CHILD WELFARE WORKER DESIGNATIONS, by Senator D. Eastman.

James Evans, Chair; and

Mr. President: January 21, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 98** FEES FOR ELECTRONIC PROCESSING OF CERTAIN MOTOR VEHICLE TRANSACTIONS, by Senator C. Bramble.

Curtis S. Bramble, Chair; and

Mr. President: January 21, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 94**, MINE CERTIFICATION REQUIREMENTS, by Senator M. Dmitrich; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 1**, CONCURRENT RESOLUTION APPROVING SOLID WASTE PERMIT, by Senator T. Hatch.

Beverly Ann Evans, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 83, 1st Sub S.B. 88, S.B. 92, S.B. 96, S.B. 14, S.B. 32,** as amended, **S.B. 34,**as amended, **S.B. 70, S.B. 79, S.B. 98, S.B. 94,** and, **S.C.R. 1** were placed on Second Reading Calendar.

CORRECTED COMMITTEE REPORTS

Mr. President: January 20, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 7, Line 211 through Page 8, Line 217:

211 electronic form**;** **and**

212 (2) a third party shall accept an electronic record of payments by the department for

213 medical services on behalf of a recipient as evidence in support of the department's claim[[~~**; and**~~]] **.**

214 ~~[[**(3) an electronic record from the department showing claims submitted for medical**~~

~~215 **services provided to the recipient and amounts of medical assistance paid on behalf of the**~~

~~216 **recipient by the department is admissible as evidence as a business record of the department in**~~

~~217 **any civil action.]]**~~

Parley Hellewell, Chair

Mr. President: January 20, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 11**, GUIDELINES FOR LOCAL MATCHING DOLLARS FOR TRANSPORTATION PROJECTS, by Senator C. Walker, with the following amendments:

1. Page 1, Lines 13 through 15

13 This bill:

14 ▸ requires the Transportation Commission [[~~to adopt~~]] **, in consulation with representatives of local government, to make rules adopting** guidelines that encourage

15 partnering, help finance projects, and provide for:

2. Page 2, Line 32 through 36:

32 **(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the**

33 **commission , in consulation with representatives of local government, shall make rules adopting guidelines for partnering with counties and**

34 **municipalities for their help to finance state highway improvement projects through:**

35 **(a) local matching dollars; or**

36 **(b) other local participation methods.**; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 77**, EXPANSION OF NEW MOTOR VEHICLE WARRANTIES, by Senator P. Arent, with the following amendments:

1. Page 1, Lines 12 through 14:

12 This bill:

13 ▸ amends the definition of motor vehicles to include motorcycles [[~~sold in this state~~]] **designed primarily for use and operation on paved highways** as

14 motor vehicles covered under the New Motor Vehicles Warranties Act.

2. Page 2, Lines 34 through 38:

34 (4) (a) "Motor vehicle" includes:

35 (i) a motor home, as defined in this section, but only the self−propelled vehicle and

36 chassis sold in this state; [~~**and**~~]

37 (ii) a motor vehicle, as defined in Section 41−1a−102, sold in this state[~~.~~]**; and**

38 **(iii) a motorcycle, as defined in Section 41−1a−102, sold in this state if the motorcycle is designed primarily for use and operation on paved highways .**

3. Page 2, Lines 39 through 46:

39 (b) "Motor vehicle" does not include:

40 (i) those portions of a motor home designated, used, or maintained primarily as a

41 mobile dwelling, office, or commercial space;

42 (ii) farm tractor, [~~**motorcycle,**~~] road tractor, or truck tractor as defined in Section

43 41−1a−102;

44 (iii) mobile home as defined in Section 41−1a−102; ~~[[or]]~~

45 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except a

46 motor home as defined under Subsection (3) [[.]]**;**

(v) a motorcycle, as defined in Section 41−1a−102, if the motorcycle is designed primarily for use or operation over unimproved terrain;
(vi) an electric assisted bicycle as defined in Section 41−1a−102;
(vii) a moped as defined in Section 41−6−1;
(viii) a motor assisted scooter as defined in Section 41−6−1; or
(ix) a motor−driven cycle as defined in Section 41−6−1

Sheldon L. Killpack, Chair

On motion of Senator Waddoups, the corrected committee reports were adopted.

INTRODUCTION OF BILLS

S.B. 44, **Child Care Centers Regulations** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 115, **Special Election Dates** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 116, **County Recorder Amendments** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 117, **Medical Arbitration Agreement Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 118, **Judiciary Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 119, **Prosecution Jurisdiction Amendment** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 120, **Residential Property Tax Exemption** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 121, **Local Sales and Use Tax Distribution Task Force** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 122, **Payment of Claims on Deceased Settlor's Estate** (J. Valentine), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 27, TELEPHONE AND FACSIMILE SOLICITATION ACT, 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	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Blackham Knudson

S.B. 27 was transmitted to the House.

* * *

S.B. 10, AMENDMENTS TO LOCAL REFERENDUM PROCESS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Blackham Knudson

S.B. 10 was transmitted to the House.

* * *

S.R. 2, SENATE RULES RESOLUTION − TECHNICAL AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Knudson

S.R. 2 was signed by the President of the Senate in open session. The resolution will be enrolled and transmitted to the Lt. Governor.

* * *

S.B. 18, MUNICIPAL ANNEXATION PROVISIONS IN FIRST CLASS COUNTIES, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Hillyard	Knudson

S.B. 18 was transmitted to the House.

* * *

On motion of Senator Walker the Senate voted to move to the Time Certain Calendar.

TIME CERTAIN CALENDAR

S.B. 9, PROPERTY RIGHTS AMENDMENTS, was before the Senate. Senator Walker explained the bill. Senators Bell, Hillyard, and Hellewell commented. The bill passed second reading 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	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Knudson

THIRD READING CALENDAR

S.B. 85, POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS, was read the third time, explained by Senator Thomas.

On motion of Senator Thomas, the bill was circled.

* * *

S.B. 13, RESORT COMMUNITIES TAX AMENDMENTS, was read the third time, explained by Senator Hillyard, 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	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative was: Senator
Dmitrich

Absent or not voting were: Senators
Blackham Knudson

S.B. 13 was transmitted to the House.

* * *

On motion of Senator Thomas, the circle was removed from **S.B. 85**, POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS, and it was before the Senate. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

3. Page 3 Lines 85 through 88:

85 (11) **(a)** "Public official" means an elected or appointed member of government with

86 authority to make or determine public policy.

87 **(b) "Public official" includes the person or group** [[~~vested~~]] **that: (i)** [[~~with~~]] **has** supervisory authority

88 **over the personnel and affairs of a public entity ; and (ii) approves the expenditure of funds for the public entity .**

Senator Thomas' 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	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Blackham Knudson

S.B. 85, as amended, was transmitted to the House.

* * *

S.C.R. 3, RESOLUTION SUPPORTING HILL AIR FORCE BASE, was read the third time, explained by Senator Thomas, 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	Hickman	Hillyard	Jenkins
Julander	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Knudson

S.C.R. 3 was transmitted to the House.

* * *

S.B. 17, REAUTHORIZATION OF ENERGY POLICY TASK FORCE, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Bramble	Knudson	Thomas

S.B. 17 was transmitted to the House.

* * *

S.B. 67, DESIGNATION OF AMERICAN INDIAN HERITAGE MONTH AND AN INDIGENOUS PEOPLE DAY, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hickman	Knudson	Valentine

S.B. 67 was transmitted to the House.

* * *

S.B. 11, GUIDELINES FOR LOCAL MATCHING DOLLARS FOR TRANSPORTATION, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 1, Line 19

19 disposition [[.]] **; and**

▸ **requires the Transportation Commission to submit the proposed rules and any proposed amendment to the rules to a committee or task force prior to taking final action on the rules or any amendment to the rules.**

2. Page 2, Line 48

48 **disposition.**

(3) The commission shall submit the proposed rules under this section to a committee or task force designated by the Legislative Management Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules.

Senator Walker's motion to amend passed on a voice vote.

Senator Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Mayne	Thomas	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Knudson
Stephenson	Valentine	Wright	

S.B. 11, as amended, was transmitted to the House.

* * *

S.B. 77, EXPANSION OF NEW MOTOR VEHICLES WARRANTIES, 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	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Knudson

S.B. 77, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 87, DRIVER LICENSE CERTIFICATE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading 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
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Hillyard
Knudson			

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. Senators Davis, Valentine, and Gladwell 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	Hickman	Hillyard
Jenkins	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Knudson

* * *

S.B. 12, TRANSPORTATION OF CHILDREN FOR PARENT−TIME, was read the second time. Senator Arent explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	J. Evans	Gladwell

Hale	Hellewell	Hillyard	Julander
Killpack	Mayne	Thomas	Valentine
Walker	Mansell		

Voting in the negative were: Senators

Buttars	Eastman	B. Evans	Hatch
Hickman	Jenkins	Waddoups	Wright

Absent or not voting were: Senators

Blackham	Knudson	Stephenson

* * *

1st Sub. S.B. 68, PROHIBITION OF PUBLIC FUNDING FOR ABORTION, was read the second time. Senator Bramble explained the bill. Senators Hillyard, Allen, Arent, Julander, Mayne, and Thomas commented. The bill passed second reading 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	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Knudson

* * *

On motion of Senator Waddoups and at 12:10 p.m., the Senate adjourned until 10:00 a.m., Friday, January 23, 2004.

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 Michael Waddoups, John Valentine, and Mike Dmitrich, and Representatives Greg Curtis, Jeff Alexander, and Brent Goodfellow to notify Governor Olene S. Walker that the 2004 General Session of the Fifty−Fifth Legislature is in Joint Convention and ready to hear her State−of−the−State address.

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

Senator Peter Knudson made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Walker's State−of−the−State address.

The Joint Committee escorted Governor Walker to the House rostrum.

STATE−OF−THE−STATE ADDRESS BY GOVERNOR OLENE WALKER

President Mansell, Speaker Stephens, Minority Leaders Dmitrich and Goodfellow, Senators and Representatives, Chief Justice Durham and Supreme Court Justices, Lt. Governor McKeachnie, distinguished guests and my fellow Utahns, it is my pleasure to greet you this evening.

My friends, it is truly an honor to serve as your governor. Thank you for the generous offerings of friendship and encouragement so many of you have given me.

I reflect warmly on the years I sat in this Chamber as a legislator. I understand the process and the great obligation legislators have in passing laws and formulating a budget that will benefit the citizens of our great state.

As a state, we have weathered three years of tough economic times and have had to face challenging budget decisions. To this point, we have fared well. However, as we look toward the future, it is apparent we must ensure a strong foundation for the 21st century. I suggest we begin with the basics.

What are those basics? A conservative, realistic budget. Strong initiatives that focus on the basic needs of our citizens. And an innovative yet basic vision for tomorrow. Using these basics as building blocks, we will be offering a sound future for generations to come.

As I explained when I submitted my budget recommendations to the Legislature, I am committed to the following three priorities:

First, we must keep our Triple A bond rating. Why is this important? Simply because it not only saves the State of Utah, but also school districts, millions of dollars. To illustrate this, in June we issued $407 million in bonds and got the remarkable rate of 2.83 percent. At the same time California, because of its credit

problems, issued bonds at a rate of 3.86 percent. Comparing the two rates, the savings to our state over the 15−year life of the bonds will be $39,333,900.87!

To preserve that rating, we must limit our bonding, add to our reserves and bring balance to our budget by ensuring that we have sufficient resources to meet our basic obligations.

Second, it is also important that we retain our state and education employees. Too often, after we invest in their training and development, we lose some of our most capable people. I keep hearing, "I would love to stay, but this county or that city is making me an offer I can't refuse." It has been two years since state employees have had a raise. We must find a way to give them a modest 2 percent salary increase.

Third, maintaining quality education in our state is essential. Education is the basis for our future prosperity, and it is a key to individual success. I challenge the public, educators and business leaders to become an active part of the solution. Utah has a tradition of valuing education. Even though we are at the very bottom in spending per student, we have always been near the top in outcome.

That is changing. Our student test scores have declined. For example, the national "Quality Counts" report − referred to as the "states' report card on education" − shows Utah students scoring seven points below the national average in writing. How can Utah businesses succeed if we don't supply them with highly−skilled workers? How can our economy prosper? And, more importantly, what does this portend for the personal success of our students who will come out of the system? We are now 40 percent below the national average in per student funding. How far must we slip before we take action?

My budget recommendation for education has three main components. First, the modest salary increase for educators I just mentioned.

Second is simply an increase to cover the costs of additional students entering the system. In the past 10 years, 17,000 additional students entered our public school system. Next year alone, we expect 7,160 additional students. In other words, nearly half the total number of the last 10 years. One−hundred and forty−five thousand additional students are expected to start through our system in the next 10 years.

To illustrate this dilemma, I would like to introduce you to Kevin Doxey. He recently sent me the letter he had written to the editor of the Davis County Clipper:

> Have you ever felt like you're crammed up in a can of sardines? Well, I feel like that about every day now at school. I am a sixth grader at Oak Hills Elementary School, and there are about 33 kids in my portable classroom. Our room is so full, there's practically no room to walk around.

Allowing class sizes to increase is not the answer to managing our growing student population. We must fund the growth and pay teachers to stay the course.

Education is not just about the number of students and teachers. It is also about the quality of education we provide. The third component of my education recommendation addresses this issue.

We have worked very hard the past two years to develop a plan for competency−based education, called Performance Plus. Although it is full of possibility for increased excellence in the classroom, this plan would have cost $200 million in new money.

Last summer, teachers, administrators, board members and parents attended five education summits. Their message was that Performance Plus should start in the lower grades, concentrate on one basic area, and be practical in terms of funding. I have addressed each of these imperatives. I am asking not for $200 million, but for $30 million in new funding to focus on kindergarten through third grade reading to ensure that every child can read at grade level. Through third grade, children learn to read. After that, they read to learn − a lifelong necessity!

Can we achieve that aim in Utah? You bet we can! Let me introduce you to Michael, his adoptive mother Sharron and brother Jaden. Michael was 8 1/2 when he was removed from his parents who were addicted to drugs. At the time, they were living in a homeless camp near the Jordan River, without shelter, food or appropriate clothing. Michael often stole food so he and his younger brother could survive. He entered second grade not knowing the alphabet or any of the other basic skills of most kindergartners. At that point, he started a new life. Every day, he spent two to three hours doing remedial work with his teacher and foster mother, who later adopted him. Today as an eighth grader, Michael is a good student and performs at grade level. Other students deserve the same chance.

I am excited so many people are uniting behind my "Read with a Child" initiative. Volunteers at 30 boys and girls clubs statewide are reading for 20 minutes to every young person who enters their doors. During the coming year, you will hear on radio and TV, read in the newspapers, be reminded on billboards and, I hope, hear from your friends: "The most important 20 minutes of your day: Reading with a Child." I'd like to thank the many people who are working on this program, those who are funding it and those who are already reading with a child.

I also want to report that all of our minority councils − Asian, Native American, Black, Hispanic, Pacific Islander − have committed to make literacy and education their number−one priority for the coming year.

Hand in hand with this effort, over the past 11 years we have worked to improve foster care in our state; but as soon as an individual turns 18, he or she moves out of the foster care system. Statistics show that after two years of independence, 61 percent of these young adults still have not finished high school, 72 percent are unemployed and 60 percent of the young women have given birth. We have been joined by many volunteers in developing a comprehensive program to help these youth become successful adults.

We continue to add to the 164 online state services. Now a person can even buy a fishing license or register a vehicle at 3:00 a.m. Recently, I announced a Web site: Utah Cares. By accessing this site, a person can find assistance relating to food, housing, employment or any other service. In fact, during the holidays this Web site provided assistance to 300 people per day.

By July 1 of this year, we will have a statewide communication network in place. This network ensures that every rural part of the state can communicate with hospitals, emergency centers and urban law enforcement in case of a disaster, public safety threat, power outage or health emergency.

One of the most difficult tasks I've announced is the preparation of a total tax reform recommendation, which will be completed by August 1 of this year. I will then ask each of you to seriously consider and help perfect this recommendation. There will be an opportunity for public input. Just thinking about the complexity of our tax system and volatility of our revenues keeps me awake at night. Our tax reform efforts must make Utah business−friendly. A 21st century government needs a 21st century tax system. Utah needs tax reform!

Along with these considerations for the coming year, we must be good stewards of our environment. I will continue to do all I can to oppose contaminating our beautiful state with spent nuclear fuel rods.

In addition, I have designated 25 watersheds for improvement by the end of the year. Forty−five groups have already adopted a lake or stream. When the snow melts this spring, an army of volunteers will begin work on 25 key watersheds throughout the state. After the snows of December and January, we can hope that these streams and lakes will be filled to capacity!

By the end of April, more than 2,000 fourth−grade students will attend water fairs and be exposed to my watershed initiative. By the end of the year, we hope to reach more than 10,000 fourth graders, thus teaching a younger generation that our watersheds are truly our life sheds.

At the same time, we are intensifying the process of clarifying state and county roads that cross federal public lands. When completed, this effort will settle issues that have long been a source of conflict. We will continue to pursue resolution of other public lands issues. I want to give credit to Lt. Governor Gayle McKeachnie for spearheading this endeavor.

Basic to any of these efforts is the need to strengthen our economy. Our economic picture is brightening, but we still worry about job creation. The stability and strength of Utah families depends on the economic security provided by well−paying jobs. Job creation is just as important for our recently unemployed as it is for future generations.

We need to strengthen, support and build upon the economic assets we already have. We must assist our own companies to grow and expand. To this end, the focus of the Industrial Assistance Fund must be on helping Utah companies that will expand and hire Utahns.

This spring, we will bring the presidents of our colleges and universities together with our business leaders. This critical alliance will explore ways we can better utilize our opportunities to strengthen our universities and our businesses. I have asked our higher education research institutions to work together in developing ideas and in transferring research results to our Utah businesses. New and better processes can be shared in the marketplace. Creative ideas in research will flourish. As a result, Utah businesses win, Utah job seekers win, Utah consumers win.

Further, we will develop a Web site of Utah products to encourage businesses and consumers to "b−u−y, buy Utah!" We will give people a one−stop shop for information needed to start a new business or expand an existing one. We will especially focus on increasing the amount of venture capital available in this state.

We cannot forget another asset that feeds our economy: Our number one economic priority must be to save Hill Air Force Base from another military base downsizing. Hill is the state's largest employer, and we simply must keep it. We will work with our congressional delegation to be the most aggressive state in protecting the jobs of the hard−working military personnel and civilians who work there.

In all of our considerations, the economy of Utah should be viewed as one economy. The health of the whole is always related to the health of the component parts and vice versa. We must work together to strengthen our economy statewide.

Also, we must never forget that the world is still welcome in Utah, and we have to make certain the world knows that.

We have plans in place to enhance the contributions of out−of−state businesses to Utah. For example, with the support of the Outdoor Industry Association, we have organized a task force whose aim is to make Utah the global outdoor recreational area. Not only will such an emphasis make our economy stronger, it will also require us to protect those areas of our state that have unique outdoor recreational qualities.

I want to be very clear that together, no one or no state will out−work us, out−smart us or out−hustle us when it comes to increasing the number of good jobs in our state. By working as ambassadors of Utah, we have attracted important growth. For example, technology companies such as Siebel Systems and Cadence Design Systems attest that their move to Utah from Silicon Valley will result in increased job growth. Further, it was recently announced that Malt−O−Meal will expand in Tremonton, bringing 250 more jobs to Utah. At the other end of the state, Orgill, Inc., will create 300 jobs in Hurricane.

Utah, of course, is also part of the expanding global economy. No longer insular or provincial, we have grown up with connections to national and global affairs. We are engaging in international trade, cultural exchange and contributions to science and medicine. Thousands of Utah businesses are involved in international commerce. As the world turns more to the global

economy, we need to build our international image and support our businesses in their efforts to be effective players.

We also participate in the global scene by sending our troops, supplies and expertise abroad to bring peace in our time. Utahns are leaving their homes and lives as Americans to try to establish peace in a tattered world.

One of the most emotional experiences I have had since becoming governor is saying a few words to a group of men and women of the Utah National Guard as they left for service in Iraq. I had expected to see young faces. Instead there were many who were fathers, mothers and grandparents. Behind, they leave others to carry on for them. I would like you to meet a mother, Janet Summit, who is holding together a family of 10 children while her husband is serving in the National Guard. I know how difficult it was for them to say goodbye, and I hope that everyone in their home town of Delta will embrace this family. We appreciate all of our men and women who are serving our country and their families. May our troops return home safely to all they love.

I take seriously my responsibility as governor. I hope in all of our decisions and deliberations that we keep in mind we have the responsibility to chart the best course possible, not only for the coming 2005 budget year, but for the future of Utah. I am convinced that we in Utah can meet any challenge with unity and common sense.

To those in this Chamber tonight, the people of the state of Utah have entrusted us to keep them safe, to provide a quality education for our children, to build transportation systems, to provide necessary services and to build the economy. May we always remember the great trust the people of Utah have given us to make thoughtful decisions.

A prayer offered over half a century ago by Dr. Peter Marshall, chaplain in the United States Senate, still has relevance today:

...Save us from hotheads that would lead us to act foolishly, and from cold feet that would keep us from acting at all.

What better time than now to embark on these issues? As citizens and leaders of this state, we have a remarkable opportunity to shape Utah for a productive, prosperous, and positive future.

It begins with us.

It begins with the basics.

It begins now.

May God bless you, America, and this great state!

* * *

At the conclusion of Governor Walker's address, President Mansell thanked the Governor and asked that the Joint Committee escort her back to her 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., Friday, January 23, 2004.

FIFTH DAY

MORNING SESSION

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

Prayer − Senator Patrice Arent
Pledge of Allegiance − Senator Michael Waddoups
Roll Call − All Senators present except Senator Thomas, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 22, 2004

The House passed **H.B. 5**, PUBLICATION OF RESOLUTION OR NOTICE, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 14**, REPEAL OF EDUCATION MANDATES, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed **H.B. 20**, CONSTRUCTION BONDING STATUTES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 24**, MOTOR VEHICLES CODE REVISIONS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 30**, AMENDMENTS TO ADMINISTRATIVE SERVICES RATE COMMITTEE, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 32**, LIEN AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 37**, SUNSET REAUTHORIZATIONS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 41**, HEALTH INSURANCE COVERAGE FOR DEPENDENTS, by Representative J. Buffmire, and it is transmitted for consideration; and

The House passed **H.B. 48**, COLLECTION OF INFORMATION BY DEPARTMENT OF HEALTH, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 49**, NATURAL GAS TECHNICIAN CERTIFICATION, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 189**, TOBACCO COMPLIANCE AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.J.R. 2**, RESOLUTION OF LEGISLATIVE SUPPORT FOR MUSIC AND OTHER FINE ARTS PROGRAMS IN PUBLIC SCHOOLS, by Representative R. Bigelow, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 5, H.B. 14, H.B. 20, H.B. 24, H.B. 30, H.B. 32, H.B. 37, H.B. 41, H.B. 48, H.B. 49, H.B. 189,** and **H.J.R. 2** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 22, 2004

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

Business and Labor Committee

H.B. 16	Life Insurance Law Amendments (Rep. J. Dunnigan) (Sen. M. Waddoups)
H.B. 17	Captive Insurance Companies Act Amendments (Rep. J. Dunnigan) (Sen. T. Hatch)
H.B. 21	Licensing − Insurance Law Amendments (Rep. J. Dunnigan) (Sen. M. Waddoups)

Education Committee

H.B. 6	Repeal of Utah Interstate Commission for Cooperation in Higher Education (Rep. D. Bush) (Sen. J. Hickman)
H.B. 26	Parent−time Schedule Amendments (Rep. S. Daniels) (Sen. G. Bell)

Government Operations and Political Subdivisions Committee

H.B. 4	Technical Amendment − Polling Place Supplies (Rep. K. Morgan) (Sen. K. Hale)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 106 Dishonored Checks − Motor Vehicle Repair Facilities (Sen. D. C. Buttars)

S.B. 118 Judiciary Amendments (Sen. L. Hillyard)

Natural Resources, Agriculture, and Environment Committee

H.B. 18 Utah State Scenic Byway Committee (Rep. J. Dougall) (Sen. D. Eastman)

Revenue and Taxation Committee

S.B. 115 Special Election Dates (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

H.B. 15 Motor Vehicles Title and Registration Amendments (Rep. J. Murray) (Sen. D. Eastman)

H.B. 25 Governmental Internet Information Privacy Act (Rep. W. Harper) (Sen. D. Gladwell)

H.B. 31 Information Technology Procurement Amendments (Rep. D. Clark) (Sen. B. Evans)

Workforce Services and Community and Economic Development Committee

H.B. 19 Employment Support Act Amendments (Rep. D. Cox) (Sen. S. Jenkins)

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: January 22, 2004

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

H.J.R. 6 Resolution Amending Joint Rules Regarding Long Title (Rep. B. Ferry) (Sen. D. Gladwell)

H.J.R. 7 Joint Rules Resolution − Resolutions Amendments
(Rep. M. Dillree) (Sen. L. Hillyard)

Lyle Hillyard
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 45, **Uniform Parentage Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 123, **Court Reporter Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 124, **Prohibition on Sales and Use Tax Incentive Payments by a Municipality** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 125, **Confidentiality of Drug Testing** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 126, **Amendments to Warrants** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 127, **Safeguarding Personal Information** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 128, **Long−term Care Facilities Amendments** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 129, **Community Associations** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 130, **Restrictions on Use of Unmarked Police Vehicles** (J. Hickman), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 9, PROPERTY RIGHTS AMENDMENTS, was read the third time, explained by Senator Walker, 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	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Thomas

S.B. 9 was transmitted to the House.

* * *

S.B. 87, DRIVER LICENSE CERTIFICATE 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Bell Thomas

S.B. 87 was transmitted to the House.

* * *

S.B. 30, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, was read the third time and explained by Senator Killpack. Senator Valentine commented and 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	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator Thomas

S.B. 30, as amended, was transmitted to the House.

* * *

S.B. 12, TRANSPORTATION FOR CHILDREN FOR PARENT−TIME, was read the third time.

On motion of Senator Arent, the bill was circled.

* * *

1st Sub. S.B. 68, PROHIBITION OF PUBLIC FUNDING FOR ABORTION, was read the third time and explained by Senator Bramble. Senators Allen, Julander, James Evans, Arent, and Mayne commented.

Senator Arent proposed the following amendment:

1. Page 2, Line 43:

43 (1) As used in this section "serious risk of substantial and irreversible impairment of a major bodily function" means any medically diagnosed condition that so complicates the pregnancy of the woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function.

[[~~(1)~~]] (2) Public funds of the state, its institutions, or its political subdivisions may not be

2. Page 2, Lines 49 through 57:

50 (c) [[~~in the professional judgment of the pregnant woman's attending physician, the~~

51 ~~abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily~~

52 ~~function of the pregnant woman. This provision shall not be construed to allow direct or~~

53 ~~indirect funds to be used for conditions of mental, psychological, or emotional harm, illness, or~~

54 ~~distress.~~]] in reasonable medical judgment, the abortion is necessary to preserve the life or health of the mother as a result of the mother's life being endangered by a serious risk of health of the substantial and irreversible impairment of a major bodily function.

55 [[~~(2)~~]] (3) If a state agency violates Subsection (1), the Legislature may eliminate any or all of

56 the public funds provided to the state agency.

57 [[~~(3)~~]] (4) Any person who knowingly authorizes the use of the funds prohibited by this

# # #

Senator Hale proposed the following substitute amendment:

1. Page 2, Lines 45 through 54:

45 for the performance of any induced abortion service, unless:

[[~~46 (a) in the professional judgment of the pregnant woman's attending physician, the~~

47 ~~abortion is necessary to save the pregnant woman's life;~~

48 ~~(b) the pregnancy is the result of rape or incest reported to law enforcement agencies,~~

49 ~~unless the woman was unable to report the crime for physical reasons or fear of retaliation; or~~

50 ~~(c) in the professional judgment of the pregnant woman's attending physician, the~~

51 ~~abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily~~

52 ~~function of the pregnant woman. This provision shall not be construed to allow direct or~~

53 ~~indirect funds to be used for conditions of mental, psychological, or emotional harm, illness, or~~

54 ~~distress.~~]] (a) the pregnancy is a result of incest or rape;
(b) the life and health of the woman is adjudged by competent medical authority to be in serious jeopardy; or

(c) the fetus is known by competent medical authority to have severe defects that will not allow the fetus to survive beyond birth.

Senator Hale's motion to amend failed on the following roll call vote.

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

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	

Voting in the negative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting was: Senator
Thomas

# # #

The floor action returned to Senator Arent's original amendment. Senator Arent's motion to amend failed on a voice vote.

The bill passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Arent	Davis	Dmitrich	Hale
Julander	Mayne		

Absent or not voting was: Senator
Thomas

1st Sub. S.B. 68 was transmitted to the House.

SECOND READING CALENDAR

1st Sub. S.B. 69, PARTIAL BIRTH ABORTION, was read the second time. Senator Bramble explained the bill. Senators Dmitrich, James Evans, Allen, Valentine, and Arent commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Arent	Dmitrich	Julander

Absent or not voting were: Senators

Thomas	Wright

* * *

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT, and it was before the Senate. Senator Blackham explained the bill. Senators Bramble, Arent, Bell, Mayne, and Stephenson 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
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators
Julander Thomas Valentine

* * *

On motion of Senator Waddoups and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, January 26, 2004.

EIGHTH DAY

MORNING SESSION

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

Prayer − President Stephen B. Allen, President of the Westland L.D.S. Stake
Pledge of Allegiance − Senator Mike Dmitrich
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 2004

The House passed, as amended, **H.B. 10**, STATE HIGHWAY SYSTEM CHANGES, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 34**, UNLAWFUL CONTROLLED SUBSTANCES IN CORRECTIONAL FACILITIES, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 57**, AMENDMENTS TO BUDGETARY PROCEDURES ACT, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 62**, LIEN RECOVERY FUND AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 175**, PROCESS FOR FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 178**, MOTOR VEHICLE PURCHASE AMENDMENTS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 184**, VOYEURISM AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed **H.B. 186**, EVALUATION AND COUNSELING PRIOR TO TERMINATION PROCEEDINGS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 190**, RESTRICTING WIRELESS TELEPHONE USE FOR SCHOOL BUS DRIVERS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 191**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 10, 1st Sub. H.B. 34, H.B. 57, H.B. 62, H.B. 175, H.B. 178, H.B. 184, H.B. 186, H.B. 190,** and **H.B. 191** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 7, **Rail Corridor Provisions** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 46, **Sunset Date Extension of Division of Oil, Gas and Mining** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 131, **Uniform Principal and Income Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 132, **Utah Construction Trades Licensing Act − Electrical Licensing Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 133, **Bulk Delivery of Motor Fuel** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 134, **Governor's Commission on Women and Families** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 135, **Center for Multicultural Health** (J. Evans), read the first time by short title and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 23, 2004

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

Business and Labor Committee

S.B. 44	Child Care Centers Regulations (Sen. P. Hellewell)
S.B. 129	Community Associations (Sen. M. Waddoups)
H.B. 20	Construction Bonding Statutes (Rep. M. Morley) (Sen. S. Jenkins)
H.B. 32	Lien Amendments (Rep. M. Morley) (Sen. S. Jenkins)

Education Committee

H.B. 14	Repeal of Education Mandates (Rep. M. Dayton) (Sen. H. Stephenson)
H.J.R. 2	Resolution of Legislative Support for Music and Other Fine Arts Programs in Public Schools (Rep. R. Bigelow) (Sen. T. Hatch)

Government Operations and Political Subdivisions Committee

H.B. 5	Publication of Resolution or Notice (Rep. E. Hutchings) (Sen. D. C. Buttars)
H.B. 30	Amendments to Administrative Services Rate Committee (Rep. D. Clark) (Sen. B. Evans)

Health and Human Services Committee

S.B. 125	Confidentiality of Drug Testing (Sen. P. Julander)
H.B. 41	Health Insurance Coverage for Dependents (Rep. J. Buffmire) (Sen. P. Julander)
H.B. 48	Collection of Information by Department of Health (Rep. D. Hogue) (Sen. J. Evans)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 45	Uniform Parentage Act (Sen. L. Hillyard)
S.B. 123	Court Reporter Amendments (Sen. L. Hillyard)

Natural Resources, Agriculture, and Environment Committee

H.B. 49	Natural Gas Technician Certification (Rep. G. Snow) (Sen. L. Hillyard)

Retirement and Independent Entities Committee

S.B. 26	Public Safety Retirees' Cost−of−living Increase (Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee

S.B. 7	Rail Corridor Provisions (Sen. G. Bell)

H.B. 24 Motor Vehicles Code Revisions (Rep. J. Murray)
(Sen. D. Eastman)

Workforce Services and Community and Economic Development Committee
H.B. 37 Sunset Reauthorizations (Rep. G. Curtis)
(Sen. M. Waddoups)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 23, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT, by Senator T. Hatch, with the following amendments:

1. Page 2, Lines 41 through 54:

41 (2) Subsection (1) does not apply to:

** * * Some lines not shown * * **

49 (f) a deputy or assistant fire chief of the municipality;

** * * Some lines not shown * * **

53 (j) a probationary employee of the municipality; [[~~or~~]]
(k) a part−time employee of the municipality; or

54 [[~~(k)~~]] (l) a seasonal employee of the municipality.

2. Page 2, Line 58 through Page 3, Line 72:

58 (1) [~~No officer or~~] An employee [~~covered by~~] to which Section 10−3−1105 [~~shall~~]

59 applies may not be discharged, suspended without pay, or involuntarily transferred to a position with less

60 remuneration:

** * * Some lines not shown * * **

64 (2) (a) If an employee is discharged, suspended without pay, or involuntarily transferred from one

65 position to another for any reason, [~~he shall have the right to~~] the employee may , subject to Subsection (2)(b), appeal the

66 discharge, suspension without pay, or involuntary transfer to a board to be known as the appeal board

67 [~~which shall consist of five members, three of whom shall be chosen by and from the~~

68 ~~appointive officers and employees, and two of whom shall be members of the governing body~~],

69 established under Subsection (7).

(b) If the municipality provides an internal grievance procedure, the employee shall exhaust the employee's rights under that grievance procedure before appealing to the board.

70 [~~(2) The~~] (3) (a) Each appeal under Subsection (2) shall be taken by filing written

71 notice of the appeal with the recorder within ten days after :

(i) if the municipality provides an internal grievance procedure, the employee receives notice of the final disposition of the municipality's internal grievance procedure; or

(ii) if the municipality does not provide an internal grievance procedure, the discharge, suspension, or involuntary

72 transfer.

3. Page 3, Line 88 through Page 4, Line 90:

88 (5) [~~The~~] (a) (i) Each decision of the appeal board shall be by secret ballot, and shall be

89 certified to the recorder [[~~with~~]] within 15 days from the date the matter is referred to it , except as provided in Subsection (5)(a)(ii) . [~~The board may,~~

90 ~~in its decision,~~]

(ii) For good cause, the board may extend the 15−day period under Subsection (5)(a)(i) to a maximum of 60 days, if the employee and municipality both consent.

4. Page 4, Lines 106 through 108:

106 (6) (a) [[~~An employee who is the subject of a~~]] A final action or order of the appeal board

107 may [[~~appeal the action or order~~]] be appealed to the Court of Appeals by filing with that court a notice of

108 appeal; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 91**, EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 97**, CERTIFICATION DEADLINE FOR POLITICAL PARTIES, by Senator C. Bramble; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 113**, ADMINISTRATIVE PROCEDURES ACT AMENDMENTS, by Senator L. Hillyard.

Carlene M. Walker, Chair

Mr. President: January 23, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 74**, AEROSPACE AND AVIATION DEVELOPMENT ZONE AMENDMENTS, by Senator M. Dmitrich, with the following amendments:

1. Page 1, line 13:
   delete "an instrumental landing system and"

2. Page 2, lines 28−29:
   reinstate "satisfies the following requirements: (the airport shall have an instrumental landing system;"

3. Page 2, line 30:
   Before "has" insert "and (2) the airport"; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 93**, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS, by Senator B. Evans.

Sheldon L. Killpack, Chair

Mr. President: January 23, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 16**, IDENTITY THEFT AMENDMENTS, by Senator C. Walker, with the following amendments:

1. Page 4, Lines 113 through 114:

113 (iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any county

114 where the victim's identity was used or [[~~stolen~~]] obtained , or where the victim resides or is found.

2. Page 6, Lines 176 through 178:

176 (c) For purposes of Subsection (2)(b), "multiple identifying documents" means [[:]]

177 [[~~(i)~~]] identifying documents of two or more people [[~~; or~~

178 ~~(ii) two or more identifying documents belonging to one person~~]] . ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 21**, DRUG OFFENDERS REFORM ACT, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 72**, DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS, by Senator J. Hickman; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 73**, ESCAPE AMENDMENTS, by Senator T. Hatch, with the following amendments:

1. Page 1, Line 13:

13 aids in the escape and is an employee or volunteer of specified government entities;

▸ defines the scope of activity considered to be an escape or attempted escape;

2. Page 5, Lines 148 through 149:

148 (iii) lawfully detained following arrest.

149 (b) "Escape" is considered to be a continuing activity commencing with the conception of the design to escape and continuing until the escaping prisoner is returned to official custody or the prisoner's attempt to escape is thwarted or abandoned.

[[~~(b)~~]] (c) "Official custody" means arrest, whether with or without warrant, or confinement in

Page 6, Line 160:

160 [[~~(c)~~]] (d) "Prisoner" means any person who is in official custody and includes persons under

Page 6, Line 162:

162 [[~~(d)~~]] (e) "Volunteer" means any person who donates service without pay or other; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 84**, PARTY TO FELONY OFFENSE ENHANCEMENT, by Senator M. Waddoups.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 23,** as amended, **S.B. 91, S.B. 97, S.B. 113, S.B. 74,** as amended, **S.B. 93, S.B. 16,** as amended, **S.B. 21, S.B. 72,** as amended, and **S.B. 84** were placed on Second Reading Calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, U. S. Congressman Chris Cannon spoke in Committee of the Whole. Senators Arent and Mayne commented.

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

THIRD READING CALENDAR

1st Sub. S.B. 69, PARTIAL BIRTH ABORTION AMENDMENTS, was read the third time and explained by Senator Bramble. Senators Arent, Hale, Wright, and Thomas commented.

Senator Hale proposed the following amendment:

1. Page 4, Lines 115 through 119:

115 (1) Any physician who knowingly performs a partial birth abortion shall be fined under

116 this chapter. This section does not apply to a partial birth abortion [[~~that is necessary to save the~~

117 ~~life of a mother whose life is endangered by a physical disorder, physical illness, or physical~~

118 ~~injury, including a life endangering physical condition caused by or arising from the pregnancy~~

119 ~~itself.~~]] of a pregnancy caused by rape or incest, or when the life or health of the woman is adjudged by competent medical authority to be in serious jeopardy.

2. Page 5, Lines 135 through 139:

135 76−7−328. Hearing to determine necessity of physician's conduct.

136 (1) A physician accused of an offense under this section may seek a hearing before the

137 State Medical Board on whether the physician's conduct [[~~was necessary to save the life of the~~

138 ~~mother whose life was endangered by a physical disorder, physical illness, or physical injury,~~

139 ~~including a life endangering physical condition caused by or arising from the pregnancy itself~~.]] complied with Section 76−7−326(1)

Senator Hale's motion to amend failed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	

Voting in the negative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting was: Senator
B. Evans

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Davis	Dmitrich	Julander

Absent or not voting was: Senator
B. Evans

1st Sub. S.B. 69 was transmitted to the House.

* * *

1st Sub. S.B. 19, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY, was read the third time.

On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator Arent, the circle was removed from **S.B. 12**, TRANSPORTATION OF CHILDREN FOR PARENT−TIME, and it was before the Senate. Senator Arent explained the bill. Senators Waddoups 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Wright

S.B. 12, as amended, was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Bell, **S.B. 14** was moved to the top of the Second Reading Calendar.

* * *

S.B. 14, INSURANCE CODE EXEMPTION, was read the second time.

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

1st Sub. S.B. 14, Insurance Code Exemption (G. Bell)

On motion of Senator Bell, the bill was circled.

* * *

S.B. 108, REVISOR'S STATUTE, was read the second time. Senator Hillyard explained the bill. Senator Thomas commented. The bill passed second reading 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
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Julander	Knudson
Stephenson	Wright		

* * *

S.R. 3, SENATE RULES RESOLUTION − FISCAL NOTE, was read the second time. Senator Hillyard explained the bill. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Mayne	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Knudson	Stephenson
Wright			

* * *

S.J.R. 4, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading 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	Killpack	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bramble	Knudson	Stephenson	Wright

* * *

S.B. 83, UNINSURED EMPLOYERS' FUND AMENDMENT, was read the second time. Senator Mayne explained the bill. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Eastman Wright

* * *

1st Sub. S.B. 88, UNIFORM BUILDING STANDARDS ACT − MANUFACTURING HOUSING, was read the second time.

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

2nd Sub. S.B. 88, **Uniform Building Standards Act − Manufacturing Housing** (L. Hillyard)

Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Allen Eastman

* * *

S.B. 92, REPEAL OF UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, was read the second time. Senator Arent explained the bill. Senator Thomas commented. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting was: Senator
Wright

* * *

S.B. 96, UTAH OCCUPATIONAL SAFETY AND HEALTH ACE AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading 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
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hale

* * *

S.B. 70, HEALTH CARE FACILITY LICENSING EXEMPTION, was read the second time. Senator Hickman explained the bill. The bill passed second reading 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
J. Evans	Gladwell	Hatch	Hellewell

Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Allen	B. Evans	Hale

* * *

S.B. 32, USE OF ASTHMA MEDICATION BY PUPILS IN SCHOOL, was read the second time. Senator Arent explained the bill. Senators Thomas, Stephenson, and Knudson commented. The bill passed second reading 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
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Allen	Hatch	Wright

* * *

S.B. 34, OCCUPATIONAL THERAPISTS AMENDMENTS, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Allen

* * *

S.B. 79, REPEAL OF CHILD WELFARE WORKER DESIGNATIONS, was read the second time. Senator Eastman explained the bill. The bill passed second reading 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	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Allen Wright

* * *

S.B. 98, FEES FOR ELECTRONIC PROCESSING OF CERTAIN MOTOR VEHICLE TRANSACTIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading 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	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Allen Julander

* * *

On motion of Senator Waddoups and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 27, 2004.

NINTH DAY

MORNING SESSION

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

Prayer − John Massey, Legislative Fiscal Analyst
Pledge of Allegiance − Senator Ron Allen
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 26, 2004

The House passed **H.B. 35**, REQUIREMENTS OF TRUSTEES OF TRUST DEEDS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 52**, INDIVIDUAL DEFERRED ANNUITIES − NONFORFEITURE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 55**, SCHOOL AND INSTITUTIONAL TRUST LAND AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 58**, TRUST LANDS ADMINISTRATION, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 67**, CULTURAL AFFAIRS TASK FORCE, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 73**, PATTERN OF UNLAWFUL ACTIVITY ACT AMENDMENTS, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 75**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 180**, DEATH PENALTY PROVISIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 201**, TRAFFIC SIGNAL PREEMPTION DEVICE, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 203**, SPECIAL GROUP LICENSE PLATE, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as substituted and amended, **H.J.R. 4**, JOINT RULES RESOLUTION − APPROPRIATION PROCESS REVISIONS, by Representative W. Harper, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 35, H.B. 52, H.B. 55, H.B. 58, H.B. 67, H.B. 73, H.B. 75, H.B. 180, H.B. 201, H.B. 203,** and **H.J.R. 4** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 26, 2004

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

Business and Labor Committee

H.B. 62	Lien Recovery Fund Amendments (Rep. R. C. Webb) (Sen. L. Hillyard)
S.B. 132	Utah Construction Trades Licensing Act − Electrical Licensing Amendments (Sen. S. Jenkins)

Government Operations and Political Subdivisions Committee

H.B. 57	Amendments to Budgetary Procedures Act (Rep. J. Seitz) (Sen. S. Killpack)
H.B. 175	Process for Filling Midterm Vacancies in the Legislature (Rep. W. Harper) (Sen. M. Waddoups)

Health and Human Services Committee

S.B. 107	Advanced Practice Registered Nurse Modifications (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 119	Prosecution Jurisdiction Amendment (Sen. B. Evans)
1st Sub. H.B. 34	Unlawful Controlled Substances in Correctional Facilities (Rep. L. Christensen) (Sen. J. Evans)

Natural Resources, Agriculture, and Environment Committee

S.B. 46 Sunset Date Extension of Division of Oil, Gas and Mining (Sen. M. Dmitrich)

Revenue and Taxation Committee

H.B. 191 Corporate Franchise and Income Tax Amendments (Rep. G. Snow) (Sen. J. Hickman)

Transportation, Public Utilities and Technology Committee

H.B. 10 State Highway System Changes (Rep. J. Dougall) (Sen. D. Eastman)

H.B. 23 Joint Transportation Planning Amendments (Rep. R. Lockhart) (Sen. C. Walker)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 26, 2004

The Business and Labor Committee reports a favorable recommendation on **H.B. 16**, LIFE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 21**, LICENSING − INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan.

Parley Hellewell, Chair

Mr. President: January 23, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 5**, EMPLOYMENT SECURITY MODIFICATIONS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 43**, RECREATIONAL THERAPY PRACTICE AMENDMENTS, by Senator G. Davis, with the following amendments:

1. Page 2, line 54:
   Delete "<u>need</u>" and insert "<u>interests and needs"</u>

2. Page 6, line 154:
After "limitations" insert "interests"

Lyle Hillyard, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 16, H.B. 21, S.B. 5,** and **S.B. 43,** as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 47, **Uniform Trust Code** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 136, **Uniform Interstate Family Support Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 137, **Interstate Compact for Adult Offender Supervision − Application Fee** (K. Hale), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 108, REVISOR'S STATUTE, 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	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

B. Evans	Jenkins	Julander	Mayne

S.B. 108 was transmitted to the House.

* * *

S.R. 3, SENATE RULES RESOLUTION − FISCAL NOTES, 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	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

B. Evans	Jenkins	Julander	Mayne

S.R. 3 was signed by the President in open session, will be enrolled and transmitted to the Lt. Governor.

* * *

S.J.R. 4, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS 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
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

B. Evans	Julander	Mayne

S.J.R. 4 was transmitted to the House.

* * *

S.B. 83, UNINSURED EMPLOYERS' FUND AMENDMENTS, was read the third time.

On motion of Senator Dmitrich, the bill was circled.

* * *

2nd Sub. S.B. 88, UNIFORM BUILDING STANDARDS ACT − MANUFACTURED HOUSING AMENDMENTS, was read the third time and explained by Senator Hillyard. Senator Wright commented.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 92, REPEAL OF UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, was read the third time, explained by Senator Arent, 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	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

Absent or not voting were: Senators

Davis	Waddoups

S.B. 92 was transmitted to the House.

* * *

S.B. 96, UTAH OCCUPATIONAL SAFETY AND HEALTH ACT 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	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale

Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

Absent or not voting were: Senators
Davis Waddoups

S.B. 96 was transmitted to the House.

* * *

On motion of Senator Mayne, the circle was removed from **S.B. 83**, UNINSURED EMPLOYERS' FUND AMENDMENTS, and it was before the Senate. Senator Mayne 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

Absent or not voting were: Senators
Davis Waddoups

S.B. 83 was transmitted to the House.

* * *

S.B. 70, HEALTH CARE FACILITY LICENSING EXEMPTION, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman

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

Absent or not voting were: Senators

Davis	Waddoups

S.B. 70 was transmitted to the House.

* * *

S.B. 32, USE OF ASTHMA MEDICATION BY PUPILS IN SCHOOL, 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	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

Absent or not voting were: Senators

Davis	Hickman	Waddoups

S.B. 32, as amended, was transmitted to the House.

* * *

S.B. 34, OCCUPATIONAL THERAPISTS AMENDMENTS, was read the third time.

On motion of Senator Mayne, the bill was circled.

* * *

S.B. 79, REPEAL OF CHILD WELFARE WORKER DESIGNATIONS, 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	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Davis	Hickman	Julander	Waddoups

S.B. 79 was transmitted to the House.

* * *

S.B. 98, FEES FOR ELECTRONIC PROCESSING OF CERTAIN MOTOR VEHICLE TRANSACTIONS, 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	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Davis	Hickman	Julander	Waddoups

S.B. 98 was transmitted to the House.

SECOND READING CALENDAR

S.B. 94, MINE CERTIFICATION REQUIREMENTS, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading 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	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Walker
Wright	Mansell		

Absent or not voting were: Senators

Davis	Hickman	Waddoups

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 14**, INSURANCE CODE EXEMPTION, and it was before the Senate. 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	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Davis	Hickman	Waddoups

* * *

S.C.R. 1, CONCURRENT RESOLUTION APPROVING SOLID WASTE PERMIT, was read the second time. Senator Hatch explained the bill. Senators Bramble, Dmitrich, Hillyard, Valentine, Mansell, Jenkins, Julander, and Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	B. Evans

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

Absent or not voting were: Senators

Arent	Davis

INTRODUCTION OF BILLS

S.B. 138, **Fishing and Hunting License Amendments** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

S.B. 139, **Individual Income Tax − Nonresident Income Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, **Resolution Urging Congress to Address Citizen Children of Undocumented Parents** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, **Resolution on Impeachment Authority** (J. Valentine), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 23, AMENDMENTS TO MUNICIPAL GOVERNMENT, was read the second time. Senator Hatch explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Buttars	Davis

* * *

S.B. 91, EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Bramble and Thomas commented. The bill passed second reading on the following roll call:

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

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	Killpack	Knudson	Mayne
Stephenson	Thomas	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Davis	Valentine

* * *

S.B. 97, CERTIFICATION DEADLINE FOR POLITICAL PARTIES, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright		

Voting in the negative was: Senator

Mansell

Absent or not voting were: Senators

Davis	Valentine

* * *

S.B. 113, ADMINISTRATIVE PROCEDURES ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Bramble	Davis	Hellewell
Valentine			

* * *

S.B. 74, AEROSPACE AND AVIATION DEVELOPMENT ZONE AMENDMENTS, was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 1, line 15:
   Senate Committee Amendments
   dated 1−26−2004
   After “airport” insert “; and
   replaces an instrumental landing system requirement with an instrument approach capabilities requirement ”

2. Page 2, line 29;
   Senate Committee Amendments
   dated 1−26−2004
   After “shall have” delete “an instrumental landing system”
   and insert “instrument approach capabilities”

Senator Dmitrich’s motion to amend passed on a voice vote.

Senators Valentine, Walker, and Mayne commented. The bill passed second reading 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	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Davis	Hickman	Hillyard

* * *

S.B. 93, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Blackham	Davis	Hickman

* * *

On motion of Senator Waddoups, and at 11:30 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2004

The House passed **H.B. 80**, WILDLIFE LICENSE AGENTS − PENALTIES FOR VIOLATIONS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 193**, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, by Representative M. S. Lawrence, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 80** and **H.B. 193** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 27, 2004

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

Business and Labor Committee

H.B. 35	Requirements of Trustees of Trust Deeds (Rep. D. Clark) (Sen. M. Waddoups)
H.B. 52	Individual Deferred Annuities − Nonforfeiture Amendments (Rep. J. Dunnigan) (Sen. C. Bramble)

Government Operations and Political Subdivisions Committee

S.B. 116	County Recorder Amendments (Sen. T. Hatch)

Health and Human Services Committee

S.B. 135	Center for Multicultural Health (Sen. J. Evans)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 41	Hate Crime Amendments (Sen. J. Evans)
S.B. 47	Uniform Trust Code (Sen. L. Hillyard)
S.B. 131	Uniform Principal and Income Act (Sen. L. Hillyard)
H.B. 73	Pattern of Unlawful Activity Act Amendments (Rep. T. McCartney) (Sen. R. Allen)

Natural Resources, Agriculture, and Environment Committee

H.B. 55	School and Institutional Trust Land Amendments (Rep. M. Noel) (Sen. T. Hatch)
H.B. 58	Trust Lands Administration (Rep. D. Bowman) (Sen. T. Hatch)

Revenue and Taxation Committee

H.B. 189	Tobacco Compliance Amendments (Rep. D. Hogue) (Sen. D. Gladwell)
H.J.R. 4	Joint Rules Resolution − Appropriation Process Revisions (Rep. W. Harper) (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

H.B. 178	Motor Vehicle Purchase Amendments (Rep. D. Bush) (Sen. D. Eastman)
H.B. 201	Traffic Signal Preemption Device (Rep. J. Dougall) (Sen. S. Killpack)
H.B. 203	Special Group License Plate (Rep. D. Hogue) (Sen. D. Gladwell)

Workforce Services and Community and Economic Development Committee

H.B. 75	Industrial Assistance Fund Amendments (Rep. D. Clark) (Sen. B. Evans)

Lyle Hillyard
Rules Committee Chair

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

SECOND READING CALENDAR

S.B. 16, IDENTIFY THEFT AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading 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	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Hellewell	Mayne	Wright

* * *

S.B. 21, DRUG OFFENDERS REFORM ACT, was read the second time. Senator Buttars explained the bill. Senators Walker, James Evans, and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	B. Evans	Hellewell	Jenkins
Wright			

* * *

S.B. 72, DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS, was read the second time. Senator Hickman explained the bill.

Senator Hickman proposed the following amendment:

1. Page 1, Lines 12 through 16

12 This bill:

13 ▸ until July 1, 2007, requires district courts and justice courts to allocate 50% of the fine collected for a

14 violation of the registration of vehicles after establishing residency provision to the

15 state or local governmental entity which issued the citation and to allocate the

16 remaining 50% of the fine as currently required.

2. Page 2, Lines 47 through 51:

47 (5) [[~~Fines~~]] Until July 1, 2007, fines and forfeitures collected by the court for a violation of Subsection

48 41−1a−1303(2) related to registration of vehicles after establishing residency shall be remitted:

49 (a) 50% to the state or local governmental entity which issued the citation for a

50 violation; and

51 (b) 50% in accordance with Subsection (2).

2. Page 3, Lines 78 through 82:

78 (6) [[~~Fines~~]] Until July 1, 2007, fines and forfeitures collected by the court for a violation of Subsection

79 41−1a−1303(2) related to registration of vehicles after establishing residency shall be remitted:

80 (a) 50% to the state or local governmental entity which issued the citation for a

81 violation; and

82 (b) 50% in accordance with Subsection (1).

Senator Hickman's motion to amend passed on a voice vote. Senators Thomas, Stephenson, Mansell, and Gladwell commented. Senator Thomas declared a conflict of interest. The bill passed second reading 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	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative was: Senator
Hillyard

Absent or not voting were: Senators
Hellewell Wright

* * *

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. 34**, OCCUPATIONAL THERAPISTS AMENDMENTS, and it was before the Senate. Senator Davis explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hellewell	Hickman	Wright

S.B. 34, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 73, ESCAPE AMENDMENTS, was read the second time. Senator Hatch explained the bill. The bill passed second reading 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	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bramble	Hellewell	Hickman	Wright

* * *

S.B. 84, PARTY TO FELONY OFFENSE ENHANCEMENT, was read the second time. Senator Waddoups explained the bill. The bill passed second reading 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	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bramble	Hellewell	Hickman	Wright

* * *

On motion of Senator Waddoups and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 28, 2004.

TENTH DAY

MORNING SESSION

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

Prayer − Tom Uriona
Pledge of Allegiance − Senator Gene Davis
Roll Call − All Senators present except Senator Valentine, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2004

The House passed, as amended, **H.B. 9**, ABSENTEE BALLOT AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 65**, TUITION WAIVER FOR PURPLE HEART RECIPIENTS, by Representative G. Hughes, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 9, H.B. 40,** and **H.B. 65** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 4**, TECHNICAL AMENDMENT − POLLING PLACE SUPPLIES, by Representative K. Morgan; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 5**, PUBLICATION OF RESOLUTION OR NOTICE, by Representative E. Hutchings; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 30**, AMENDMENTS TO ADMINISTRATIVE SERVICES RATE COMMITTEE, by Representative D. Clark.

Carlene M. Walker, Chair

Mr. President: January 27, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 42**, UTAH EXEMPTION CODE AMENDMENTS, by Senator D. Gladwell; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 115**, SPECIAL ELECTION DATES, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 191**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Representative G. Snow.

Curtis S. Bramble, Chair

Mr. President: January 27, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 111**, MECHANICS' LIENS AMENDMENTS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 19**, EMPLOYMENT SUPPORT ACT AMENDMENTS, by Representative D. Cox.

David L. Thomas, Chair

Mr. President: January 27, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 24**, MOTOR VEHICLES CODE REVISIONS, by Representative J. Murray, with the following amendments:

1. Page 8, Line 218c:
   After "TURN LEFT", delete "SHALL" and insert "MAY"; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 25**, GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, by Representative W. Harper; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 31**, INFORMATION TECHNOLOGY PROCUREMENT AMENDMENTS, by Representative D. Clark.

Sheldon L. Killpack, Chair

Mr. President: January 27, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 24**, MARRIAGE DEFINED, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 24**, MARRIAGE RECOGNITION POLICY; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, JUDICIARY AMENDMENTS, by Senator L. Hillyard.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted.

H.B. 4, H.B. 5, H.B. 30, S.B. 42, S.B. 115, H.B. 191, S.B. 111, H.B. 19, H.B. 24, as amended, **H.B. 25, H.B. 31, 1st Sub. S.B. 24,** and **S.B. 118** were placed on Second Reading Calendar.

* * *

Mr. President: January 27, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 37**, SUNSET REAUTHORIZATIONS, by Representative G. Curtis, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 5, Line 140:
   House Floor Amendment 1−22−04:
   Delete the House Floor Amendment and reinstate the brackets

David L. Thomas, Chair

Mr. President: January 27, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 15**, MOTOR VEHICLES TITLE AND REGISTRATION AMENDMENTS, by Representative J. Murray, and

recommends it be considered read for the second time and placed on the Consent Calendar.

Sheldon L. Killpack, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 37** and **H.B. 15** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 66, Telecommunications Amendments (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 140, **Human Services Licensing Amendments** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 141, **New Judge − Second District Court** (G. Bell), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **2nd Sub. S.B. 88**, UNIFORM BUILDING STANDARDS ACT − MANUFACTURED HOUSING, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	B. Evans	Hale	Killpack
Valentine	Wright		

2nd Sub. S.B. 88 was transmitted to the House.

* * *

S.B. 94, MINE CERTIFICATION REQUIREMENTS, 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
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Eastman	B. Evans	Killpack	Valentine
Wright			

S.B. 94 was transmitted to the House.

* * *

1st Sub. S.B. 14, INSURANCE CODE EXEMPTION, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

S.C.R. 1, CONCURRENT RESOLUTION APPROVING SOLID WASTE PERMIT, was read the third time and explained by Senator Hatch. Senators Hickman and Bramble commented.

On motion of Senator Hatch, the bill was circled.

* * *

S.B. 23, AMENDMENTS TO MUNICIPAL GOVERNMENT, 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	Blackham	Bramble
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hickman
Jenkins	Killpack	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Arent	Eastman	B. Evans	Hellewell
Hillyard	Julander	Knudson	Valentine

S.B. 23 was transmitted to the House.

* * *

S.B. 91, EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS, was read the third time and explained by Senator Jenkins. Senator Bramble commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bell	Eastman	B. Evans	Hellewell
Thomas	Valentine		

S.B. 91 was transmitted to the House.

* * *

S.B. 97, CERTIFICATION DEADLINE FOR POLITICAL PARTIES, 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	Blackham	Bramble
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bell	Eastman	B. Evans	Hellewell
Stephenson	Thomas	Valentine	

S.B. 97 was transmitted to the House.

* * *

S.B. 113, ADMINISTRATIVE PROCEDURES ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Blackham	Bramble	Davis
Dmitrich	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Stephenson
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Allen	Bell	Buttars	Eastman
B. Evans	Hellewell	Mayne	Thomas
Valentine			

S.B. 113 was transmitted to the House.

* * *

S.B. 74, AEROSPACE AND AVIATION DEVELOPMENT ZONE AMENDMENTS, was read the third time.

On motion of Senator Dmitrich, the bill was circled.

* * *

S.B. 93, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 16, IDENTITY THEFT 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	Blackham
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Eastman	B. Evans	Hellewell	Thomas
Valentine			

S.B. 16, as amended, was transmitted to the House.

* * *

S.B. 21, DRUG OFFENDERS REFORM ACT, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 72, DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS, was read the third time and explained by Senator Hickman. Senator Thomas declared a conflict of interest and 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
J. Evans	Gladwell	Hale	Hatch
Hickman	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Hillyard	Jenkins

Absent or not voting were: Senators

Blackham	B. Evans	Hellewell	Valentine

S.B. 72, as amended, was transmitted to the House.

* * *

S.B. 73, ESCAPE AMENDMENTS, was read the third time, explained by Senator Hatch, 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	Hatch
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	B. Evans	Hellewell	Valentine

S.B. 73, as amended, was transmitted to the House.

* * *

S.B. 84, PARTY TO FELONY OFFENSE ENHANCEMENT, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Arent	Blackham	B. Evans	Hellewell
Hickman	Valentine	Mansell	

S.B. 84 was transmitted to the House.

SECOND READING CALENDAR

H.J.R. 6, RESOLUTION AMENDING JOINT RULES REGARDING LONG TITLE, was read the second time. Senator Gladwell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright

Absent or not voting were: Senators

Arent	Hellewell	Hickman	Valentine
Mansell			

* * *

H.J.R. 7, JOINT RULES RESOLUTION − RESOLUTION AMENDMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hatch	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Thomas	Waddoups	Walker
Wright			

Absent or not voting were: Senators

Arent	B. Evans	J. Evans	Hellewell
Hickman	Stephenson	Valentine	Mansell

* * *

H.B. 16, LIFE INSURANCE LAW AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright

Absent or not voting were: Senators

Arent	Hellewell	Hickman	Valentine
Mansell			

* * *

H.B. 21, LICENSING − INSURANCE LAW AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hillyard	Jenkins	Julander	Mayne
Stephenson	Thomas	Waddoups	Walker
Wright			

Absent or not voting were: Senators

Allen	Hale	Hellewell	Hickman
Killpack	Knudson	Valentine	Mansell

* * *

S.B. 5, EMPLOYMENT SECURITY MODIFICATIONS, was read the second time. Senator Jenkins explained the bill. Senators Blackham and Bramble commented.

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 43, RECREATIONAL THERAPY PRACTICE AMENDMENTS, was read the second time. Senator Davis explained the bill. Senator Buttars commented. The bill passed second reading 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	Gladwell	Hale
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Wright	

Absent or not voting were: Senators

J. Evans	Hatch	Hellewell	Valentine
Walker	Mansell		

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 129**, COMMUNITY ASSOCIATIONS, by Senator M. Waddoups; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 17**, CAPTIVE INSURANCE COMPANIES ACT AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 20**, CONSTRUCTION BONDING STATUTES, by Representative M. Morley; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 32**, LIEN AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 35 through 50:

35 (1) A person claiming benefits under this chapter shall file for record with the county

36 recorder of the county in which the property, or some part of the property, is situated, a written

37 notice to hold and claim a lien within 90 days from the date[~~: (a) the person last performed~~

38 ~~labor or service or last furnished equipment or material on a project or improvement for a~~

39 ~~residence as defined in Section 38-11-102; or (b)~~] of final completion of [~~an~~] the original

40 contract [~~not involving a residence as defined in Section 38-11-102~~] under which the claimant claims a lien under this chapter . For purposes of this

41 Subsection (1), final completion of the original contract means:

42 (a) if as a result of work performed under the original contract a permanent certificate of occupancy is required for such work, the date of issuance of a permanent certificate of occupancy by the local

43 government entity having jurisdiction over the construction project;

44 (b) if no certificate of occupancy is required [[~~for the construction project~~]] by the local

45 government entity having jurisdiction over the construction project, but as a result of the work performed under the original contract an inspection is required for such work, the date of the final

46 inspection for such work by the local government entity having jurisdiction over the construction project; or

47 (c) if with regard to work performed under the original contract no certificate of occupancy [[~~is required~~]] and no final inspection [[~~is conducted~~]] are required by the

48 local government entity having jurisdiction over the construction project, the date on which

49 there remains no substantial work to be completed to finish [[~~the~~]] such work on the [[~~construction~~

50 ~~project.~~]] original contract

2. Page 3, Line 89 through Page 4, Line 94:

89 (1) A lien claimant shall file an action to enforce the lien filed under this chapter

90 within[~~: (a) 12 months~~] 180 days [[~~from the date of final completion of the original contract~~]] from the day on which the lien claimant filed a notice of claim under Section 38-1-7 [~~not~~

91 ~~involving a residence as defined in Section 38-11-102; or (b) 180 days from the date the lien~~

92 ~~claimant last performed labor and services or last furnished equipment or material for a~~

93 ~~residence, as defined in Section 38−11−102~~].[[~~For purposes of this Subsection (1), final~~

94 ~~completion of the original contract is as defined in Subsection 38−1−7(1).~~]]

3. Page 5, Lines 137 through 140:

137 (b) (i) For the purposes of this section, residential construction means:

138 (A) single family detached housing; and

139 (B) multifamily attached housing up to and including [~~fourplexes, and~~] [[~~duplexes, as~~

140 ~~defined in Section 38−11−102~~]] fourplexes .

Parley Hellewell, Chair

Mr. President: January 28, 2004

The Education Committee reports a favorable recommendation on **S.B. 109**, INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION, by Senator D. Thomas; and

The Education Committee reports a favorable recommendation on **S.B. 112**, UNIFORM ANATOMICAL GIFT ACT AMENDMENTS, by Senator K. Hale; and

The Education Committee reports a favorable recommendation on **H.B. 6**, REPEAL OF UTAH INTERSTATE COMMISSION FOR COOPERATION IN HIGHER EDUCATION, by Representative D. Bush; and

The Education Committee reports a favorable recommendation on **H.B. 14**, REPEAL OF EDUCATION MANDATES, by Representative M. Dayton; and

The Education Committee reports a favorable recommendation on **H.J.R. 2**, RESOLUTION OF LEGISLATIVE SUPPORT FOR MUSIC AND OTHER FINE ARTS PROGRAMS IN PUBLIC SCHOOLS, by Representative R. Bigelow, et al.

Bill Wright, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 129, H.B. 17, H.B. 20, H.B. 32,** as amended, **S.B. 109, S.B. 112, H.B. 6, H.B. 14,** and **H.J.R. 2** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 48, **Uniform Firearm Laws** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 142, **Validity of Marriage Licenses** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 143, **Criminal Offense Attempt Amendments** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

S.B. 144, **Corporations Sole Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Bev Evans, the circle was removed from **S.B. 93**, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS, and it was before the Senate. Senator Bev Evans 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	Blackham	Bramble
Buttars	Davis	Eastman	B. Evans
Gladwell	Hale	Hatch	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker	Wright	

Absent or not voting were: Senators

Bell	Dmitrich	J. Evans	Hellewell
Valentine	Mansell		

S.B. 93 was transmitted to the House.

* * *

On motion of Senator Buttars, the circle was removed from **S.B. 21**, DRUG OFFENDERS REFORM ACT, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page, 5, Line 141

141 (iv) participate in available treatment programs , including any treatment program in which the defendant is currently participating, if the program is acceptable to the court ;

2. Page 10, Lines 282 through 285:

282 (a) "Assessment"[[~~and "screening" have the same meaning as provided in Subsection~~

283 ~~41−6−44(1)~~]] means an in−depth clinical interview with a licensed mental health therapist:
(i) used to determine if a person is in need of:
(A) substance abuse treatment that is obtained at a substance abuse program;
(B) an educational series; or
(C) a combination of Subsections (1)(a)(i)(A) and (1)(a)(i)(B); and
(ii) that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A−15−105 .

284 (b) "Convicted" means a conviction by entry of a plea of guilty or nolo contendere,

285 guilty and mentally ill, no contest, and conviction of any crime or offense.
(c) "Screening" means a preliminary appraisal of a person:
(i) used to determine if the person is in need of:
(A) an assessment; or
(B) an educational series; and
(ii) that is approved by the Board of Substance Abuse and Mental Health in accordance with Section 62A−15−105.

Senator Buttars' 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

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

Absent or not voting were: Senators
Allen Blackham Julander Valentine
Mansell

S.B. 21, as amended, was transmitted to the House.

* * *

On motion of Senator Waddoups and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 29, 2004.

ELEVENTH DAY

MORNING SESSION

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

Prayer − Anne C. Pingree, Counselor in the General Relief Society Presidency, LDS Church

Pledge of Allegiance − Senator Ed Mayne

Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2004

The House passed, **S.B. 18**, MUNICIPAL ANNEXATION PROVISIONS IN FIRST CLASS COUNTIES, 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. 85**, POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS, by Senator D. Thomas, 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 and **S.B. 85** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: January 28, 2004

The House passed **H.B. 13**, HAZARDOUS WASTE AND NONHAZARDOUS SOLID WASTE FEE AND TAX AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 183**, CONDITIONS FOR RELEASE AFTER NOTICE REGARDING ARREST FOR DOMESTIC VIOLENCE, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed **H.B. 204**, PUBLIC UTILITIES REVISIONS, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 13, H.B. 183,** and **H.B. 204** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2004

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

Business and Labor Committee

S.B. 127	Safeguarding Personal Information (Sen. M. Waddoups)
S.J.R. 5	Resolution Urging Congress to Address Citizen Children of Undocumented Parents (Sen. G. Davis)

Government Operations and Political Subdivisions Committee

H.B. 9	Absentee Ballot Amendments (Rep. D. Aagard) (Sen. R. Allen)
H.B. 40	Filling Midterm Vacancies in the Legislature (Rep. C. Frank) (Sen. J. Evans)

Health and Human Services Committee

S.B. 114	Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs (Sen. P. Knudson)
S.B. 128	Long−term Care Facilities Amendments (Sen. L. Blackham)
S.B. 134	Governor's Commission for Women and Families (Sen. C. Walker)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 122	Payment of Claims on Deceased Settlor's Estate (Sen. J. Valentine)
S.B. 141	New Judge − Second District Court (Sen. G. Bell)

Natural Resources, Agriculture, and Environment Committee

H.B. 80	Wildlife License Agents − Penalties for Violations (Rep. B. Last) (Sen. J. Hickman)
S.B. 138	Fishing and Hunting License Amendments (Sen. D. Gladwell)

Revenue and Taxation Committee

S.B. 120	Residential Property Tax Exemption (Sen. D. Thomas)
S.B. 124	Prohibition on Sales and Use Tax Incentive Payments by a Municipality (Sen. S. Killpack)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

The Health and Human Services Committee reports a favorable recommendation on **S.B. 86**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator D. C. Buttars, with the following amendments:

1. Page 2, Line 36:
   After "experience," insert "or"
   Delete ", or examination"; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 125**, CONFIDENTIALITY OF DRUG TESTING, by Senator P. Julander.

James Evans, Chair

On motion of Senator Hillyard, the committee reports were adopted. **S.B. 86,** as amended, and **S.B. 125** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 65, **County Classification Amendments** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 145, **County Surveyor Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 146, **Olympic Law Revisions and Cleanup** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 147, **Condominium Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 148, **Transportation Corridor Preservation Amendments** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 149, **Pete Suazo Utah Athletic Commission Act Amendments** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 150, **Judicial Confirmation Process Amendments** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 151, **Waste Water Amendments** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 152, **Division of Community Development Name Change** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 14**, INSURANCE CODE EXEMPTION, and it was before the Senate.

Senator Bell proposed the following amendment:

1. Page 2, Line 46

46 (iii) (A) substantially all the person's [[~~sole function~~]] time in the organization is [[~~to provide~~]] spent providing voluntary services:

Senator Bell's motion to amend passed on a voice vote. 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

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

Absent or not voting were: Senators

Allen	Dmitrich	Killpack	Stephenson

1st Sub. S.B. 14, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY, and it was before the Senate.

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

2nd Sub. S.B. 19, Sales And Use Taxes − Exemption for Energy Related Equipment and Machinery (*Leonard Blackham)*

On motion of Senator Blackham, the bill was circled.

* * *

H.J.R. 6, RESOLUTION AMENDING JOINT RULES REGARDING LONG TITLE, was read the third time, explained by Senator Gladwell, 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	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Stephenson

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

* * *

H.J.R. 7, JOINT RULES RESOLUTION − RESOLUTIONS AMENDMENTS, 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

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

* * *

On motion of Senator Blackham, the circle was removed from **2nd Sub. S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY, and it was before the Senate. Senator Blackham explained the bill.

Senator Arent proposed the following amendment:

1. Page 28, Line 861 through Page 29, Line 867

861 (83)[[~~"Waste~~]] (a) Except as provided in Subsection (83)(b), "waste energy facility" means a facility that generates electricity:

862 [[~~(a)~~]] (i) using as the primary source of energy waste materials that would be placed in a

863 landfill or refuse pit if it were not used to generate electricity, including:

864 [[~~(i)~~]] (A) tires;

865 [[~~(ii)~~]] (B) waste coal; or

866 [[~~(iii)~~]] (C) oil shale; and

867 [[~~(b)~~]] (ii) in amounts greater than actually required for the operation of the facility.

(b) "Waste energy facility" does not include a facility that incinerates municipal solid waste.

Senator Arent's motion to amend passed on a voice vote. Senators Thomas, Stephenson, and Valentine commented.

On motion of Senator Blackham, the bill was circled.

* * *

S.B. 43, RECREATIONAL THERAPY PRACTICE AMENDMENTS, was read the third time and explained by Senator Davis. Senator Buttars commented and 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator Hickman

S.B. 43, as amended, was transmitted to the House.

* * *

On motion of Senator Hatch, the circle was removed from **S.C.R. 1**, CONCURRENT RESOLUTION APPROVING SOLID WASTE PERMIT, and it was before the Senate. Senator Hatch explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Line 15

15 Emery County; [[~~and~~]]

2. Page 1, Line 20:

20 enumerated ;
▸ reiterates that the Solitude Landfill is required under state law to apply for and receive approval from the Department of Environmental Quality in order to receive an exemption from the daily cover requirement; and
▸ reiterates that the Solitude Landfill is required under state law to apply for and receive approval from the Department of Environmental Quality if the landfill desires to change a specified element of its waste stream .

3. Page 2, Line 52:

52 Waste Requirements ;
WHEREAS, the approved operating plan requires under Title 19, Environmental Quality Code, that the landfill provide daily cover, and this requirement in the plan may be changed only upon application to the Department of Environmental Quality, review by the department of the effectiveness of the proposed alternative

to the daily cover, and a determination by the department that the alternative meets the landfill maintenance requirements no less effectively than a daily cover; and

WHEREAS, the approved operating plan specifically excludes acceptance by the landfill of industrial waste directly from other generators, and the Green River Landfill, LLC and Landfill Investors, LLC are required to submit an application and receive approval from the department in order to change the operating plan to allow acceptance of this waste :

Senator Valentine's motion to amend passed on a voice vote. Senators Valentine, Bramble, 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	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hillyard	Julander

S.C.R. 1, as amended, was transmitted to the House.

* * *

On motion of Senator Valentine, under suspension of the rules, the Senate voted to consider Senate bills only for the remainder of the day.

SECOND READING CALENDAR

S.B. 42, UTAH EXEMPTION CODE AMENDMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hatch

* * *

S.B. 115, SPECIAL ELECTION DATES, was read the second time. Senator Bramble explained the bill.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 111, MECHANICS' LIENS AMENDMENTS, was read the second time.

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

1st Sub. S.B. 111, Mechanics' Liens Amendments (*Scott Jenkins)*

Senator Jenkins explained the bill. The bill passed second reading 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	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

Absent or not voting were: Senators

J. Evans	Hatch	Hickman	Mansell

* * *

On motion of Senator Bev Evans, the circle was removed from **S.B. 82**, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND, and it was before the Senate. Senator Bev Evans explained the bill.

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

2nd Sub. S.B. 82, Deposits Into Uintah Basin Revitalization Fund (R. Allen)

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	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker

Voting in the negative was: Senator
B. Evans

Absent or not voting were: Senators

J. Evans	Stephenson	Wright	Mansell

* * *

1st Sub. S.B. 24, MARRIAGE RECOGNITION POLICY, was read the second time.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 18 through 23

18 Utah Code Sections Affected:

19 AMENDS:
30−1−4.5, as enacted by Chapter 246, Laws of Utah 1987

20 30−1−8, as last amended by Chapter 212, Laws of Utah 1995

21 ENACTS:

22 [[~~30−1−4.5, as enacted by Chapter 246, Laws of Utah 1987~~]]

23 30−1−4.1, Utah Code Annotated 1953

Senator Buttars' motion to amend passed on a voice vote. Senator Buttars explained the bill. Senators Waddoups and Valentine commented. The bill passed second reading 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	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative was: Senator
Julander

Absent or not voting was: Senator
J. Evans

* * *

On motion of Senator Waddoups and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Friday, January 30, 2004.

TWELFTH DAY

MORNING SESSION

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

Prayer − Senator James Evans
Pledge of Allegiance − Senator Howard Stephenson
Roll Call − All Senators present except Senator Wright, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2004

The House passed, **S.B. 67**, DESIGNATION OF AMERICAN INDIAN HERITAGE MONTH AND AN INDIGENOUS PEOPLE DAY, 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. 77**, EXPANSION OF NEW MOTOR VEHICLE WARRANTIES, 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. 87**, DRIVER LICENSE CERTIFICATE AMENDMENTS, 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. 67, S.B. 77, and **S.B. 87** 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, 2004

The House passed, as amended, **H.B. 29**, UTAH TELEHEALTH COMMISSION AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 192**, REPEAL OF THRIFTS SETTLEMENT FINANCING PROVISIONS, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 197**, LIMIT ON CHILD WELFARE RECOMMENDATIONS AND RULINGS, by Representative M. Thompson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 29, H.B. 192,** and **H.B. 197** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 29, 2004

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

Business and Labor Committee

S.B. 149	Pete Suazo Utah Athletic Commission Act Amendments (Sen. E. Mayne)

Education Committee

H.B. 190	Restricting Wireless Telephone Use for School Bus Drivers (Rep. N. Hendrickson) (Sen. R. Allen)

Health and Human Services Committee

S.B. 136	Uniform Interstate Family Support Act (Sen. L. Hillyard)
S.B. 140	Human Services Licensing Amendments (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 48	Uniform Firearm Laws (Sen. M. Waddoups)
S.B. 130	Restrictions on Use of Unmarked Police Vehicles (Sen. J. Hickman)
S.B. 137	Interstate Compact for Adult Offender Supervision − Application Fee (Sen. K. Hale)
S.B. 143	Criminal Offense Attempt Amendments (Sen. D. Gladwell)
S.B. 150	Judicial Confirmation Process Amendments (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

S.B. 65	County Classification Amendments (Sen. L. Blackham)
S.B. 142	Validity of Marriage Licenses (Sen. G. Davis)

Revenue and Taxation Committee

S.B. 139	Individual Income Tax − Nonresident Income Amendments (Sen. C. Bramble)
S.B. 144	Corporations Sole Amendments (Sen. L. Hillyard)
H.B. 13	Hazardous Waste and Nonhazardous Solid Waste Fee and Tax Amendments (Rep. E. Anderson) (Sen. R. Allen)
H.B. 204	Public Utilities Revisions (Rep. G. Curtis) (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 66	Telecommunications Amendments (Sen. J. Hickman)
S.B. 133	Bulk Delivery of Motor Fuel (Sen. H. Stephenson)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 46**, SUNSET DATE EXTENSION OF DIVISION OF OIL, GAS AND MINING, by Senator M. Dmitrich; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 76**, REVISIONS TO ROYALTY ON BRINE SHRIMP, by Senator T. Hatch, be replaced and favorably recommends **1st Sub. S.B. 76,** REVISIONS TO ROYALTY ON BRINE SHRIMP with the following amendments:

1. Page 1, Lines 17 through 18:

17 ▸ grants rulemaking authority to the Utah State Tax Commission [[~~and the Department~~

18 ~~of Natural Resources~~]];

2. Page 2, Lines 40 through 44
Delete Lines 40 through 44

3. Page 3, Lines 83 through 86

83 [[~~(d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the~~

84 ~~Department of Natural Resources may make rules to establish standards for determining the~~

85 ~~total gross volume of unprocessed brine shrimp eggs harvested by each person.~~]]

86 [[~~(e)~~]] (d) (i) The commission shall prepare and mail a billing statement to each person that

4. Page 4, Line 89

89 (ii) The billing statement under Subsection (2)[[~~(e)~~]] (d) (i) shall specify:; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 18**, UTAH STATE SCENIC BYWAY COMMITTEE, by Representative J. Dougall; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 49**, NATURAL GAS TECHNICIAN CERTIFICATION, by Representative G. Snow, with the following amendments:

1. Page 11, Line 315:
After "value" insert "at the appliance"

Beverly Ann Evans, Chair

Mr. President: January 29, 2004

The Transportation and Public Utilities and Technology Committee recommends **S.B. 20**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 20**, DRIVING UNDER THE INFLUENCE AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 71**, SAFETY BELT ENFORCEMENT, by Senator K. Hale; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 178**, MOTOR VEHICLE PURCHASE AMENDMENTS, by Representative D. Bush; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 203**, SPECIAL GROUP LICENSE PLATE, by Representative D. Hogue.

Sheldon L. Killpack, Chair

Mr. President: January 29, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 38**, ARSON OFFENSE AMENDMENTS, by Senator P. Arent; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 80**, CAPITAL PUNISHMENT AMENDMENTS − EXCLUDED DAYS, by Senator J. Valentine, with the following amendments:

1. Page 3, Line 70:

70 drawing of the warrant[[~~, at an hour determined by the Department of Corrections~~]] , and which may not be a Sunday, Monday, or a legal holiday, as defined in Section 63−13−2 ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 119**, PROSECUTION JURISDICTION AMENDMENT, by Senator B. Evans; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 123**, COURT REPORTER AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 7, Lines 185 through 186:

185 (2) A certified court reporter is an officer of the court whose impartiality shall remain beyond

186 question.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted.

S.B. 46, 1st Sub. S.B. 76, as amended, **H.B. 18, H.B. 49,** as amended, **1st Sub. S.B. 20, S.B. 71, H.B. 178, H.B. 203, S.B. 38, S.B. 80,** as amended, **S.B. 119,** and **S.B. 123,** as amended, were placed on Second Reading Calendar.

* * *

Mr. President: January 29, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 10**, STATE HIGHWAY SYSTEM CHANGES, by Representative J. Dougall, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 201**, TRAFFIC SIGNAL PREEMPTION DEVICE, by Representative J. Dougall, and recommends it be considered read for the second time and placed on the Consent Calendar.

Sheldon L. Killpack, Chair

On motion of Senator Hale, the Senate voted on a substitute motion that placed **H.B. 201** at the bottom of the Second Reading Calendar.

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 10** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 49, **Competency to Be Executed − Amendments** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

S.B. 50, **Rural Planning and Development** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 51, **Education Technology Support for Testing Initiative** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 62, **Stay of Execution Amendments** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 63, **Witness Tampering Amendments** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 64, **Rural Health Care Initiative** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 153, **Local Government Boards of Examiners** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 154, **School Building Legislative Task Force** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.J.R. 7, **Resolution Recognizing Sugar House Sesquicentennial** (G. Davis), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 128,** LONG−TERM CARE FACILITIES AMENDMENTS, from the Health and Human Services Committee and assign it to the Revenue and Taxation Committee.

THIRD READING CALENDAR

S.B. 42, UTAH EXEMPTION CODE AMENDMENTS, was read the third time and explained by Senator Gladwell.

Senator Gladwell proposed the following amendment:

1. Page 2, Lines 29 through 40

29 (1) For purposes of this section:

30 (a) "household" means a group of persons related by blood or marriage living together

31 in the same dwelling as an economic unit, sharing furnishings, facilities, accommodations, and

32 expenses;

33 (b) "mobile home" is as defined in Section 57−16−3;
(c) "primary personal residence" means a dwelling or mobile home, and the land

34 surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or

35 mobile home, in which the individual and the individual's household reside; and

36 [[~~(c)~~]] (d) "property" means:

37 (i) a primary personal residence;

38 (ii) real property; or

39 (iii) an equitable interest in real property awarded to a person in a divorce decree by a

40 court.

Senator Gladwell's motion to amend passed on a voice vote. Senator Hatch 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	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Thomas	Wright

S.B. 42, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 111, MECHANICS' LIENS AMENDMENTS, 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
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Hickman	Thomas	Wright

1st Sub. S.B. 111 was transmitted to the House.

* * *

2nd Sub. S.B. 82, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND, was read the third time and explained by Senator Allen.

Senator Bev Evans proposed the following amendment:

1. Page 3, Lines 58, 65, and 67:
   Delete "2009" and insert "2014"

Senator Evans' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Mansell		

Voting in the negative were: Senators

Blackham	B. Evans	Hickman	Walker

Absent or not voting were: Senators

J. Evans	Thomas	Wright

2nd Sub. S.B. 82, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 24, MARRIAGE RECOGNITION POLICY, was read the third time and explained by Senator Buttars.

Senator Mayne proposed the following amendment:

1. Page 2, Lines 30 through 33

30 (b) Except for the relationship of marriage between [[~~a~~]] one man and [[~~a~~]] one woman recognized

31 pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law

32 creating any legal status, rights, benefits, or duties that are substantially equivalent to those

33 provided under Utah law to a man and a woman because they are married.

2. Page 2, Lines 38 through 40:

38 (1) A marriage which is not solemnized according to this chapter shall be legal and

39 valid if a court or administrative order establishes that it arises out of a contract between [~~two~~

40 ~~consenting parties~~] [[a]] one man and [[a]] one woman who:

3. Page 2, Lines 55 through 56:

55 (1) A marriage license may be issued by the county clerk to [[a]] one man and [[a]] one woman only

56 after an application has been filed in his office, requiring the following information:

Senator Mayne's motion to amend failed on the following roll call:

Yeas, 9; Nays, 19; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Julander	Mayne
Walker			

Voting in the negative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Mansell	

Absent or not voting was: Senator
Wright

1st Sub. S.B. 24 passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Arent	Davis	Dmitrich	Julander

Absent or not voting was: Senator
Wright

1st Sub. S.B. 24, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 118, JUDICIARY AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 115**, SPECIAL ELECTION DATES, and it was before the Senate.

Senator Walker proposed the following amendment:

1. Page 1, Lines 16 through 17

16 Other Special Clauses:

17 [[~~None~~]] This bill takes effect on November 1, 2004.

2. Page 7, Line 194:

194 real and personal property at the same time as state and county taxes.
Section 8. Effective date.
This bill takes effect on November 1, 2004.

Senator Walker's motion to amend passed on a voice vote. Senator Bramble explained the bill. Senators Thomas, Eastman, Bell, Hickman, and Buttars commented. The bill passed on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Bramble	Buttars	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	Hale
Julander	Mayne		

Absent or not voting were: Senators

Killpack	Wright

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 118**, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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	Mansell	

Absent or not voting were: Senators

Killpack	Wright

* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 5**, EMPLOYMENT SECURITY MODIFICATIONS, and it was before the Senate. Senator Jenkins 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Wright

* * *

S.B. 129, COMMUNITY ASSOCIATIONS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Knudson	Stephenson	Thomas
Waddoups	Mansell		

Absent or not voting were: Senators

Allen	Arent	B. Evans	Hale
Hillyard	Julander	Killpack	Mayne
Valentine	Walker	Wright	

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Mansell presiding.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Yuri Luzhkov, Mayor of Moscow, Russia spoke in Committee of the Whole. Senator Stephenson commented.

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

* * *

On motion of Senator Valentine and at 2:25 p.m., the Senate adjourned until 10:00 a.m., Monday, February 2, 2004.

FIFTEENTH DAY

MORNING SESSION

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

Prayer − Pastor Roger H. Anderson, Senior Pastor, Our Savior's Lutheran 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 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2004

The House passed, as substituted, **1st Sub. H.B. 27**, TAX COMMISSION REPORT − FEDERAL TAX LAW CHANGES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 72**, RELEASE OF CLAIMS ON BEHALF OF A MINOR, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 81**, CRIMINAL LAW INTENT AMENDMENT, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 195**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 209**, LICENSING OF PLUMBING AND ELECTRICAL TRADES, by Representative S. Clark, and it is transmitted for consideration; and

The House passed **H.B. 210**, LAW ENFORCEMENT EMPLOYEE BACKGROUND CHECKS, by Representative L. Pace, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 27, H.B. 72, H.B. 81, 1st Sub. H.B. 195, H.B. 209,** and **H.B. 210** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 30, 2004

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

Education Committee

S.J.R. 7 Resolution Recognizing Sugar House Sesquicentennial (Sen. G. Davis)

Government Operations and Political Subdivision Committee

S.B. 145 County Surveyor Amendments (Sen. C. Walker)

S.J.R. 6 Resolution on Impeachment Authority (Sen. J. Valentine)

Health and Human Services Committee

H.B. 29 Utah Telehealth Commission Amendments (Rep. B. Dee) (Sen. D. Gladwell)

H.B. 180 Death Penalty Provisions (Rep. S. Allen) (Sen. R. Allen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 49 Competency to Be Executed − Amendments (Sen. D. Gladwell)

S.B. 63 Witness Tampering Amendments (Sen. D. C. Buttars)

Workforce Services and Community and Economic Development Committee

S.B. 152 Division of Community Development Name Change (Sen. S. Jenkins)

H.B. 186 Evaluation and Counseling Prior to Termination Proceedings (Rep. M. Thompson) (Sen. J. Valentine)

H.B. 192 Repeal of Thrifts Settlement Financing Provisions (Rep. G. Curtis) (Sen. J. Valentine)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 132**, UTAH CONSTRUCTION TRADES LICENSING ACT −

ELECTRICAL LICENSING AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 4, Lines 102 through 104:

102 (ii) (A) An individual holding a valid Utah license as a master electrician, based on at

103 least eight years of practical experience as a licensed apprentice under the supervision of a licensed journeyman or

104 master electrician, in effect immediately prior to May 3, 2004, is on and after May 3, 2004,

2. Page 4, Lines 108 through 111:

108 (B) An individual who has less than four years of practical experience as a licensed apprentice under the

109 supervision of a licensed journeyman or master electrician prior to May 3, 2004, shall complete

110 the education requirements of Subsection (3)(c)(i)(A)[[~~,~~]] or (B),[[~~(C), or (D)~~]] to qualify for licensing

111 as a master [[~~residential~~]]electrician.

3. Page 4, Lines 112 through 114:

112 (C) An individual who has more than four but less than six years of practical

113 experience as a licensed apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,

114 2004, may satisfy the education requirements of Subsection (3)(c)(i)(A)[[~~,~~]] or (B)[[~~, (C), or (D)~~]] by

4. Page 4, Lines 117 through 118:

117 (D) An individual who has more than six but less than eight years of practical

118 experience as a licensed apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,; and

The Business and Labor Committee recommends **S.J.R. 5**, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS, by Senator G. Davis, be replaced and favorably

recommends **1st Sub. S.J.R. 5**, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 35**, REQUIREMENTS OF TRUSTEES OF TRUST DEEDS, by Representative D. Clark; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 52**, INDIVIDUAL DEFERRED ANNUITIES − NONFORFEITURE AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 62**, LIEN RECOVERY FUND AMENDMENTS, by Representative R. C. Webb.

Parley Hellewell, Chair

Mr. President: January 30, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 134**, GOVERNOR'S COMMISSION ON WOMEN AND FAMILIES, by Senator C. Walker, with the following amendments:

1. Page 1, Lines 1 through 2:

1 GOVERNOR'S COMMISSION [[~~ON~~]] FOR WOMEN AND
2 FAMILIES

2. Page 1, Line 9:

9 This bill modifies the Governor's Commission [[~~on~~]] for Women and Families.

3. Page 2, Lines 50 through 51:

50 (c) Members may [~~serve two consecutive appointments~~] be reappointed at the
51 governor's discretion.
(d) In making appointments, the governor shall insure that the membership reflects political diversity.

4. Page 3, Lines 59 through 67:

59 63−47−3. Qualifications of members.
60 [[~~(1)~~ Not more than [ten] eight members of the commission may be from one political]]

61 [[~~party. [Members shall be appointed from persons with~~]]]

62 [[~~(2)~~]] (1) Members appointed to the commission shall have the following qualifications:

63 (a) a demonstrated record of leadership and involvement[~~,~~]; and

64 (b) a willingness to make a commitment to the furtherance of the purposes of the

65 commission.

66 [[~~(3)~~]] (2) The commission [~~shall~~] may make recommendations to the governor concerning

67 appointment of members; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 135**, CENTER FOR MULTICULTURAL HEALTH, by Senator J. Evans; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 41**, HEALTH INSURANCE COVERAGE FOR DEPENDENTS, by Representative J. Buffmire; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 48**, COLLECTION OF INFORMATION BY DEPARTMENT OF HEALTH, by Representative D. Hogue.

James Evans, Chair

Mr. President: January 30, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 116**, COUNTY RECORDER AMENDMENTS, by Senator T. Hatch; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 9**, ABSENTEE BALLOT AMENDMENTS, by Representative D. Aagard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative C. Frank; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 57**, AMENDMENTS TO BUDGETARY PROCEDURES ACT, by Representative J. Seitz.

Carlene M. Walker, Chair

Mr. President: January 30, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 120**, RESIDENTIAL PROPERTY TAX EXEMPTION, by Senator D. Thomas, et al; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 189**, TOBACCO COMPLIANCE AMENDMENTS, by Representative D. Hogue.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 132,** as amended, **1st Sub. S.J.R. 5, H.B. 35, H.B. 52, H.B. 62, S.B. 134,** as amended, **S.B. 135, H.B. 41, H.B. 48, S.B. 116, H.B. 9, H.B. 40, H.B. 57, S.B. 120,** and **H.B. 189** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 52, **Insurance Amendments − Loss Histories and Inquiries** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 55, **Governmental Immunity Act of Utah** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 155, **County Mental Health Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 156, **Substitute Teachers Volunteer Program** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 157, **Authorization to Perform Marriages** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 158, **Criminal Offense Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 159, **Annexation of Public Land to Special and Local Districts** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 160, **Controlled Substances Act Amendments** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 161, **Judicial Conduct Commission** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, **Resolution Recognizing 50th Anniversary of Landmark Case of Brown V. Board of Education** (J. Evans), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 37, SUNSET REAUTHORIZATIONS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 37, as amended, was returned to the House.

* * *

H.B. 15, MOTOR VEHICLES TITLE AND REGISTRATION AMENDMENTS, was read the third time, explained by Senator Eastman, 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

H.B. 15 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. 115, SPECIAL ELECTION DATES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Arent	Blackham	Bramble	Buttars
B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Allen	Bell	Davis	Dmitrich
Eastman	Hale	Julander	Mayne

Absent or not voting was: Senator
Hickman

S.B. 115, as amended, was transmitted to the House.

* * *

S.B. 118, JUDICIARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Hickman

S.B. 118 was transmitted to the House.

* * *

S.B. 5, EMPLOYMENT SECURITY MODIFICATIONS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Hickman

S.B. 5 was transmitted to the House.

* * *

S.B. 129, COMMUNITY ASSOCIATIONS, 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	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Arent	Hickman

S.B. 129 was transmitted to the House.

SECOND READING CALENDAR

S.B. 109, INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION, was read the second time. Senator Thomas explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Hillyard	Jenkins

Absent or not voting were: Senators

Arent	Hickman

* * *

S.B. 112, UNIFORM ANATOMICAL GIFT ACT AMENDMENTS, was read the second time. Senator Hale explained the bill. The bill passed second reading 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	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Arent	Hellewell	Hickman

* * *

S.B. 86, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the second time. Senator Buttars explained the bill. The bill passed second reading 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	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Arent	Hellewell	Hickman

* * *

S.B. 125, CONFIDENTIALITY OF DRUG TESTING, was read the second time. Senator Julander explained the bill.

Senator Julander proposed the following amendment:

Page 1, Lines 11 through 17:

11 This bill:

12 ▸ requires disclosure to the Division of Occupational and Professional Licensing and the Department of Health of

13 drug or alcohol test−related information concerning health care providers;

14 ▸ explains when the Division of Occupational and Professional Licensing and the Department of Health may use the

15 information in an action;

16 ▸ allows the Division of Occupational and Professional Licensing and the Department of Health to examine the

17 employer as a witness regarding the information; and

2. Page 2, Lines 45 through 54:

45 (3) Test−related information:

46 (a) shall be disclosed :
(i) to the Division of Occupational and Professional Licensing as

47 required under Subsection 58−13−5(3); and
(ii) to the Department of Health pursuant to Section 26−8a−302 for people certified under Section 26−8a−302; and

48 (b) may be used in a proceeding related to:

49 (i) an action taken by the Division of Occupational and Professional Licensing under

50 Section 58−1−401 when the Division of Occupational and Professional Licensing is taking

51 action in whole or in part on the basis of test−related information disclosed under Subsection

52 (3)(a);
(ii) an action taken by the Department of Health under Section 26−8a−503 when the Department of Health is taking action in whole or in part on the basis of test−related information disclosed under Subsection (3)(a);

53 [[~~(ii)~~]] (iii) an action taken by an employer under Section 34−38−8; or

54 [[~~(iii)~~]] (iv) an action under Section 34−38−11.

3. Page 3, Lines 59 through 64:

59 [~~(4)~~] (6) An employer may not be examined as a witness with regard to [~~the~~]

60 test−related information [~~described in Subsection (1)~~], except:

61 (a) in a proceeding related to an action taken by the employer under Section 34−38−8

62 [~~or~~];

63 (b) in an action under Section 34−38−11[~~.~~]; or

64 (c) in an action described in Subsection (3)(b)(i) or (3)(b)(ii) .

Senator Julander's motion to amend failed on a voice vote. Senators Valentine and Hale commented.

On motion of Senator Julander, the bill was circled.

* * *

S.B. 46, SUNSET DATE EXTENSION OF DIVISION OF OIL, GAS AND MINING, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading 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	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Eastman	Hickman

* * *

On motion of Senator Valentine, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:35 a.m., with President Mansell presiding.

* * *

On motion of Senator Valentine and at 11:40 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 3, 2004.

SIXTEENTH DAY

MORNING SESSION

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

Prayer − Bishop Glade Howell, former LDS Bishop from Ogden
Pledge of Allegiance − Senator Bill Hickman
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2004

The House passed, as amended, **H.J.R. 3**, RESOLUTION URGING CONGRESS TO CONSIDER WITHDRAWING THE UNITED STATES FROM THE UNITED NATIONS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.B. 8**, UNEMPLOYMENT INSURANCE BENEFITS − SOCIAL SECURITY BENEFITS OFFSET, by Representative D. Cox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 187**, VIATICAL SETTLEMENT ACT, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 8, H.B. 187,** and **H.J.R. 3** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 2, 2004

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

Business and Labor Committee

S.B. 147	Condominium Amendments (Sen. M. Waddoups)
H.B. 209	Licensing of Plumbing and Electrical Trades (Rep. S. Clark) (Sen. Jenkins)

Education Committee

S.B. 39	State and School Recognition of Cesar Chavez (Sen. J. Evans)
S.B. 40	Cesar Chavez Scholarship Program (Sen. J. Evans)
H.B. 65	Tuition Waiver for Purple Heart Recipients (Rep. G. Hughes) (Sen. J. Evans)

Government Operations and Political Subdivisions Committee

S.B.155	County Mental Health Amendments (Sen. G. Davis)

Health and Human Services Committee

H.B. 183	Conditions for Release after Notice Regarding Arrest for Domestic Violence (Rep. M. Thompson) (Sen. Jenkins)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 161	Judicial Conduct Commission (Sen. M. Waddoups)
H.B. 72	Release of Claims on Behalf of a Minor (Rep. J. Dougall) (Sen. Valentine)
H.B. 193	Commission on Criminal and Juvenile Justice (Rep. S. Lawrence) (Sen. Bell)

Revenue and Taxation Committee

1st Sub. H.B. 27	Individual Income Tax Amendments (Rep. W. Harper) (Sen. Bramble)

Transportation, Public Utilities and Technology Committee

H.B. 210	Law Enforcement Employee Background Checks (Rep. L. Pace) (Sen. Hillyard)

Workforce Services and Community and Economic Development Committee

H.B. 67	Cultural Affairs Task Force (Rep. S. Allen) (Sen. Jenkins)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2004

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 138**, FISHING AND HUNTING LICENSE AMENDMENTS, by Senator D. Gladwell, be replaced and favorably recommends **1st Sub. S.B. 138**, FISHING AND HUNTING LICENSE AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 80**, WILDLIFE LICENSE AGENTS − PENALTIES FOR VIOLATIONS, by Representative B. Last.

Beverly Ann Evans, Chair

Mr. President: February 2, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 133**, BULK DELIVERY OF MOTOR FUEL, by Senator H. Stephenson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 23**, JOINT TRANSPORTATION PLANNING AMENDMENTS, by Representative R. Lockhart.

Sheldon L Killpack, Chair

Mr. President: February 2, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 106**, DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 106**, DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES with the following amendments:

1. Page 3, Lines 78 through 81:

78 If the check was paid to a motor vehicle repair facility for repair of a motor vehicle and

79 the check amount equals or exceeds $250, the motor vehicle repair facility may take possession

80 of [[~~your~~]] the motor vehicle, subject to the rights and interests of any secured parties in the motor

81 vehicle, and dispose of it to pay amounts owed under the civil legal action.; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 141**, NEW JUDGE − SECOND DISTRICT COURT, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 143**, CRIMINAL OFFENSE ATTEMPT AMENDMENTS, by Senator D. Gladwell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 34**, UNLAWFUL CONTROLLED SUBSTANCES IN CORRECTIONAL FACILITIES, by Representative L. Christensen.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. S.B. 138, H.B. 80, S.B. 133, H.B. 23, 1st Sub. S.B. 106,** as amended, **S.B. 141, S.B. 143, S.B. 150,** and **1st Sub. H.B. 34** were placed on Second Reading Calendar.

* * *

Mr. President: February 2, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 55**, SCHOOL AND INSTITUTIONAL TRUST LAND AMENDMENTS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 58**, TRUST LANDS ADMINISTRATION, by Representative D. Bowman, and recommends it be considered read for the second time and placed on the Consent Calendar.

Beverly Ann Evans, Chair

Mr. President: February 2, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 122**, PAYMENT OF CLAIMS ON DECEASED SETTLOR'S ESTATE, by Senator J. Valentine, 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. 73**, PATTERN OF UNLAWFUL ACTIVITY ACT AMENDMENTS, 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 **S.B. 137**, INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION − APPLICATION FEE, by Senator K. Hale, and recommends it be considered read for the second time and placed on the Consent Calendar.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 55, H.B. 58, S.B. 122, H.B. 73,** and **S.B. 137** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 172, **Education Articulation Legislative Task Force** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Buttars, the Senate voted to allow Senator Buttars to open a bill file concerning the licensing of acupuncturists and chiropractors.

THIRD READING CALENDAR

S.B. 109, INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Hillyard	Jenkins

Absent or not voting were: Senators

B. Evans	Hickman	Wright

S.B. 109 was transmitted to the House.

* * *

S.B. 112, UNIFORM ANATOMICAL GIFT ACT 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	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

B. Evans	Hellewell	Hickman	Valentine

S.B. 112 was transmitted to the House.

* * *

S.B. 86, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

B. Evans	Hickman	Valentine

S.B. 86, as amended, was transmitted to the House.

* * *

S.B. 46, SUNSET DATE EXTENSION OF DIVISION OF OIL, GAS AND MINING, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

B. Evans	Hellewell	Hickman	Valentine

S.B. 46 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Julander, the circle was removed from **S.B. 125**, CONFIDENTIALITY OF DRUG TESTING, and it was before the Senate. Senator Julander explained the bill. Senator Valentine commented. The bill passed second reading 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
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators
Dmitrich B. Evans Hickman

* * *

On motion of Senator Arent, the Senate voted to reconsider its action on **H.B. 37**, SUNSET REAUTHORIZATIONS.

Senators Waddoups, Walker and Valentine commented. The bill will be placed on the Reconsideration Calendar.

* * *

1st Sub. S.B. 76, REVISIONS TO ROYALTY ON BRINE SHRIMP, was read the second time. Senator Hatch explained the bill. Senators Mansell, Knudson, and Valentine commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hellewell

* * *

On motion of Senator Blackham, 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. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT, and it was before the Senate. Senator Blackham explained the bill.

Senator Blackham proposed the following amendment:

1. Page 43, Lines 1209, 1316, and 1317:
   Delete “2004” and insert “2006”

Senator Blackham’s motion to amend passed on a voice vote. Senator Dmitrich declared a conflict of interest. The bill 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative was: Senator
Arent

2nd Sub. S.B. 19, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. S.B. 20, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 19, Lines 579 through 580

   579 prosecuting attorney and the defendant. A decision by a prosecuting attorney not to agree to a

   580 plea in abeyance is [[~~not subject to judicial review~~]] final .

2. Page 20, Line 597:

   597 if found appropriate in an assessment under Subsection [[~~(1)(a) or~~]] (1)(b):

3. Page 20, Line 612:

612 (3) [[~~(a) Except as provided in Subsection (3)(b), a~~]] A plea to a driving under the influence

4. Page 21, Lines 615 through 623:

615 [[~~(i)~~]] (a) has been convicted of any other violation which is defined as a conviction under

616 [[~~Section~~]] Subsection 41−6−44(1):

617 [[~~(ii)~~]] (b) has had a plea to any other violation of Section 41−6−44 held in abeyance; or

618 [[~~(iii)~~]] (c) in the current case:

619 [[~~(A)~~]] (i) operated a vehicle in a negligent manner proximately resulting in bodily injury to

620 another or property damage to an extent requiring reporting to a law enforcement agency under

621 Section 41−6−31;

622 [[~~(B)~~]] (ii) had a blood or breath alcohol level of .16 or higher; or

623 [[~~(C)~~]] (iii) had a passenger under 18 years of age in the vehicle at the time of the offense.

5. Page 21, Lines 624 through 627:

624 [[~~(b) A plea to any violation of Section 41−6−44 punishable as a class B misdemeanor~~

625 ~~may be held in abeyance under Subsection (3)(a) if upon successful completion of an education~~

626 ~~or treatment incentive program it is then entered as a conviction to any offense which qualifies~~

627 ~~as a conviction under Section 41−6−44(1).~~]]

6. Page 21, Lines 628 through 629:

628 (4) A decision by a prosecuting attorney not to establish an education or treatment

629 incentive program is [[~~not subject to judicial review~~]] final .

Senator Walker's motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting was: Senator
Wright

* * *

S.B. 71, SAFETY BELT ENFORCEMENT, was read the second time.

On motion of Senator Hale, the bill was circled.

* * *

S.B. 38, ARSON OFFENSE AMENDMENTS, was read the second time. Senator Arent explained the bill.

Senator Gladwell proposed the following amendment:

1. Page2, Line 37

   37 (ii) as a proximate result of the fire or explosion, any person not a participant in the offense

2. Page 2, Line 41:

   41 (ii) as a proximate result of the fire or explosion, any person not a participant in the offense

Senator Gladwell's motion to amend passed on a voice vote. Senators Valentine and Thomas commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Eastman

* * *

S.B. 80, CAPITAL PUNISHMENT AMENDMENTS − EXCLUDED DAYS, was read the second time. Senator Valentine explained the bill. The bill passed second reading 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	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Hale Mayne

* * *

S.B. 119, PROSECUTION JURISDICTION AMENDMENT, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Hale Mayne

* * *

S.B. 123, COURT REPORTER AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading 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	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators
Buttars Davis Hale Mayne

* * *

S.B. 132, UTAH CONSTRUCTION TRADES LICENSING ACT − ELECTRICAL LICENSING AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Dmitrich	Hale

* * *

1st Sub. S.J.R. 5, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Valentine	Walker
Wright	Mansell		

Voting in the negative were: Senators

Bell	Bramble	Hellewell	Thomas

Absent or not voting were: Senators

Buttars	Hale	Waddoups

* * *

S.B. 134, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, was read the second time. Senator Walker explained the bill. Senators Mansell, Bev Evans, Gladwell, Julander, and Valentine commented.

On motion of Senator Walker, the bill was circled.

INTRODUCTION OF BILLS

S.B. 187, **Water Conservancy Districts Trustees** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Mansell presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 3, 2004

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

Business and Labor Committee

S.B. 52	Insurance Amendments − Loss Histories and Inquiries (Sen. T. Hatch)

Health and Human Services Committee

S.B. 160	Controlled Substances Act Amendments (Sen. P. Julander)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 99	Child and Family Services − Standard of Review (Sen. P. Hellewell)
S.B. 100	Adoption Responsibilities − State Oversight (Sen. P. Hellewell)
S.B. 103	Child Removal Amendments (Sen. P. Hellewell)
S.B. 104	Selection of Mental Health Therapist in Termination of Parental Rights (Sen. P. Hellewell)
S.B. 105	Abuse, Neglect, and Dependency Amendments (Sen. P. Hellewell)
S.B. 126	Amendments to Warrants (Sen. P. Hellewell)
H.B. 197	Limit on Child Welfare Recommendations and Rulings (Rep. M. Thompson) (Sen. C. Bramble)

The Rules Committee recommends reassignment of the following bill to standing committee:

From Health and Human Services Committee to Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 81 Child and Family Services − Plea in Abeyance
(Sen. P. Hellewell)

Lyle Hillyard
Rules Committee Chair

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

SECOND READING CALENDAR

S.B. 135, CENTER FOR MULTICULTURAL HEALTH, was read the second time. Senator James Evans explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Killpack	Mayne

* * *

S.B. 116, COUNTY RECORDER AMENDMENTS, was read the second time. Senator Hatch explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Knudson	Thomas	Walker	Wright

Voting in the negative were: Senators

Bramble	Hillyard	Stephenson	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Gladwell	Killpack	Mayne

* * *

S.B. 120, RESIDENTIAL PROPERTY TAX EXEMPTION, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 5, Line 126:
   After "individuals" insert ", who are not legally separated,"

Senator Thomas' motion to amend passed on a voice vote. Senators Bramble, Valentine, Hickman, Arent, Jenkins, and Julander commented. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Gladwell

INTRODUCTION OF BILLS

S.B. 54, **Restructuring Division of Child and Family Services** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 171, **Property Tax Treatment of Transportable Factory−built Housing Units** (C. Bramble), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 4, 2004.

SEVENTEENTH DAY

MORNING SESSION

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

Prayer − President Colleen Menlove, General Primary President, LDS Church

Pledge of Allegiance − Delbert Boyington. Veteran of the Korean War

Roll Call − All Senators present except Senators Gladwell and Stephenson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 2004

The House passed, as amended, **H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 46**, APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 60**, PROTECTION OF CHILDREN IN FOSTER CARE, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 64**, AMENDMENTS TO LOCAL OPTION SALES TAX, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 79**, RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE, by Representative C. Duckworth, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 174**, FORENSIC MENTAL HEALTH AMENDMENTS, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 181**, FLUORINE COST REQUIREMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 198**, CHILD WELFARE COURT REPORTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 200**, RECOGNITION OF FOREIGN ADOPTIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 205**, STATE SETTLEMENT AGREEMENTS AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 2**, INDIVIDUALS WITH DISABILITIES ACT RESOLUTION, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, RESOLUTION RECOGNIZING LEGISLATORS BACK TO SCHOOL WEEK, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.J.R. 8**, RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF INTO SESSION, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 28, H.B. 46, H.B. 60, 1st Sub. H.B. 64, H.B. 79, H.B. 174, 1st Sub. H.B. 181, 2nd Sub. H.B. 198, 1st Sub. H.B. 200, H.B. 205, H.C.R. 2, H.C.R. 7,** and **H.J.R. 8** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 3, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 44**, CHILD CARE CENTERS REGULATIONS, by Senator P. Hellewell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 149**, PETE SUAZO UTAH ATHLETIC COMMISSION ACT AMENDMENTS, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 209**, LICENSING OF PLUMBING AND ELECTRICAL TRADES, by Representative S. Clark.

Parley Hellewell, Chair

Mr. President: February 3, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 136**, UNIFORM INTERSTATE FAMILY SUPPORT ACT, by Senator L. Hillyard; and

The Health and Human Services Committee recommends **S.B. 140**, HUMAN SERVICES LICENSING AMENDMENTS, by Senator D. C. Buttars, be replaced and favorably recommends **2nd Sub. S.B. 140**, HUMAN SERVICES LICENSING AMENDMENTS; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 29**, UTAH TELEHEALTH COMMISSION AMENDMENTS, by Representative B. Dee.

James Evans, Chair

Mr. President: February 3, 2004

The Education Committee reports a favorable recommendation on **H.B. 26**, PARENT−TIME SCHEDULE AMENDMENTS, by Representative S. Daniels; and

The Education Committee reports a favorable recommendation on **H.B. 190**, RESTRICTING WIRELESS TELEPHONE USE FOR SCHOOL BUS DRIVERS, by Representative N. Hendrickson, with the following amendments:

1. Page 2, Line 36:
   Delete "<u>or</u>"

2. Page 2, Line 38:
   After "<u>activity</u>" delete the period and insert a semicolon

3. Page 2, Line 38:
   After line 38 insert the following:

"(d) when communicating with the students' parents; or
(e) when communicating with the driver's school officials. "; and

Bill Wright, Chair

Mr. President: February 3, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 65**, COUNTY CLASSIFICATION AMENDMENTS, by Senator L. Blackham; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 142**, VALIDITY OF MARRIAGE LICENSES, by Senator G. Davis; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 145**, COUNTY SURVEYOR AMENDMENTS, by Senator C. Walker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 6**, RESOLUTION ON IMPEACHMENT AUTHORITY, by Senator J. Valentine.

Carlene Walker, Chair

Mr. President: February 3, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 124**, PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A MUNICIPALITY, by Senator S. Killpack; and

The Revenue and Taxation Committee recommends **S.B. 128**, LONG−TERM CARE FACILITIES AMENDMENTS, by Senator L. Blackham, be replaced and favorably recommends **1st Sub. S.B. 128**, LONG−TERM CARE FACILITIES AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 139**, INDIVIDUAL INCOME TAX − NONRESIDENT INCOME AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 1, Line 12:

12 ► provides and modifies definitions;

2. Page 2, Line 29:

29 59−10−116. Tax on nonresident [[~~individual's state taxable income~~]] individual −− Calculation −−

3. Page 2, Lines 40 through 42:

40 the compensation the servicemember receives for military service if the servicemember is[[~~:~~

41 ~~(A) a nonresident; and~~

42 ~~(B)~~]] serving in compliance with military orders; and

4. Page 2, Lines 43 through 53:

43 [~~(b)~~] (d) " unapportioned state [[~~taxable income~~]] tax " means the product of the:

44 (i) difference between:

45 (A) a nonresident individual's[~~: (i)~~] federal taxable income, as defined in Section

46 59−10−111, with the modifications, subtractions, and adjustments provided for in Section

47 59−10−114; and

48 (B) if the nonresident individual described in Subsection (1)(d)(i)(A) is a

49 servicemember, compensation the servicemember receives for military service if the

50 servicemember is[[~~:~~

51 ~~(I) a nonresident; and~~

52 ~~(II)~~]] serving in compliance with military orders; and

53 (ii) tax rate imposed under Section 59−10−104.

5. Page 2, Lines 54 through 57:

54 (2) [[~~(a)~~]] Except as provided in Subsection (3), a tax is imposed [[~~as provided in this~~

55 ~~section on the state taxable income calculated under this section of~~]] on a nonresident individual[[~~.~~

56 ~~(b) The tax under this section shall be calculated by multiplying~~]] in an amount equal to the product of the nonresident

57 individual's :
(a) unapportioned state [[~~taxable income by the nonresident individual's~~]] tax; and
(b) state income tax percentage; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 144**, CORPORATIONS SOLE AMENDMENTS, by Senator L. Hillyard; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 13**, HAZARDOUS WASTE AND NONHAZARDOUS SOLID WASTE FEE AND TAX AMENDMENTS, by Representative E. Anderson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 204**, PUBLIC UTILITIES REVISIONS, by Representative G. Curtis.

Curtis S. Bramble, Chair

Mr. President: February 3, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 75**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Representative D. Clark.

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 44, S.B. 149, H.B. 209, S.B. 136, 2nd Sub. S.B. 140, H.B. 29, H.B. 26, H.B. 190,** as amended, **S.B. 65, S.B. 142, S.B. 145, S.J.R. 6, S.B. 124, 1st Sub. S.B. 128, S.B. 139,** as amended, **S.B. 144, H.B. 13, H.B. 204,** and **H.B. 75** were placed on Second Reading Calendar.

* * *

Mr. President: February 3, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 152**, DIVISION OF COMMUNITY DEVELOPMENT NAME CHANGE, by Senator S. Jenkins, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 186**, EVALUATION AND COUNSELING PRIOR TO TERMINATION PROCEEDINGS, by Representative M. Thompson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 192**, REPEAL OF THRIFTS SETTLEMENT FINANCING PROVISIONS, by Representative G. Curtis, 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. **S.B. 152, H.B. 186,** and **H.B. 192** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 182, **Assistant Adjutant General Qualifications** (P. Knudson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 10, STATE HIGHWAY SYSTEM CHANGES, 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	Blackham
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	B. Evans	Gladwell	Killpack
Stephenson			

H.B. 10 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

THIRD READING CALENDAR

H.B. 16, LIFE INSURANCE LAW 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	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

B. Evans	Gladwell	Stephenson

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. 21, LICENSING − INSURANCE LAW 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	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

B. Evans	Gladwell	Stephenson

H.B. 21 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. 4, TECHNICAL AMENDMENTS − POLLING PLACE SUPPLIES, was read the second time. Senator Hale explained the bill. The bill passed second reading 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	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Killpack	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

B. Evans	Gladwell	Hillyard	Stephenson

* * *

On motion of Senator Arent, the Senate voted to place **H.B. 37**, SUNSET REAUTHORIZATIONS, at the top of the Second Reading Calendar.

On motion of Senator Arent, the bill was circled.

* * *

H.B. 5, PUBLICATION OF RESOLUTION OR NOTICE, was read the second time. Senator Buttars explained the bill. The bill passed second reading 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	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

B. Evans	Gladwell	Stephenson	Walker

* * *

H.B. 30, AMENDMENTS TO ADMINISTRATIVE SERVICES RATE COMMITTEE, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

H.B. 191, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 19, EMPLOYMENT SUPPORT ACT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	J. Evans	Gladwell	Stephenson
Walker			

* * *

On motion of Senator Bell, the circle was removed from **H.B. 191**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, and it was before the Senate. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	J. Evans	Gladwell	Killpack
Stephenson			

* * *

H.B. 24, MOTOR VEHICLES CODE REVISIONS, was read the second time. Senator Eastman explained the bill. The bill passed second reading 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	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	J. Evans	Gladwell	Stephenson

* * *

H.B. 25, GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, was read the second time.

On motion of Senator Hellewell, the bill was circled.

* * *

On motion of Senator Bev Evans, the circle was removed from **H.B. 30**, AMENDMENTS TO ADMINISTRATIVE SERVICES RATE COMMITTEE, and it was before the Senate. Senator Bev Evans explained the bill. The bill passed second reading 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	Hale	Hatch

Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Gladwell	Stephenson

* * *

H.B. 31, INFORMATION TECHNOLOGY PROCUREMENT AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Gladwell	Stephenson

* * *

H.B. 17, CAPTIVE INSURANCE COMPANIES ACT AMENDMENTS, was read the second time. Senator Hatch explained the bill. The bill passed second reading 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	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Gladwell	Hale	Stephenson	Waddoups

* * *

H.B. 20, CONSTRUCTION BONDING STATUTES, was read the second time. Senator Jenkins explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Gladwell	Hale	Stephenson

* * *

H.B. 32, LIEN AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 6, REPEAL OF UTAH INTERSTATE COMMISSION FOR COOPERATION IN HIGHER EDUCATION, was read the second time. Senator Hickman explained the bill. The bill passed second reading 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	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Gladwell	Hale	Stephenson	Wright

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 32**, LIEN AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading 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	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Gladwell	Hale	Stephenson	Wright

* * *

H.B. 14, REPEAL OF EDUCATION MANDATES, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

H.J.R. 2, RESOLUTION OF LEGISLATIVE SUPPORT FOR MUSIC AND OTHER FINE ARTS PROGRAMS IN PUBLIC SCHOOLS, was read the second time. Senator Hatch explained the bill. Senator Arent commented. The bill passed second reading 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	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander

Killpack	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Eastman	Gladwell	Hale	Stephenson

* * *

On motion of Senator Waddoups, the circle was removed from **H.B. 37**, SUNSET REAUTHORIZATIONS, and it was before the Senate. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 64 through 66:

64 63−55−220. Repeal dates, Title 20A.

65 [[~~Judicial nominating commissions, created in Sections 20A−12−102 and 20A−12−103, are~~

66 ~~repealed July 1, [2004]~~ 2014.]]

2. Page 3, Lines 68 through 76:

68 63−55−226. Repeal dates, Title 26.

* * * *Some lines not shown* * * *

73 (5)[[~~Title 26, Chapter 18, Medical Assistance Act, is repealed July 1, [2004]~~ 2014.

74 ~~(6)~~]] Title 26, Chapter 23b, Detection of Public Health Emergencies Act, is repealed July

75 1, [~~2004~~] 2009.

76 [[~~(7)~~]] (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, [~~2004~~]

3. Page 3, Line 78 through Page 5, Line 123:

78 Section 4. Section 63−55−258 is amended to read:

79 63−55−258. Repeal dates, Title 58.

* * * *Some lines not shown* * * *

91 (10) [[~~Title 58, Chapter 24a, Physical Therapist Practice Act, is repealed July 1, 2013.~~

92 ~~(11)~~]] Title 58, Chapter 26a, Certified Public Accountant Licensing Act, is repealed July

93 1, 2007.

94 [[~~(12)~~]] (11) Title 58, Chapter 28, Veterinary Practice Act, is repealed July 1, [~~2004~~] 2014.

95 [[~~(13)~~]] (12) Title 58, Chapter 31b, Nurse Practice Act, is repealed July 1, 2005.

96 [[~~(14)~~]] (13) Title 58, Chapter 37, Utah Controlled Substances Act, is repealed July 1, 2007.

97 [[~~(15)~~]] (14) Title 58, Chapter 37a, Utah Drug Paraphernalia Act, is repealed July 1, 2007.

98 [[~~(16)~~]] (15) Title 58, Chapter 37b, Imitation Controlled Substances Act, is repealed July 1,

99 2007.

100 [[~~(17)~~]] (16) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2005.

101 [[~~(18)~~]] (17) Title 58, Chapter 41, Speech−language Pathology and Audiology Licensing Act, is

102 repealed July 1, 2009.

103 [[~~(19)~~]] (18) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,

104 2005.

105 [[~~(20)~~]] (19) Title 58, Chapter 44a, Nurse Midwife Practice Act, is repealed July 1, 2010.

106 [[~~(21)~~]] (20) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed

107 July 1, 2013.

108 [[~~(22)~~]] (21) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, [~~2004~~]

109 2014.

110 [[~~(23)~~]] (22) Title 58, Chapter 49, Dietitian Certification Act, is repealed July 1, 2005.

111 [[~~(24)~~]] (23) Title 58, Chapter 53, Landscape Architects Licensing Act, is repealed July 1,

112 2008.

113 [[~~(25)~~]] (24) Title 58, Chapter 59, Professional Employer Organization Licensing Act, is

114 repealed July 1, 2007.

115 [[~~(26)~~]] (25) Title 58, Chapter 67, Utah Medical Practice Act, is repealed July 1, 2006.

116 [[~~(27)~~]] (26) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, is repealed July 1,

117 2006.

118 [[~~(28)~~]] (27) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act, is repealed July 1,

119 2006.

120 [[~~(29)~~]] (28) Title 58, Chapter 71, Naturopathic Physician Practice Act, is repealed July 1,

121 2006.

122 [[~~(30)~~]] (29) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2007.

123 [[~~(31)~~]] (30) Title 58, Chapter 73, Chiropractic Physician Practice Act, is repealed July 1, 2006.

4. Page 5, Lines 125 through 128
Senate Committee Amendments
1−28−2004:

125 63−55−263. Repeal dates, Titles 63 and 63A.

126 (1)[[~~(a) Title 63, Chapter 25a, Part 1, Commission on Criminal and Juvenile Justice, is~~

127 ~~repealed July 1, [2004~~] 2014.

128 ~~(b)~~]] Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

5. Page 5, Lines 144 through 146
Senate Committee Amendments
1−28−2004:

144 63−55−267.5. Repeal dates, Title 67.

145 [[~~Title 67, Chapter 5b, The Children's Justice Center Program, is repealed July 1, [2004~~]

146 ~~2014~~.]]

6. Page 5, Lines 149 through 150
Senate Committee Amendments
1−28−2004:

149 [[~~The Board of Pardons and Parole, created in Section 77−27−2, is repealed July 1, [2004]~~

150 ~~2014.]~~]]

Senator Waddoups' motion to amend passed on a voice vote. The bill passed second reading 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	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Davis	Eastman	Gladwell	Hatch
Stephenson			

* * *

H.B. 18, UTAH STATE SCENIC BYWAY COMMITTEE, was read the second time. Senator Bramble explained the bill. Senators Hickman and Dmitrich commented. The bill passed second reading 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	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators
Buttars Hickman

Absent or not voting were: Senators
Gladwell Stephenson

* * *

H.B. 49, NATURAL GAS TECHNICAL CERTIFICATION, was read the second time. Senator Hillyard explained the bill. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Gladwell	Stephenson	Walker

* * *

H.B. 178, MOTOR VEHICLE PURCHASE AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator Valentine commented. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Gladwell	Stephenson

* * *

H.B. 203, SPECIAL GROUP LICENSE PLATE, was read the second time.

On motion of Senator Hellewell, the bill was circled.

* * *

H.B. 201, TRAFFIC SIGNAL PREEMPTION DEVICE, was read the second time. Senator Killpack explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Gladwell	Hatch	Hickman
Stephenson			

* * *

H.B. 35, REQUIREMENTS OF TRUSTEES OF TRUST DEEDS, was read the second time. Senator Waddoups explained the bill. Senators Valentine, Hatch, Bell, Hickman, and Thomas commented.

On motion of Senator Waddoups, the bill was circled.

* * *

H.B. 52, INDIVIDUAL DEFERRED ANNUITIES − NONFORFEITURE AMENDMENTS was read the second time. Senator Bramble explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Thomas	Valentine
Waddoups	Walker		

Voting in the negative was: Senator
Mansell

Absent or not voting were: Senators

Blackham	Buttars	Gladwell	Mayne
Stephenson	Wright		

* * *

H.B. 62, LIEN RECOVERY FUND AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Waddoups commented. The bill passed second reading 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
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Buttars	B. Evans	Gladwell
Mayne	Stephenson		

* * *

On motion of Senator Waddoups and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 5, 2004.

EIGHTEENTH DAY

MORNING SESSION

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

Prayer − Reverend France Davis, Pastor, Calvary Baptist Church
Pledge of Allegiance − Senator Bev Evans
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2004

The House passed, **S.B. 6**, REFURBISHED COMPUTERS IN SCHOOLS PROGRAM, 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. 15**, CARRYOVER OF AUTHORIZED CAPITAL OUTLAY 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. 27**, TELEPHONE AND FACSIMILE SOLICITATION ACT, 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**, PARTY TO FELONY OFFENSE ENHANCEMENT, 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. 94**, MINE CERTIFICATION REQUIREMENTS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 98**, FEES FOR ELECTRONIC PROCESSING OF CERTAIN MOTOR VEHICLE TRANSACTIONS, 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

S.B. 6, S.B. 15, S.B. 27, S.B. 84, S.B. 94, and **S.B. 98** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 4, 2004

The House passed, as amended, **H.B. 213**, CHANGES TO INVESTMENT ADVISORY COMMITTEE, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 5**, RESOLUTION URGING FEDERAL TAX CUTS TO BE MADE PERMANENT, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 213** and **H.C.R. 5** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 4, 2004

The House passed, as amended, **S.B. 8**, LOCAL REFERENDUM AMENDMENTS, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 4, 2004

The Rules Committee recommends **S.B. 54**, Restructuring Division of Child and Family Services (Sen. P. Hellewell), be substituted and replaced with **1st Sub S.B. 54**, Restructuring Division of Child and Family Services (Sen. P. Hellewell).

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

Education Committee

S.B. 154	School Building Legislative Task Force (Sen. H. Stephenson)
S.B. 172	Education Articulation Legislative Task Force (Sen. S. Jenkins)
S.C.R. 4	Resolution Recognizing 50th Anniversary of Landmark Case of Brown V. Board of Education (Sen. J. Evans)

Government Operations and Political Subdivisions Committee

S.B. 55	Governmental Immunity Act of Utah (Sen. L. Blackham)
S.B. 157	Authorization to Perform Marriages (Sen. C. Walker)

Judiciary, Law Enforcement, and Criminal Justice Committee

1st Sub S.B. 54	Restructuring Division of Child and Family Services (Sen. P. Hellewell).
S.B. 62	Stay of Execution Amendments (Sen. D. Thomas)

Natural Resources, Agriculture, and Environment Committee

S.B. 151	Waste Water Amendments (Sen. D. Thomas)
S.B. 159	Annexation of Public Land to Special and Local Districts (Sen. M. Dmitrich)
S.B. 187	Water Conservancy Districts Trustees (Sen. H. Stephenson)

Revenue and Taxation Committee

S.B. 171	Property Tax Treatment of Transportable Factory−Built Housing Units (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee

S.B. 50	Rural Planning and Development (Sen. T. Hatch)
S.B. 146	Olympic Law Revisions and Cleanup (Sen. B. Evans)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 210**, LAW ENFORCEMENT EMPLOYEE BACKGROUND CHECKS, by Representative L. Pace.

Sheldon L Killpack, Chair

Mr. President: February 4, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 45**, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, be

replaced and favorably recommends **1st Sub. S.B. 45**, UNIFORM PARENTAGE ACT with the following amendments:

1. Page 1, line 22:
   After "takes effect on" delete "January" and insert "May"

2. Page 25, line 753:
   After "prior to" delete "January" and insert "May" and after "four years after" delete "January" and insert "May"

3. Page 49, line 1484:
   After "commenced before" delete "January" and insert "May"

4. Page 49, line 1512:
   After "takes effect on" delete "January" and insert "May"; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 47**, UNIFORM TRUST CODE, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 47**, UNIFORM TRUST CODE; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 63**, WITNESS TAMPERING AMENDMENTS, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 131**, UNIFORM PRINCIPAL AND INCOME ACT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 193**, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, by Representative M. S. Lawrence.

Greg Bell, Chair

Mr. President: February 5, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 155**, COUNTY MENTAL HEALTH AMENDMENTS, by Senator G. Davis.

Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 210, 1st Sub. S.B. 45,** as amended, **1st Sub. S.B. 47, S.B. 63, S.B. 131, H.B. 193** and **S.B. 155** were placed on Second Reading Calendar.

* * *

Mr. President: February 4, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 72**, RELEASE OF CLAIMS ON BEHALF OF A MINOR, by Representative J. Dougall, and recommends it be considered read for the second time and placed on the Consent Calendar.

Greg Bell, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 72** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 53, **County and Municipal Zoning Regarding Billboards** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 162, **Interstate Insurance Product Regulation − Compact** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 166, **Off−highway Vehicle Registration Provisions** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 168, **Driver License Related Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 170, **Public Transit District Amendments** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 174, **Adoption of Uniform Juvenile Compact** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

S.B. 179, **Expedited Appeals in Child Welfare Cases** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 185, **Public Education Amendments** (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 200, **License and Certification Extension for Deployed National Guard Members** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 219, **Amendments to Justice Court Operations** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 221, **Maternity Health Care** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 238, **Individual Income Tax − Earned Income Tax Credit** (T. Hatch), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 125, CONFIDENTIALITY OF DRUG TESTING, was read the third time.

On motion of Senator Allen, the bill was circled.

* * *

1st Sub. S.B. 76, REVISIONS TO ROYALTY ON BRINE SHRIMP, was read the third time and explained by Senator Hatch.

Senator Hatch proposed the following amendment:

1. Page 1, Lines 19 through 20
Senate Committee Amendments
1−30−2004

19 ▸ changes the date that the brine shrimp royalty is due; [[~~and~~]]
▸ requires the Revenue and Taxation Interim Committee to review the annual brine shrimp royalty amount at least once every five years; and

20 ▸ makes technical changes.

2. Page 4, Lines 97 through 98
Senate Committee Amendments
1−30−2004:

97 (3) All revenue generated by the brine shrimp royalty shall be deposited in the Species

98 Protection Account created in Section 63−34−14.
(4) Beginning with the 2004 interim, the Revenue and Taxation Interim Committee:
(a) shall review the annual brine shrimp royalty amount imposed

under this section one or more times every five years;
(b) shall determine on or before the November interim meeting of the year in which the Revenue and Taxation Interim Committee reviews the annual brine shrimp royalty amount imposed under this section whether the royalty amount should be:
(i) continued;
(ii) modified; or
(iii) repealed; and
(c) may review any other issue related to the brine shrimp royalty imposed under this part as determined by the Revenue and Taxation Interim Committee.

Senator Hatch's motion to amend passed on a voice vote. Senator Waddoups 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
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Thomas
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Buttars	Hillyard	Julander	Stephenson
Valentine			

1st Sub. S.B 76, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 20, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins

Killpack	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Davis	Julander	Stephenson

1st Sub. S.B. 20, as amended, was transmitted to the House.

* * *

S.B. 38, ARSON OFFENSE AMENDMENTS, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Julander	Stephenson

S.B. 38, as amended, was transmitted to the House.

* * *

S.B. 80, CAPITAL PUNISHMENT AMENDMENTS − EXCLUDED DAYS, 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	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Julander	Stephenson

S.B. 80, as amended, was transmitted to the House.

* * *

S.B. 119, PROSECUTION JURISDICTION AMENDMENT, 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	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Stephenson

S.B. 119 was transmitted to the House.

* * *

S.B. 123, COURT REPORTER AMENDMENTS, was read the third time and explained by Senator Hillyard. Senator Valentine commented and 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	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator

Stephenson

S.B. 123, as amended, was transmitted to the House.

* * *

S.B. 132, UTAH CONSTRUCTION TRADES LICENSING ACT − ELECTRICAL LICENSING AMENDMENTS, was read the third time, explained by Senator Jenkins, 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	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Voting in the negative was: Senator
Wright

Absent or not voting was: Senator
Stephenson

S.B. 132, as amended, was transmitted to the House.

* * *

1st Sub. S.J.R. 5, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 26; Nays, 1; 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
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative was: Senator
Killpack

Absent or not voting were: Senators
Buttars Stephenson

1st Sub. S.J.R. 5 was transmitted to the House.

* * *

S.B. 135, CENTER FOR MULTICULTURAL HEALTH, was read the third time, explained by Senator James Evans, and 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
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker			

Voting in the negative were: Senators
Wright Mansell

Absent or not voting were: Senators
Buttars Stephenson

S.B. 135 was transmitted to the House.

* * *

S.B. 116, COUNTY RECORDER AMENDMENTS, was read the third time and explained by Senator Hatch.

Senator Hatch proposed the following amendment:

1. Page 2, Line 38:
   After "endorsements" delete the comma and insert "or" and after "references" delete " ,or other notes "

Senator Hatch's motion to amend passed on a voice vote. Senator Davis commented and 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
Hellewell	Hickman	Julander	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	

Voting in the negative were: Senators

Bramble	Hillyard	Jenkins	Stephenson
Mansell			

Absent or not voting was: Senator

Allen

S.B. 116, as amended, was transmitted to the House.

* * *

S.B. 120, RESIDENTIAL PROPERTY TAX EXEMPTION, was read the third time, explained by Senator Thomas, 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

S.B. 120, as amended, was transmitted to the House.

* * *

On motion of Senator Dmitrich, the circle was removed from **S.B. 74**, AEROSPACE AND AVIATION DEVELOPMENT ZONE AMENDMENTS, and it was before the Senate. On motion of Senator Dmritch, the Senate voted to strike the enacting clause on the bill.

* * *

H.B. 4, TECHNICAL AMENDMENT − POLLING PLACE SUPPLIES, was read the third time, explained by Senator Hale, 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	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hatch

H.B. 4 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 5, PUBLICATION OF RESOLUTION OR NOTICE, was read the third time, explained by Senator Buttars, 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

H.B. 5 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 19, EMPLOYMENT SUPPORT ACT AMENDMENTS, 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
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Hickman	Killpack	Wright

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. 191, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, 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	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

J. Evans	Hellewell	Killpack

H.B. 191 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. 24, MOTOR VEHICLE CODE REVISIONS, 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	Hatch	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hellewell	Hickman	Killpack

H.B. 24, as amended, was returned to the House for further consideration.

* * *

H.B. 30, AMENDMENTS TO ADMINISTRATIVE SERVICES RATE COMMITTEE, was read the third time and explained by Senator Bev Evans. Senator Thomas 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Killpack	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hickman	Knudson	Mayne

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.B. 31, INFORMATION TECHNOLOGY PROCUREMENT 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	Hillyard
Jenkins	Julander	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Hickman Mayne

H.B. 31 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 17, CAPTIVE INSURANCE COMPANIES ACT AMENDMENTS, was read the third time, explained by Senator Hatch, 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	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Mayne

H.B. 17 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 20, CONSTRUCTION BONDING STATUTES, 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	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Mayne

H.B. 20 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 6, REPEAL OF UTAH INTERSTATE COMMISSION FOR COOPERATION IN HIGHER EDUCATION, was read the third time, explained by Senator Hickman, 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	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Mayne

H.B. 6 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 32, LIEN AMENDMENTS, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.J.R. 2, RESOLUTION OF LEGISLATIVE SUPPORT FOR MUSIC AND OTHER FINE ARTS PROGRAMS IN PUBLIC SCHOOLS, was read the third time, explained by Senator Hatch, 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	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Mayne

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.

* * *

H.B. 37, SUNSET REAUTHORIZATIONS, upon reconsideration, 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

B. Evans	Mayne	Wright

H.B. 37, as amended, was returned to the House for further consideration.

* * *

H.B. 18, UTAH STATE SCENIC BYWAY COMMITTEE, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

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	Killpack	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Hickman	Knudson	Valentine

Absent or not voting were: Senators

Hatch	Wright

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. 49, NATURAL GAS TECHNICAL CERTIFICATION, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Wright

H.B. 49, as amended, was returned to the House for further consideration.

* * *

H.B. 178, MOTOR VEHICLE PURCHASE 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Wright

H.B. 178 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 201, TRAFFIC SIGNAL PREEMPTION DEVICE, was read the third time, explained by Senator Killpack, 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	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Wright

H.B. 201 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 52, INDIVIDUAL DEFERRED ANNUITIES − NONFORFEITURE AMENDMENTS, 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	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Buttars	Davis	Wright

H.B. 52 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 62, LIEN RECOVERY FUND 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
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Buttars	Gladwell	Wright

H.B. 62 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

INTRODUCTION OF BILLS

S.B. 57, **Corporate Accountability** (E. Mayne), read the first time by short title 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., Friday, February 6, 2004.

NINETEENTH DAY

MORNING SESSION

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

Prayer − Pastor Ellis Keck, First Baptist Church
Pledge of Allegiance − Senator Sheldon Killpack
Roll Call − All Senators present except Senators Buttars, Eastman, Bev Evans and Gladwell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 2004

The House passed, **S.B. 9**, PROPERTY RIGHTS AMENDMENTS, 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. 13**, RESORT COMMUNITIES TAX AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 73**, ESCAPE AMENDMENTS, 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. 9, S.B. 13, and **S.B. 73** 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, 2004

The House passed **H.B. 38**, SALES AND USE TAX − REPEAL OF CABLE AND SATELLITE SERVICE, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 51**, NONRESIDENT USER FEE FOR OFF−HIGHWAY VEHICLE USERS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed, as amended, **1st Sub. H.B. 202**, MAIL ORDER TOBACCO SALES AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 212**, TRAFFIC ACCIDENT RESPONSE, by Representative E. Hutchings, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 38, 2nd Sub. H.B. 51, 1st Sub. H.B. 202,** and **H.B. 212** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 5, 2004

The House substituted and passed, **1st Sub. S.B. 97**, CERTIFICATION DEADLINE FOR POLITICAL PARTIES, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, 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, 2004

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

Business and Labor

S.B. 162	Interstate Insurance Product Regulation − Compact (Sen. J. Valentine)

Education

S.B. 51	Education Technology Support for Testing Initiative (Sen. L. Blackham)
S.B. 156	Substitute Teachers Volunteer Program (Sen. J. Evans)
S.B. 185	Public Education Amendments (Sen. T. Hatch)
H.C.R. 7	Resolution Recognizing Legislators Back to School Week (Rep. K. Holdaway) (Sen. C. Bramble)

Government Operations and Political Subdivisions

S.B. 53	County and Municipal Zoning Regarding Billboards (Sen. M. Waddoups)
S.B. 219	Amendments to Justice Court Operations (Sen. E. Mayne)
1st Sub. H.B. 181	Fluorine Cost Requirements (Rep. M. Morley) (Sen. C. Bramble)
H.J.R. 3	Resolution Urging Congress to Consider Withdrawing the United States from the United Nations (Rep. D. Bush) (Sen. D. Thomas)
H.J.R. 8	Resolution Authorizing the Legislature to Call Itself into Session (Rep. C. Bennion) (Sen. C. Bramble)

Health and Human Services

S.B. 64	Rural Health Care Initiative (Sen. J. Hickman)
S.B. 179	Expedited Appeals in Child Welfare Cases (Sen. L. Hillyard)
S.B. 221	Maternity Health Care (Sen. E. Mayne)
H.B. 174	Forensic Mental Health Amendments (Rep. J. Seitz) (Sen. S. Killpack)
2nd Sub. H.B. 198	Child Welfare Court Reports (Rep. M. Thompson) (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice

S.B. 158	Criminal Offense Amendments (Sen. G. Bell)
S.B. 174	Adoption of Uniform Juvenile Compact (Sen. D. Gladwell)
H.B. 81	Criminal Law Intent Amendment (Rep. T. McCartney) (Sen. R. Allen)

Revenue and Taxation

S.B. 238	Individual Income Tax − Earned Income Tax Credit (Sen. T. Hatch)
1st Sub. H.B. 64	Amendments to Local Option Sales Tax (Rep. S. Allen) (Sen. D. Eastman)
H.B. 187	Viatical Settlement Act (Rep. J. Dunnigan) (Sen. C. Bramble)

Transportation and Public Utilities and Technology

S.B. 166	Off−highway Vehicle Registration Provisions (Sen. T. Hatch)
S.B. 168	Driver License Related Amendments (Sen. C. Walker)
S.B. 170	Public Transit District Amendments (Sen. J. Evans)

S.B. 182 Assistant Adjutant General Qualifications (Sen. P. Knudson)
S.B. 200 License and Certification Extension for Deployed National Guard Members (Sen. P. Knudson)

Lyle Hillyard
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 58, **Alcoholic Beverage Control Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 165, **Workers' Compensation Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 173, **Bail Bond Reinstatement Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Davis, Blaze Wharton, Commissioner of the Pete Suazo Utah Athletic Commission, spoke in Committee of the Whole. Senator Allen commented.

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

CONCURRENCE CALENDAR

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 8**, LOCAL REFERENDUM AMENDMENTS. The bill, as amended, failed on the following roll call:

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

Voting in the negative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Buttars	Eastman	B. Evans
Gladwell	Mayne	Stephenson	

S.B. 8 was filed.

SECOND READING CALENDAR

On motion of Senator Hellewell, the Senate voted to move **S.B. 44** to the top of the Second Reading Calendar.

S.B. 44, CHILD CARE CENTERS REGULATIONS, was read the second time.

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

1st Sub. S.B. 44, Child Care Centers Regulations (P. Hellewell)

On motion of Senator Hellewell, the bill was circled.

CONSENT CALENDAR

H.B. 55, SCHOOL AND INSTITUTIONAL TRUST LAND AMENDMENTS, 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	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	J. Evans
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Eastman	B. Evans	Gladwell
Hale	Julander	Mayne	Stephenson

H.B. 55 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 58, TRUST LANDS ADMINISTRATION, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Eastman	B. Evans	Gladwell
Julander	Mayne	Stephenson	

H.B. 58 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

S.B. 122, PAYMENT OF CLAIMS ON DECEASED SETTLOR'S ESTATE, 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	Davis	Dmitrich	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Eastman	B. Evans	Gladwell
Mayne	Stephenson		

S.B. 122 was transmitted to the House.

* * *

S.B. 137, INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISIONS − APPLICATION FEE, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Dmitrich	Eastman	B. Evans
Gladwell	Mayne	Stephenson	

S.B. 137 was transmitted to the House.

* * *

H.B. 73, PATTERN OF UNLAWFUL ACTIVITY ACT AMENDMENTS, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Dmitrich	Eastman	B. Evans
Gladwell	Mayne	Stephenson	

H.B. 73 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 Jenkins, the circle was removed from **H.B. 32**, LIEN AMENDMENTS.

On motion of Senator Jenkins, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **S.B. 134**, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, and it was before the Senate. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 2, Line 50:
   After "may" reinstate "serve two consecutive appointments" and delete "be reappointed at the"

2. Page 2, Line 51:
   Delete line 51.

3. Page 2, Line 51a:
   After "insure that" delete "the membership"

4. Page 2, Line 51b:
   delete line 51b and insert "no more than one more than half the membership is from the same political party."

Senator Walker's motion to amend passed on a voice vote. Senator Knudson commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 1; Absent, 11.

Voting in the affirmative were: Senators

Bell	Blackham	Davis	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Thomas	Waddoups	Walker
Mansell			

Voting in the negative was: Senator
Wright

Absent or not voting were: Senators

Allen	Arent	Bramble	Buttars
Dmitrich	Eastman	B. Evans	Gladwell
Mayne	Stephenson	Valentine	

* * *

On motion of Senator Hillyard, **1st Sub. S.B. 45**, UNIFORM PARENTAGE ACT, will be considered Tuesday, February 10, 2004 at 10:30 a.m.

* * *

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **H.B. 32**, LIEN AMENDMENTS.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 16 through 17

16 [[▸ amends the definition of resident construction for purposes of the preliminary

17 ~~notices;~~]]

2. Page 2, Lines 35 through 50
Senate Committee Amendments
1−28−2004:

35 (1) (a) A person claiming benefits under this chapter shall file for record with the county

36 recorder of the county in which the property, or some part of the property, is situated, a written

37 notice to hold and claim a lien within 90 days from the date[~~: (a) the person last performed~~

38 ~~labor or service or last furnished equipment or material on a project or improvement for a~~

39 ~~residence as defined in Section 38−11−102; or (b)~~] of final completion of [~~an~~] the original

40 contract [~~not involving a residence as defined in Section 38-11-102~~] Ş UNDER WHICH THE

40a CLAIMANT CLAIMS A LIEN UNDER THIS CHAPTER Ş . For purposes of this

41 Subsection (1), final completion of the original contract means:

42 [[~~(a)~~]] (i) Ş IF AS A RESULT OF WORK PERFORMED UNDER THE ORIGINAL CONTRACT A

42a PERMANENT CERTIFICATE OF OCCUPANCY IS REQUIRED FOR SUCH WORK, Ş the date of issuance

42b of a permanent certificate of occupancy by the local

43 government entity having jurisdiction over the construction project;

44 [[~~(b)~~]] (ii) if no certificate of occupancy is required Ş [~~for the construction project~~] Ş by the local

45 government entity having jurisdiction over the construction project, Ş BUT AS A RESULT OF

THE

45a WORK PERFORMED UNDER THE ORIGINAL CONTRACT AN INSPECTION IS REQUIRED FOR SUCH

45b WORK, Ş the date of the final

46 inspection Ş FOR SUCH WORK Ş by the local government entity having jurisdiction over the

46a construction project; or

47 [[~~(c)~~]] (iii) if Ş WITH REGARD TO WORK PERFORMED UNDER THE ORIGINAL CONTRACT Ş no

47a certificate of occupancy Ş [~~is required~~] Ş and no final inspection Ş [~~is conducted~~] ARE

47b REQUIRED Ş by the

48 local government entity having jurisdiction over the construction project, the date on which

49 there remains no substantial work to be completed to finish Ş [~~the~~] SUCH Ş work on the

49a Ş [~~construction~~

50 ~~project~~] ORIGINAL CONTRACT Ş .

(b) Notwithstanding Section 38−1−2, where a subcontractor performs substantial work after the applicable dates established by Subsection (1)(a)(i) and (ii), that subcontractor's subcontract shall be considered an original contract for the sole purpose of determining:

(i) the subcontractor's time frame to file a notice of intent to hold and claim a lien under Subsection (1); and

(ii) the original contractor's time frame to file a notice of intent to hold and claim a lien under Subsection (1) for that subcontractor's work.

(c) For purposes of this section, the term "substantial work" does not include:

(i) repair work;

(ii) warranty work; or

(iii) work for which the project owner is not holding payment to ensure completion of that work.

Senator Jenkins' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Davis	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Thomas
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Allen	Buttars	Dmitrich	Eastman
B. Evans	Gladwell	Mayne	Stephenson
Valentine			

H.B. 32, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

1st Sub. S.B. 138, FISHING AND HUNTING LICENSE AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 133, BULK DELIVERY OF MOTOR FUEL, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

1st Sub. S.B. 106, DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 141, NEW JUDGE − SECOND DISTRICT COURT, was read the second time. Senator Bell explained the bill. Senators Hillyard and Thomas commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Davis	J. Evans	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Buttars	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Knudson
Mayne	Stephenson		

* * *

S.B. 143, CRIMINAL OFFENSE ATTEMPT AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 150, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 149, PETE SUAZO UTAH ATHLETIC COMMISSION ACT AMENDMENTS, was read the second time.

On motion of Senator Davis, the bill was circled.

* * *

S.B. 136, UNIFORM INTERSTATE FAMILY SUPPORT ACT, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 21, Lines 634 through 639

634 78−45f−501. Employer's receipt of income−withholding order of another state.

635 An income−withholding order issued in another state may be sent by or on behalf of the

636 obligee, or by the support−enforcement agency, to the person [~~or entity~~] defined as the obligor's

637 employer under Title 62A, Chapter 11, [[~~Part 4~~]] Parts 4 and 5 , Income Withholding [[~~in IV−D Cases~~]], without

638 first filing a petition or comparable pleading or registering the order with a tribunal of this

639 state.

2. Page 29, Lines 871 through 874:

871 78−45f−701. Proceeding to determine parentage.

872 [~~(1)~~] A [[~~[~~]]tribunal[[~~]~~]][[~~court~~]] of this state authorized to determine parentage of a child may

873 serve as [~~an initiating or~~] a responding tribunal in a proceeding to determine parentage brought

874 under this chapter or a law or procedure substantially similar to this chapter[~~, the Uniform~~

Senator Hillyard's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Arent	Bell	Davis	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Blackham	Bramble	Buttars
Dmitrich	Eastman	B. Evans	Gladwell
Mayne	Stephenson		

* * *

2nd Sub. S.B. 140, HUMAN SERVICES LICENSING AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Hellewell, the circle was removed from **1st Sub. S.B. 44**, CHILD CARE CENTERS REGULATIONS, and it was before the Senate. Senator Hellewell 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	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Eastman
B. Evans	Gladwell	Mayne	Stephenson

* * *

S.B. 65, COUNTY CLASSIFICATION AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 142, VALIDITY OF MARRIAGE LICENSES, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	J. Evans	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative was: Senator
Wright

Absent or not voting were: Senators

Bramble	Buttars	Eastman	B. Evans
Gladwell	Hatch	Mayne	Stephenson

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 65**, COUNTY CLASSIFICATION AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. Senator 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	Blackham
Bramble	Davis	Dmitrich	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Eastman	B. Evans	Gladwell
Mayne	Stephenson		

* * *

S.B. 145, COUNTY SURVEYOR AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Eastman	B. Evans	Gladwell
Mayne	Stephenson		

* * *

S.J.R. 6, RESOLUTION ON IMPEACHMENT AUTHORITY, was read the second time. Senator Valentine explained the bill. Senators Hillyard and Thomas commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	J. Evans	Hatch	Hellewell
Hickman	Hillyard	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Jenkins

* * *

On motion of Senator Mayne, the circle was removed from **S.B. 149**, PETE SUAZO UTAH ATHLETIC COMMISSION ACT AMENDMENTS, and it was

before the Senate. Senator Mayne explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	Eastman
B. Evans	Gladwell	Walker	

* * *

On motion of Senator Waddoups and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 9, 2004.

TWENTY−SECOND DAY

MORNING SESSION

The Senate was called to order at 10:10 a.m., with President Pro Tem Michael Waddoups presiding.

Prayer − President James Bekker, President of the Mt. Olympus North Stake, LDS Church
Pledge of Allegiance − Senator Mike Dmitrich
Roll Call − All Senators present except President Mansell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2004

The House passed, **S.B. 92**, REPEAL OF UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT, by Senator P. Arent, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 92 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 6, 2004

The House passed, as amended, **H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 91**, UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 179**, VULNERABLE ADULT ABUSE AMENDMENTS, by Representative P. Jones, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 182**, CONSTRUCTION LIEN AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 88, H.B. 91, H.B. 179,** and **1st Sub. H.B. 182** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 6, 2004

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

Business and Labor

S.B. 57	Corporate Accountability (Sen. E. Mayne)
S.B. 58	Alcoholic Beverage Control Amendments (Sen. J. Valentine)
S.B. 165	Workers' Compensation Amendments (Sen. C. Bramble)

Revenue and Taxation

S.B. 173	Bail Bond Reinstatement Amendments (Sen. G. Bell)

Workforce Services and Community and Economic Development

H.B. 8	Unemployment Insurance Benefits − Social Security Benefits Offset (Rep. D. Cox) (Sen. S. Jenkins)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 6, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 52**, INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES, by Senator T. Hatch, with the following amendments:

1. Page 2, Lines 33 through 34:

33 (a) a telephone call or other inquiry that does not result in the insured [[~~demanding~~]] requesting the

34 payment of a claim; or

2. Page 4, Line 120 through Page 5, Line 123:

120 (c) Unless the conditions of Subsection (4)(b)(iii) or (iv) apply, an insurer may not fail

121 to renew an insurance policy as a result of a telephone call or other inquiry that:

122 (i) references a policy coverage; and

123 (ii) does not result in the insured [[~~demanding~~]] requesting payment of a claim [~~being filed or paid~~].

3. Page 7, Lines 191 through 200:

191 (ii) A numerical value, categorization, or classification described in Subsection

192 (1)(c)(i) is a score if it is developed to predict the likelihood of future insurance claims

193 regardless of whether it is developed to predict other factors in addition to predicting [[~~the~~]] future

194 insurance claims.

195 (2) (a) An insurer may not make an adverse eligibility or rate decision related to

196 personal lines insurance in whole or in part on the basis of:

197 (i) a report by a loss reporting agency of a loss if the loss did not result in the insured

198[[demanding]] requesting the payment of a claim;

199 (ii) a[[~~report~~]] telephone call or other inquiry by an insured of a loss if the loss did not result in the insured [[~~demanding~~]] requesting

200 payment of a claim;

4. Page 7, Line 212 through Page 8, Line 223:

212 (3) (a) If an insurer uses a score that is derived from information obtained from a loss

213 reporting agency or an insured, the insurer shall file with the department a [[~~summary of~~]] certification that the

214 method used to derive the score[[~~:~~

215 ~~(i) that is in sufficient detail so that the department can determine whether the score~~

216 ~~complies with Subsection (2)(a)(iv); and~~]] complies with the provisions of Subsection (2)(a)(iv).

217 [[~~(ii)~~]] (b) The insurer shall file a certification required under Subsection (3)(a) within 30 days of the day on which the score described in Subsection (3)(a) is first used by the insurer.

218 [[~~(b)~~]] (c) The department shall classify a[[~~summary~~]] certification filed under this Subsection (3) as a

219 protected record under Subsection 63−2−304(2) except that the insurer is not required to file the

220 information specified in Section 63−2−308.

221 [[~~(c)~~]] (d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

222 commissioner shall make rules providing for the form and procedure of filing the [[~~summary~~]] certification

223 required by Subsection (3)(a).; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 147**, CONDOMINIUM AMENDMENTS, by Senator M. Waddoups.

Parley Hellewell, Chair

Mr. President: February 6, 2004

The Health and Human Services Committee recommends **S.B. 90**, MEDICAL NEGLECT − EXCLUSION, by Senator D. Thomas, be replaced and favorably recommends **4th Sub. S.B. 90**, MEDICAL NEGLECT − EXCLUSION with the following amendments:

1. Page 21, Lines 618 through 624:

618 Section 7. Legislative intent.

619 The legislature recognizes that there is a fundamental liberty interest of parents in the

620 care, custody, and management of their child as protected by the 14th Amendment and does not

621 evaporate simply because they have not been model parents or have lost temporary custody of

622 their children to the state. [[~~A termination of parental rights~~
~~proceeding interferes with that~~

623 ~~fundamental liberty interest. When the state moves to destroy~~
~~weakened family bonds, it must~~

624 ~~provide the parents with fundamentally fair procedures.]]~~; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 180**, DEATH PENALTY PROVISIONS, by Representative S. Allen, with the following amendments:

1. Page 1, Lines 7 through 8
House Floor Amendments
1−26−2004:

7 General Description:

8 This bill repeals use of a firing squad as a means of carrying out the death penalty , except in specified situations .

2. Page 1, Lines 9 through 14b
House Floor Amendments
1−26−2004:

9 Highlighted Provisions:

10 This bill:

11 ▸ repeals references to the use of a firing squad,[[~~and makes the~~
~~repeal retroactive;~~ Ĥ ~~[and]~~ Ĥ

12 ▸ makes provision for the possibility that the retroactive provision is ruled

13 ~~unconstitutional, in which case the defendant who has selected the~~
~~firing squad may~~

14 ~~be so executed~~ Ĥ ~~; AND~~

14a ▸ PROVIDES FOR EXECUTION BY FIRING SQUAD IF]]
unless EXECUTION BY LETHAL INJECTION IS

14b FOUND TO BE UNCONSTITUTIONAL Ĥ .

3. Page 2, Line 33:

33 competent court in executing a penalty of death under Subsection
[[~~77−18−5.5(4)~~]] 77−18−5.5(3) or (4) ;

4. Page 2, Line 46:

46 77−18−5.5. Judgment of death −−[[~~Defendant to select method −− Time of selection~~]] Method is lethal injection −− Exceptions for use of firing squad .

5. Page 2, Line 52 through Page 3, Line 62:

52 (2) Subsection (1) applies to[[~~:~~

53 ~~(a)~~]]any defendant sentenced to death on or after the effective date of this act[[~~; and~~

54 ~~(b) any defendant sentenced to death prior to the effective date of this act, whether or~~

55 ~~not that defendant previously chose a different method of execution~~]].

56 [[~~(3) (a) If on the effective date of this act any death warrant issued under Section~~

57 ~~77−19−6 specifying the method of execution as a firing squad is pending, the court shall issue~~

58 ~~another warrant specifying that the method is lethal intravenous injection.~~

59 ~~(b) If a defendant has previously selected a firing squad as the method of execution and~~

60 ~~no death warrant is pending, the court, upon issuing a death warrant, shall specify that the~~

61 ~~method is lethal intravenous injection.~~

62 ~~(4) Notwithstanding Subsection (3), if~~]]
(3) If a Ĥ [~~final judgment~~] COURT Ĥ holds that a defendant

6. Page 3, Line 64a
House Floor Amendments
1−26−2004:

64a SHALL BE Ĥ a firing squad. This Subsection [[~~(4)~~]] (3) applies to

7. Page 3, Line 65a
House Floor Amendments
1−26−2004:

65a Ĥ [[~~(5)~~]] (4) (a) IF A COURT HOLDS THAT EXECUTION BY LETHAL INJECTION IS

8. Page 3, Lines 75 through 77
House Floor Amendments
1−26−2004:

75 (2) The warrant shall state the conviction, the judgment, the method of execution,[[

76 ~~which is lethal injection except under Subsection 77−18−5.5(4)~~]]and the appointed day the

77 judgment is to be executed, which may not be fewer than 30 days nor more than 60 days from

9. Page 4, Lines 95 through 96:

95 (3) If the judgment of death is to be carried out by firing squad under Subsection

96[[77−18−5.5(4)]] 77−18−5.5(3) or(4) , the executive director of the department or his designee shall select a five−person

10. Page 4, Line 99:

99 intravenous injections and for members of a firing squad under Subsection [[~~77−18−5.5(4)~~]] 77−18−5.5(3) or(4) shall; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 183**, CONDITIONS FOR RELEASE AFTER NOTICE REGARDING ARREST FOR DOMESTIC VIOLENCE, by Representative P. Wallace.

James Evans, Chair

Mr. President: February 6, 2004

The Education Committee reports a favorable recommendation on **S.B. 39**, STATE AND SCHOOL RECOGNITION OF CESAR CHAVEZ, by Senator J. Evans; and

The Education Committee reports a favorable recommendation on **S.B. 40**, CESAR CHAVEZ SCHOLARSHIP PROGRAM, by Senator J. Evans, with the following amendments:

Page 1, Line 16:
Delete “appropriates money for the Cesar Chavez Scholarship Program;”

Page 1, Lines 19 − 20:
Delete lines 19 −20 and insert “None”

Page 6, Lines 180 − 182:
Delete lines 180 −182.

Page 7, Line 183 − 186:
Delete lines 183 − 186; and

The Education Committee reports a favorable recommendation on **S.C.R. 4**, RESOLUTION RECOGNIZING 50TH ANNIVERSARY OF LANDMARK CASE OF BROWN V. BOARD OF EDUCATION, by Senator J. Evans; and

The Education Committee reports a favorable recommendation on **S.J.R. 7**, RESOLUTION RECOGNIZING SUGAR HOUSE SESQUICENTENNIAL, by Senator G. Davis, et al; and

The Education Committee reports a favorable recommendation on **H.B. 65**, TUITION WAIVER FOR PURPLE HEART RECIPIENTS, by Representative G. Hughes, et al.

Bill Wright, Chair

Mr. President: February 6, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 66**, TELECOMMUNICATIONS AMENDMENTS, by Senator J. Hickman; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 166**, OFF−HIGHWAY VEHICLE REGISTRATION PROVISIONS, by Senator T. Hatch, be replaced and favorably recommends **1st Sub. S.B. 166**, OFF−HIGHWAY VEHICLE REGISTRATION PROVISIONS with the following amendments:

1. Page 3, Line 84:
Reinstate “and” and delete “or“

2. Page 4, Lines 100 through 101:

100 (1) Beginning on [[~~July 1, 2004~~]] January 1, 2005 , the Motor Vehicle Division shall assign an off−highway

101 vehicle registration number to each off−highway vehicle registered under Section 41−22−3.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 168**, DRIVER LICENSE RELATED AMENDMENTS, by Senator C. Walker.

Sheldon L Killpack, Chair

Mr. President: February 6, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 48**, UNIFORM FIREARM LAWS, by Senator M. Waddoups, with the following amendments:

1. Page 2, lines 52−53:
   Deletes lines 52 and 53

2. Page 2, line 54:
   Delete "(7)" and insert "(6)"; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 49**, COMPETENCY TO BE EXECUTED − AMENDMENTS, by Senator D. Gladwell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 161**, JUDICIAL CONDUCT COMMISSION, by Senator M. Waddoups.

Greg Bell, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 52,** as amended, **S.B. 147, 4th Sub. S.B. 90,** as amended, **H.B. 180,** as amended, **H.B. 183, S.B. 39, S.B. 40,** as amended, **S.C.R. 4, S.J.R. 7, H.B. 65, S.B. 66, 1st Sub. S.B. 166,** as amended, **S.B. 168, S.B. 48,** as amended, **S.B. 49,** and **S.B. 161** were placed on Second Reading Calendar.

* * *

Mr. President: February 6, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 160**, CONTROLLED SUBSTANCES ACT AMENDMENTS, by Senator P. Julander, and recommends it be considered read for the second time and placed on the Consent Calendar.

James Evans, Chair

On motion of Senator Knudson, the committee report was adopted. **S.B. 160** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 61, **Acceptance of Federally Funded Breakfast Program for Underprivileged Children** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 164, **Amendments to the Utah Comprehensive Health Insurance Pool** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 176, **Financial Institutions Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 177, **Property Tax − Outdoor Advertising** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 178, **Mortgage Broker Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 180, **Brownfield Properties − Amendments** (B. Wright), read the first time by short title and referred to the Rules Committee.

S.B. 184, **Interlocal Cooperation Act Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 214, **Prohibition of Obesity Lawsuits Against Restaurants** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 215, **County Powers Amendments** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

S.B. 216, **Health Provider Reimbursement Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 232, **Standard of Care for Emergency Vehicle Drivers** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 245, **Medical Provider Arbitration Amendment** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, **Resolution Regarding Construction of Waste Facility** (B. Wright), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 97**, CERTIFICATION DEADLINE FOR POLITICAL PARTIES. The bill, as amended, 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	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Arent	Wright	Mansell

1st Sub. S.B. 97 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hillyard, the Senate refused to concur in the House amendments. **S.J.R. 4,** JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, was returned to the House for further consideration.

CONSENT CALENDAR

S.B. 152, DIVISION OF COMMUNITY DEVELOPMENT NAME CHANGE, was read the third time, explained by Senator Jenkins, 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	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Blackham	J. Evans	Hatch	Wright
Mansell			

S.B. 152 was transmitted to the House.

* * *

H.B. 186, EVALUATION AND COUNSELING PRIOR TO TERMINATION PROCEEDINGS, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Blackham	Hatch	Killpack	Wright
Mansell			

H.B. 186 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 192, REPEAL OF THRIFTS SETTLEMENT FINANCING PROVISIONS, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

J. Evans	Hatch	Killpack	Wright
Mansell			

H.B. 192 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. 134, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, was read the third time.

On motion of Senator Walker, the bill was circled.

* * *

S.B. 141, NEW JUDGE − SECOND DISTRICT COURT, 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
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Hatch	Killpack	Wright	Mansell

S.B. 141 was transmitted to the House.

* * *

S.B. 136, UNIFORM INTERSTATE FAMILY SUPPORT ACT, 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
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Hatch	Hickman	Killpack	Wright
Mansell			

S.B. 136, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 44, CHILD CARE CENTERS REGULATIONS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hatch	Hickman	Killpack	Wright
Mansell			

1st Sub. S.B. 44 was transmitted to the House.

* * *

S.B. 142, VALIDITY OF MARRIAGE LICENSES, was read the third time, explained by Senator Davis, and 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	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Eastman	Hatch	Hickman
Killpack	Wright	Mansell	

S.B. 142 was transmitted to the House.

* * *

S.B. 65, COUNTY CLASSIFICATION AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hatch	Hickman	Killpack
Wright	Mansell		

S.B. 65 was transmitted to the House.

* * *

S.B. 145, COUNTY SURVEYOR AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hatch	Killpack	Wright	Mansell

S.B. 145 was transmitted to the House.

* * *

S.J.R. 6, RESOLUTION ON IMPEACHMENT AUTHORITY, 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	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Hatch	Killpack	Wright	Mansell

S.J.R. 6 was transmitted to the House.

* * *

S.B. 149, PETE SUAZO UTAH ATHLETIC COMMISSION ACT AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hatch	Killpack	Wright	Mansell

S.B. 149 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Gladwell, the circle was removed from **1st Sub. S.B. 138**, FISHING AND HUNTING LICENSE AMENDMENTS, and it was before the Senate. Senator Gladwell explained the bill. The bill passed second reading 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	Hale
Hellewell	Hickman	Hillyard	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Blackham	Hatch	Jenkins	Killpack
Wright	Mansell		

* * *

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 106**, DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES , and it was before the Senate. Senator Buttars explained the bill. Senators Hickman, Eastman, Blackham, Thomas, Allen, and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Allen	Dmitrich

Absent or not voting were: Senators

Bramble	Wright	Mansell

* * *

On motion of Senator Gladwell, the circle was removed from **S.B. 143**, CRIMINAL OFFENSE ATTEMPT AMENDMENTS, and it was before the Senate. Senator Gladwell explained the bill. The bill passed second reading 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	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Davis	Wright	Mansell

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 133**, BULK DELIVERY OF MOTOR FUEL, and it was before the Senate. Senator Stephenson explained the bill. The bill passed second reading 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	Hellewell	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Hickman	Valentine	Wright
Mansell			

* * *

On motion of Senator Hale, the circle was removed from **S.B. 71**, SAFETY BELT ENFORCEMENT, and it was before the Senate. Senator Hale explained the

bill. Senators Thomas, Eastman, Arent, Julander, Bramble, Knudson, Blackham and Davis commented.

Senator Hickman proposed the following amendment:

1. Page 2, Line 35:
   Delete “16” and insert “65”

# # #

Senator Blackham proposed the following substitute amendment:

1. Page 2, Lines 35 and 36:
   Delete lines 35 and 36

Senator Blackham’s motion to amend failed on a voice vote.

Senator Hickman withdrew his motion to amend. The bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hillyard	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Voting in the negative were: Senators

Blackham	Bramble	Buttars	Gladwell
Hatch	Hellewell	Hickman	Jenkins
Wright			

Absent or not voting was: Senator
Mansell

INTRODUCTION OF BILLS

S.B. 199, **Outsourcing State Jobs** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 204, **Redevelopment Agency Changes** (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 207, **Office of Museum Services Amendments** (R. Allen), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 10, 2004.

TWENTY−THIRD DAY

MORNING SESSION

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

Prayer − Reverend Tom Goldsmith, First Unitarian Church, Salt Lake City
Pledge of Allegiance − Senator David Gladwell
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2004

The House concurred in the Senate amendments and passed **H.B. 24**, MOTOR VEHICLES CODE REVISIONS, by Representative J. Murray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 37**, SUNSET REAUTHORIZATIONS, by Representative G. Curtis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 49**, NATURAL GAS TECHNICIAN CERTIFICATION, by Representative G. Snow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 24, H.B. 37, and **H.B. 49** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

Mr. President: February 9, 2004

The House passed **H.B. 95**, CLARIFICATION OF DEPENDENT HEALTH CARE COVERAGE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 206**, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, by Representative M. Noel, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 95** and **2nd Sub. H.B. 206** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 9, 2004

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

Business and Labor

S.B. 117	Medical Arbitration Agreement Amendments (Sen. P. Hellewell)
S.B. 164	Amendments to the Utah Comprehensive Health Insurance Pool (Sen. G. Davis)
S.B. 176	Financial Institutions Amendments (Sen. J. Valentine)
S.B. 178	Mortgage Broker Amendments (Sen. M. Waddoups)
S.B. 216	Health Provider Reimbursement Amendments (Sen. P. Hellewell)
S.B. 245	Medical Dispute Resolution Amendments (Sen. L. Blackham)
1st Sub. H.B. 195	Consumer Protection Amendments (Rep. S. Allen) (Sen. P. Arent)

Education

S.B. 61	Acceptance of Federally Funded Breakfast Program for Children (Sen. P. Julander)
H.B. 46	Appropriation for School Districts Impacted by Fee Waivers (Rep. L. Shurtliff) (Sen. K. Hale)

Government Operations and Political Subdivisions

S.B. 184	Interlocal Cooperation Act Amendments (Sen. G. Bell)
S.B. 215	County Powers Amendments (Sen. D. Gladwell)

Health and Human Services

S.B. 180	Brownfield Properties − Amendments (Sen. B. Wright)
S.B. 214	Prohibition of Obesity Lawsuits Against Restaurants (Sen. H. Stephenson)
H.B. 60	Protection of Children in Foster Care (Rep. D. Litvack) (Sen. G. Davis)
1st Sub. H.B. 200	Recognition of Foreign Adoptions (Rep. W. Harper) (Sen. M. Waddoups)

Revenue and Taxation

S.B. 177	Property Tax − Outdoor Advertising (Sen. M. Waddoups)

H.B. 38 Sales and Use Tax − Repeal of Cable and Satellite Service (Rep. G. Curtis) (Sen. M. Waddoups)

Transportation and Public Utilities and Technology

S.B. 232 Standard of Care for Emergency Vehicle Drivers (Sen. L. Blackham)

H.B. 28 Transportation Planning Task Force Reauthorization (Rep. R. Lockhart) (Sen. C. Walker)

and further recommends reassignment from Government Operations and Political Subdivisions to Business and Labor

S.B. 53 County and Municipal Zoning Regarding Billboards (Sen. M. Waddoups)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 219**, AMENDMENTS TO JUSTICE COURT OPERATIONS, by Senator E. Mayne; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 8**, RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF INTO SESSION, by Representative C. Bennion.

Carlene M. Walker, Chair

Mr. President: February 9, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 171**, PROPERTY TAX TREATMENT OF TRANSPORTABLE FACTORY−BUILT HOUSING UNITS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 238**, INDIVIDUAL INCOME TAX − EARNED INCOME TAX CREDIT, by Senator T. Hatch; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 27**, TAX COMMISSION REPORT − FEDERAL TAX LAW CHANGES, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 64**, AMENDMENTS TO LOCAL OPTION SALES TAX, by Representative S. Allen; and

The Revenue and Taxation Committee recommends **H.B. 187**, VIATICAL SETTLEMENT ACT, by Representative J. Dunnigan, be replaced and favorably recommends **1st Sub. H.B. 187,** VIATICAL SETTLEMENT ACT.

Curtis S. Bramble, Chair

Mr. President: February 9, 2004

The Workforce Services and Community and Economic Development Committee recommends **S.B. 50**, RURAL PLANNING AND DEVELOPMENT, by Senator T. Hatch, be replaced and favorably recommends **1st Sub. S.B. 50**, RURAL PLANNING AND DEVELOPMENT; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 146**, OLYMPIC LAW REVISIONS AND CLEANUP, by Senator B. Evans; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 67**, CULTURAL AFFAIRS TASK FORCE, by Representative S. Allen.

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 219, H.J.R. 8, S.B. 171, S.B. 238, 1st Sub. H.B. 27, 1st Sub. H.B. 64, 1st Sub. H.B. 187, 1st Sub. S.B. 50, S.B. 146,** and **H.B. 67** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 183, **Local Governments − Authority for Design−Build Construction** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 230, **Performance Plus − Reading Achievement** (J. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 240, **Motion Picture Task Force** (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 249, **Defining Practice of Chiropractic Physician** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, **Resolution on Ethnic Advisory Councils** (J. Evans), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 72, RELEASE OF CLAIMS ON BEHALF OF A MINOR, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Blackham

H.B. 72 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

TIME CERTAIN CALENDAR

1st Sub. S.B 45, UNIFORM PARENTAGE ACT, was read the second time. Senator Hillyard explained the bill. Senators Buttars and Arent commented.

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

2nd Sub. S.B. 45, **Uniform Parentage Act** (L. Hillyard)

On motion of Senator Waddoups, the bill was placed at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

THIRD READING CALENDAR

1st Sub. S.B. 138, FISHING AND HUNTING LICENSE AMENDMENTS, was read the third time, explained by Senator Gladwell, 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
B. Evans

1st Sub. S.B. 138 was transmitted to the House.

* * *

On motion of Senator Walker, the circle was removed from **S.B. 134**, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, and it was before the Senate.

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

1st Sub. S.B. 134, **Governor's Commission for Women and Families**
(C. Walker)

On motion of Senator Walker, the bill was circled.

* * *

1st Sub. S.B. 106, DISHONORED CHECKS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 143, CRIMINAL OFFENSE ATTEMPT 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	Dmitrich	Eastman
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

Davis	B. Evans	Killpack

S.B. 143 was transmitted to the House.

* * *

S.B. 133, BULK DELIVERY OF MOTOR FUEL, 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

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

Absent or not voting were: Senators

Davis	B. Evans

S.B. 133 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, “Footnotes,” a choir from Canyon View Jr. High in Provo, sang “The Star Spangled Banner” in Committee of the Whole.

* * *

S.B. 71, SAFETY BELT ENFORCEMENT, was read the third time and explained by Senator Hale. Senators Thomas, Eastman, Waddoups, Arent, and Blackham commented.

On motion of Senator Blackham, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator James Evans proposed the following amendment:

1. Page 2, Lines 48 through 54

48 (iii) any other related documents, including any letters received by the governor about

49 the appointee, unless the letter specifically directs that it may not be shared.

(3) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel the number of letters withheld pursuant Subsection (2)(b)(iii).

50 [[~~(3)~~]] (4) Records received [[~~by the Senate Judicial Confirmation Committee~~]] from the

51 governor pursuant to this section may be classified as private in accordance with Section

52 63−2−302.

53 [~~(2)~~][[~~(4)~~]] (5) The Senate shall consent or refuse to give its consent to the nomination or

54 judicial appointment.

Senators Mansell and Valentine commented.

Senator Evans' motion to amend was withdrawn. The bill passed second reading 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	Killpack

Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

* * *

S.B. 124, PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A MUNICIPALITY, was read the second time. Senator Killpack explained the bill. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Wright

* * *

1st Sub. S.B. 128, LONG−TERM CARE FACILITIES AMENDMENTS, was read the second time. Senator Blackham explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; 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	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Arent	Wright

* * *

S.B. 139, INDIVIDUAL INCOME TAX − NONRESIDENT INCOME AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Arent

* * *

S.B. 144, CORPORATIONS SOLE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Valentine, Hickman, and Thomas commented. The bill passed second reading 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	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Buttars	Davis	Hale	Wright

* * *

On motion of Senator Waddoups, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2004

The Speaker of the House has signed **1st Sub. S.B. 97**, CERTIFICATION DEADLINE FOR POLITICAL PARTIES, by Senator C. Bramble, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 97 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 10, 2004

The House concurred in the Senate amendments and passed **H.B. 32**, LIEN AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 32 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 10, 2004

The House passed, as substituted, **1st Sub. H.B. 43**, NO CHILD LEFT BEHIND OPTIONS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 229**, PUBLIC UTILITY EASEMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.C.R. 6**, RESOLUTION OPPOSING INTERNET ACCESS TAXES, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 43, H.B. 229,** and **1st Sub. H.C.R. 6** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 10, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives Dillree, Harper, and Hendrickson to meet with a like committee from the Senate to consider or amend **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard.

Carole E. Peterson, Chief Clerk

President Mansell appointed a Conference Committee consisting of Senators Hillyard, Waddoups, and Mayne to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 10, 2004

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

Business and Labor

1st Sub. H.B. 182	Construction Lien Amendments (Rep. S. Clark) (Sen. S. Jenkins)

Education

S.B. 207	Office of Museum Services Amendments (Sen. R. Allen)
S.B. 230	Performance plus − Reading Achievement (Sen. J. Evans)

Government Operations and Political Subdivisions

S.B. 183	Local Governments − Authority for Design−build Construction (Sen. H. Stephenson)
S.C.R. 2	Resolution Regarding Construction of Waste Facility (Sen. B. Wright)

Health and Human Services

S.B. 249	Defining Practice of Chiropractic Physician (Sen. D. C. Buttars)

Revenue and Taxation

S.B. 204	Redevelopment Agency Changes (Sen. D. Thomas)
H.B. 184	Voyeurism Amendments (Rep. B. Goodfellow) (Sen. P. Julander)

H.C.R. 5 Resolution Urging Federal Tax Cuts to Be Made Permanent (Rep. C. Bennion) (Sen. H. Stephenson)

Workforce Services and Community and Economic Development
S.B. 199 Outsourcing State Jobs (Sen. L. Blackham)
S.B. 240 Motion Picture Task Force (Sen. R. Allen)
S.J.R. 9 Resolution on Ethnic Advisory Councils (Sen. J. Evans)

Lyle Hillyard
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 175, **Protection of Private Lawfully Obtained Property** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

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 **1st Sub. S.B. 134**, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, and it was before the Senate. Senator Walker explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Line 109:
   Delete "2008" and insert "2006"

Senator Valentine's motion to amend passed on a voice vote. Senators Valentine and Knudson 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	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Davis	Eastman	Hellewell	Wright

1st Sub. S.B. 134, as amended, was transmitted 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

1st Sub. S.B. 47, UNIFORM TRUST CODE, was read the second time. Senator Hillyard explained the bill. Senators Valentine and Bramble commented. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Davis	Eastman	Julander

* * *

S.B. 63, WITNESS TAMPERING AMENDMENTS, was read the second time. Senator Buttars explained the bill. The bill passed second reading 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	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Eastman	Hellewell	Wright

* * *

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 140**, HUMAN SERVICES LICENSING AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. Senators Hickman, Hatch, Jenkins, and Wright commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Hale	Hillyard
Killpack	Knudson	Mayne	Valentine
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Gladwell	Hatch	Hickman	Jenkins
Julander	Stephenson	Wright	

Absent or not voting were: Senators

Eastman	Hellewell	Thomas

RULES COMMITTEE REPORTS

To the Members of the Senate: February 10, 2004

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

Judiciary, Law Enforcement, and Criminal Justice

S.B. 175 Protection of Private Lawfully Obtained Property
(Sen. D. C. Buttars)

Lyle Hillyard
Rules Committee Chair

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

* * *

Senator Beverly Evans requested leave of the body to allow a resolution regarding the Utah Athletic Foundation, currently in draft form, to be converted

from a joint resolution to a concurrent resolution. The request was granted on voice vote from the Senate.

SECOND READING CALENDAR

S.B. 131, UNIFORM PRINCIPAL AND INCOME ACT, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading 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	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Davis	Eastman	Mayne

* * *

On motion of Senator Hillyard, the circle was removed from **2nd Sub. S.B. 45**, UNIFORM PARENTAGE ACT, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Hale	Hatch	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative was: Senator

Arent

Absent or not voting were: Senators

Bramble	Eastman	Gladwell	Hellewell
Mayne			

* * *

S.B. 155, COUNTY MENTAL HEALTH AMENDMENTS, was read the second time.

On motion of Senator Davis, the bill was circled.

* * *

S.B. 52, INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES, was read the second time.

Senator Hatch proposed the following amendment:

1. Page 2, Lines 30 through 37
   Senate Committee Amendments
   2−9−2004

30 (1) Each rate, rating schedule, and rating manual filed with the commissioner for

31 [~~insurance covering a vehicle or the operation of a vehicle~~] personal lines insurance may not

32 permit a premium increase due to:

33 (a) a telephone call or other inquiry that does not result in the insured Ş [~~demanding~~]

33a REQUESTING Ş the

34 payment of a claim; or

35 (b) a claim under a policy of insurance covering a motor vehicle or the operation of a motor vehicle resulting from any incident, including acts of vandalism, in which the

36 person named in the policy or any other person using [[~~{~~]]the[[~~}~~]] [[~~an~~]] insured motor vehicle with the

37 express or implied permission of the named insured is not at fault.

2. Page 7, Lines 201 through 204
   Senate Committee Amendments
   2−9−2004:

201 (iii) a loss that occurred when real property covered by the personal lines insurance was

202 owned [[~~or occupied~~]] by a person other than the:

203 (A) insured; or

204 (B) person seeking insurance; or

Senator Hatch's amendment passed on a voice vote. Senator Hatch explained the bill. Senator Valentine commented.

On motion of Senator Hatch, the bill was circled.

* * *

S.B. 147, CONDOMINIUM AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Gladwell Hatch

* * *

4th Sub. S.B. 90, MEDICAL NEGLECT − EXCLUSION, was read the second time. Senator Thomas explained the bill. Senators Allen, Knudson, Hellewell, Jenkins, Julander, Bell, Bramble, Valentine, and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander		

Absent or not voting were: Senators

Gladwell	Hatch

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2004

The House passed **H.B. 11**, UNUSED SICK LEAVE FOR STATE EMPLOYEE PROVISIONS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 54**, VIDEOTAPE OF MINORS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 59**, LIEN FOR HOMEOWNER ASSOCIATION CHARGES, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 82**, VIRTUAL VISITATION AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 94**, HEALTH INSURANCE POOL, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 188**, DONATION OF SURPLUS COMPUTERS TO PERSONS WITH A DISABILITY, by Representative C. Bird, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 232**, WATER WELL AMENDMENTS, by Representative D. Peterson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 11, 1st Sub. H.B. 54, H.B. 59, 1st Sub. H.B. 82, H.B. 94, H.B. 188,** and **1st Sub. H.B. 232** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Waddoups and at 4:10 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 11, 2004.

TWENTY−FOURTH DAY

MORNING SESSION

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

Prayer − Rabbi Joshua Aaronson, Temple Har Shalom
Pledge of Allegiance − Senator Parley Hellewell
Roll Call − All Senators present except Senator Gladwell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2004

The House passed, as substituted and amended, **1st Sub. H.B. 66**, STATE SPENDING LIMITATIONS AMENDMENTS, by Representative G. Hughes, et al, and it is transmitted for consideration; and

The House passed **H.B. 214**, SCHOOL AND INSTITUTIONAL TRUST LANDS − CLARIFYING REFERENCES TO RULES AND POLICIES, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 215**, BUILDING STANDARDS AMENDMENTS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 219**, CONSTRUCTION BOND AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 220**, OFF−HIGHWAY VEHICLE AMENDMENTS, by Representative B. Goodfellow, et al, and it is transmitted for consideration; and

The House passed **H.B. 233**, GRAZING PERMIT FEE AMENDMENTS, by Representative E. Anderson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 66, H.B. 214, 1st Sub. H.B. 215, H.B. 219, 1st Sub. H.B. 220,** and **H.B. 233** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 58**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 20, Lines 601 through 604:

601 (v) the winery described in Subsection (10)(b)(i):

602 [[~~(A) manages the restaurant;~~

603 ~~(B) operates and~~]] (A) owns the restaurant; or

604 [[~~(C) leases~~]] (B) operates the restaurant;

2. Page 51, Lines 1576 through 1577:

1576 (b) An applicant need not meet the requirements of [[~~Subsection~~]] Subsections (1)(a)(i), (ii), (iii), (iv),

1577 and (vi) if the applicant is:

3. Page 54, Line 1669 through Page 55, Line 1671:

1669 (ii) Beer sold pursuant to Subsection (3)[[~~(a)~~]] (d) (i) shall be in a size of container that does

1670 not exceed two liters, except that beer may not be sold to an individual attendee in a container

1671 size that exceeds one liter.

4. Page 64, Lines 1952 through 1953:

1952 (iii) at the discretion of the private club, may be credited toward [[~~monthly~~]] membership

1953 dues if the governing body approves the applicant as a member.

5. Page 67, Lines 2048 through 2052:

2048 (A) the club's lounge, bar, and alcoholic beverage consumption area is:

2049 (I) not accessible to minors;

2050 (II) clearly defined; and

2051 (III) separated from the dance or concert hall area by walls, multiple floor levels, or

2052 other substantial physical barriers;

6. Page 82, Lines 2509 through 2514:

2509 described in Subsections (2)(h)(i) through (vi); [~~and~~]

2510 (viii) state agency; or

2511 (ix) political subdivision of the state including:

2512 (A) a county; or

2513 (B) a municipality[[~~,~~]] ; and

2514 (i) any other information as the commission or department may direct.

7. Page 93, Lines 2859 through 2863:

2859 (ii) the commission may order the removal of the manufacturer's, supplier's, or

2860 importer's products from the department's sales list and a suspension of the department's

2861 purchase of those products for a period determined by the commission if the manufacturer,

2862 supplier, or importer:

2863 (A) directly committed the violation[~~,~~] ; or

8. Page 119, Lines 3668 through 3676:

3668 (2) (a) "Industry member" means:

3669 (i) an alcoholic beverage manufacturer[~~,~~];

3670 (ii) a producer[~~,~~];

3671 (iii) a supplier[~~,~~];

3672 (iv) an importer[~~,~~];

3673 (v) a wholesaler[~~,~~];

3674 (vi) a bottler[~~,~~]; [[~~or~~]]

3675 (vii) a warehouser and bottler[~~,~~]; or

3676 (viii) for a person described in [[~~Subsection~~]] Subsections (2)(a)(i) through (vii), any of its.;

Parley Hellewell, Chair

Mr. President: February 10, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 179**, EXPEDITED APPEALS IN CHILD WELFARE CASES, by Senator L. Hillyard, with the following amendments:

1. Page 3, Lines 64 through 66:

64 (b) Claims of ineffective assistance of counsel do not constitute extraordinary

65 circumstances. If a claim is raised by trial counsel or a party , it must be included in the petition on

66 appeal.

James Evans, Chair

Mr. President: February 10, 2004

The Education Committee reports a favorable recommendation on **S.B. 22**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson, with the following amendments:

1. Page 1, Lines 21 through 27:

21 Section 1. Rules reauthorized.

22 All rules of the state are reauthorized except for the following:

23 [~~(1) R156-73-601, Commerce, Occupational and Professional Licensing, Chiropractic~~

24 ~~Physician Practice Act Rules; and~~

25 ~~(2)~~] (1) R884-24P-24 (L)[[~~(1) and~~]] (2) and (3) , Tax Commission, Property Tax, Form for Notice of

26 Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through

27 59-2-924.; and

The Education Committee reports a favorable recommendation on **S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, by Senator L. Blackham; and

The Education Committee reports a favorable recommendation on **S.B. 154**, SCHOOL BUILDING LEGISLATIVE TASK FORCE, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **S.B. 185**, PUBLIC EDUCATION AMENDMENTS, by Senator T. Hatch.

Bill Wright, Chair

Mr. President: February 10, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 187**, WATER CONSERVANCY DISTRICTS TRUSTEES, by Senator H. Stephenson.

Beverly Ann Evans, Chair

Mr. President: February 10, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 81**, CHILD AND FAMILY SERVICES − PLEA IN ABEYANCE, by Senator P. Hellewell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 103**, CHILD REMOVAL AMENDMENTS, by Senator P. Hellewell, with the following amendments:

1. Page 2, Lines 48 through 50:

48 proper parental care and protection. Under those circumstances, the welfare and protection of

49 children is [[~~[~~]]the consideration of paramount importance[[~~]~~]][[~~balanced against the rights of the~~

50 ~~parent or guardian of the children and the integrity of the family~~]]; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 104**, SELECTION OF MENTAL HEALTH THERAPIST IN TERMINATION OF PARENTAL RIGHTS, by Senator P. Hellewell.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 58,** as amended, **S.B. 179,** as amended, **S.B. 22,** as amended, **S.B. 51, S.B. 154,**

S.B. 185, S.B. 187, S.B. 81, S.B. 103, as amended, and **S.B. 104** were placed on Second Reading Calendar.

* * *

Mr. President: February 10, 2004

The Health and Human Services Committee reports a favorable recommendation on **H.B. 174**, FORENSIC MENTAL HEALTH AMENDMENTS, by Representative J. Seitz, and recommends it be considered read for the second time and placed on the Consent Calendar.

James Evans, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 174** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 60, **Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 194, **Plumbing Apprentice Amendments** (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 223, **Transportation Construction Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 236, **Utah Public Officers and Employees Ethics Act Amendments** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 241, **Future Farmers of America Special License Plate** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 242, **Undocumented Workers Driver License Revisions** (J. Hickman), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 106**, DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES, and it was before the Senate.

Senator Buttars proposed the following amendment:

1. Page 4, Lines 96 through 101

96 7−15−4. Dishonored check as payment for repair of a motor vehicle.

97 (1) As used in this section:
(a) "Dishonored" means that a check is not honored because the account upon which the check is made or drawn does not have sufficient funds for payment in full of the check.

98 [[~~(a)~~]] (b) "Motor vehicle" means a self−propelled vehicle intended primarily for use and

99 operation on the highways.

100 [[~~(b)~~]] (c) "Motor vehicle repair facility" means any motor vehicle dealer, garage, body shop,

101 or other commercial entity that repairs or replaces parts of a motor vehicle by substituting or

Senator Buttars' motion to amend passed on a voice vote. Senator Buttars explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Allen	Davis	Dmitrich

Absent or not voting were: Senators

Arent	Bramble	Gladwell	Stephenson

1st Sub. S.B. 106, as amended, was transmitted to the House.

* * *

S.B. 150, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 124, PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A MUNICIPALITY, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Gladwell

S.B. 124 was transmitted to the House.

* * *

1st Sub. S.B. 128, LONG−TERM CARE FACILITIES AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 139, INDIVIDUAL INCOME TAX − NONRESIDENT INCOME AMENDMENTS, was read the third time, explained by Senator Bramble, 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Gladwell

S.B. 139, as amended, was transmitted to the House.

* * *

S.B. 144, CORPORATIONS SOLE AMENDMENTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.B. 47, UNIFORM TRUST CODE, 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	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Gladwell	Stephenson

1st Sub. S.B. 47 was transmitted to the House.

* * *

S.B. 63, WITNESS TAMPERING AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch

Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Gladwell	Stephenson

S.B. 63 was transmitted to the House.

* * *

On motion of Senator Buttars, the circle was removed from **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 2, Lines 48 through 54

48 (iii) any other related documents, including any letters received by the governor about

49 the appointee, unless the letter specifically directs that it may not be shared.

(3) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel the number of letters withheld pursuant Subsection (2)(b)(iii).

50 [[~~(3)~~]] (4) Records received [[~~by the Senate Judicial Confirmation Committee~~]] from the

51 governor pursuant to this section may be classified as private in accordance with Section

52 63−2−302.

53 [~~(2)~~][[~~(4)~~]] (5) The Senate shall consent or refuse to give its consent to the nomination or

54 judicial appointment.

Senator Buttars' 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	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Gladwell

S.B. 150, as amended, was transmitted to the House.

* * *

2nd Sub. S.B. 140, HUMAN SERVICES LICENSING AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 131, UNIFORM PRINCIPAL AND INCOME ACT, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

2nd Sub. S.B. 45, UNIFORM PARENTAGE ACT, was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed the following amendment:

1. Page 28, Lines 847 through 849

847 (2) Except as otherwise provided in Subsection (3), the Office of Vital Records may

848 charge a reasonable fee for registering records pursuant to Section [[~~78−54g−406~~]] 78−45g−401 making a search

849 of the registry, and for furnishing a certificate.

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	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
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

Arent	Gladwell	Hickman	Killpack

2nd Sub. S.B. 45, as amended, was transmitted to the House.

* * *

S.B. 147, CONDOMINIUM 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	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Arent	Gladwell	Hickman

S.B. 147 was transmitted to the House.

* * *

4th Sub. S.B. 90, MEDICAL NEGLECT − EXCLUSION, was read the third time and explained by Senator Thomas. Senators Davis, Knudson, and Mayne commented.

On motion of Senator Thomas, the bill was circled.

* * *

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 128**, LONG−TERM CARE FACILITIES AMENDMENTS, and it was before the Senate. 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
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Gladwell	Hickman

1st Sub. S.B. 128 was transmitted to the House.

On motion of Senator Blackham, the Senate adopted the following intent language.

INTENT LANGUAGE TO S.B. 128

The long term care facility assessment created by the S.B. 128 is intended to increase the Medicaid reimbursement rate for long term care facilities. The Legislature does not intend to place an added financial burden on private pay patients at nursing homes. It is therefore the intent of the Legislature that the Department of Health repeal its rule and that part of the state plan that requires nursing homes to charge its private pay residents the same rate or more than the nursing home Medicaid reimbursement rate.

SECOND READING CALENDAR

H.B. 41, HEALTH INSURANCE COVERAGE FOR DEPENDENTS, was read the second time. Senator Julander explained the bill. Senator Stephenson commented. The bill passed second reading 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	Hillyard	Jenkins
Julander	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Gladwell	Hickman	Mayne

* * *

On motion of Senator Waddoups, the circle was removed from **H.B. 35**, REQUIREMENTS OF TRUSTEES OF TRUST DEEDS, and it was before the Senate. Senator Waddoups explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Line 26 through Page 2, Line 29

26 (1) (a) The trustee of a trust deed shall be:

27 (i) any active member of the Utah State Bar [[~~[who:]~~;]] who maintains a place within the state where the trustor or other interested parties may meet with the trustee to:
(A) request information about what is required to reinstate or pay off the obligation secured by the trust deed;
(B) deliver written communications to the lender as required by both the trust deed and by law;
(C) deliver funds to reinstate or payoff the loan secured by the trust deed; or
(D) deliver funds by a bidder at a foreclosure sale to pay for the purchase of the property secured by the trust deed.

28 [~~(A) resides in Utah; or~~]

29 [~~(B) maintains a bona fide office in the state;~~]

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading 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	Hillyard
Jenkins	Julander	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Gladwell	Killpack	Mayne	Wright

* * *

H.B. 48, COLLECTION OF INFORMATION BY DEPARTMENT OF HEALTH, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Hillyard
Jenkins	Julander	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Gladwell	Killpack	Mayne	Wright

* * *

H.B. 9, ABSENTEE BALLOT AMENDMENTS, was read the second time. Senator Allen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Buttars	Davis	Eastman	B. Evans
Gladwell	Hickman	Killpack	Mayne
Wright			

* * *

H.B. 40, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, was read the second time. Senator James Evans explained the bill.

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

1st Sub. H.B. 40, Filling Midterm Vacancies in the Legislature, (Rep. C. Frank)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 203**, SPECIAL GROUP LICENSE PLATE, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Gladwell	Hatch	Mayne
Wright			

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 25**, GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, and it was before the Senate. Senator Jenkins explained the bill. Senator Bell commented. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Buttars	Gladwell	Mayne	Wright

* * *

H.B. 57, AMENDMENTS TO BUDGETARY PROCEDURES ACT, was read the second time. Senator Killpack explained the bill. The bill passed second reading 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
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Bramble	Gladwell	Mayne
Wright			

* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, and it was before the Senate. Senator Stephenson explained the bill. Senators Mansell and Bramble commented. The bill passed second reading 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	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Gladwell	Killpack	Mayne

* * *

H.B. 189, TOBACCO COMPLIANCE AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading 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	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	J. Evans	Gladwell

* * *

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 144**, CORPORATIONS SOLE AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 4, Lines 111 through 112

111 (4) The Division of Corporations and Commercial Code may administratively dissolve

112 a corporation sole that does not comply with Subsection 16−7−15(1) or Section 16−7−17 in accordance with the relevant procedures for administrative dissolution of a nonprofit corporation under Sections 16−6a−1411, 16−6a−1412, and 16−6a−1413 .

Senator Hillyard'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

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Mayne	Thomas	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Blackham	Bramble	Gladwell	Hatch
Knudson	Stephenson	Mansell	

S.B. 144, as amended, was transmitted to the House.

On motion of Senator Hillyard, the Senate adopted the following intent language.

INTENT LANGUAGE TO S.B. 144

"The Legislature finds that since 1990, there has been a dramatic increase in the number of individuals nationwide who fraudulently convince others to form a corporation sole in Utah by representing that forming a corporation sole will provide a person with tax advantages that in fact do not exist.

The Legislature does not intend this bill to either advance or inhibit any church or religious society. This bill prohibits the formation of a corporation after May 3, 2004, but does not prohibit a person from incorporating under any other corporate structure. This bill also gives a corporation sole formed after January 1, 1990, until December 31, 2006, to either dissolve or convert into a different corporate structure.

The Legislature intends these provisions to eliminate one avenue by which individuals have been fraudulently convincing others to pursue nonexistent tax advantages."

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 131**, UNIFORM PRINCIPAL AND INCOME ACT, and it was before the Senate. Senator Hillyard explained the bill. Senator Valentine 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	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Gladwell	Knudson	Mansell

S.B. 131 was transmitted to the House.

INTRODUCTION OF BILLS

S.B. 181, **Federal Research Committee** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 218, **Law Enforcement Overtime Fund** (J. Evans), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Stephenson, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 14**, REPEAL OF EDUCATION MANDATES, and it was before the Senate. Senator

Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Blackham

Absent or not voting were: Senators

Buttars	Gladwell	Knudson	Mansell

* * *

On motion of Senator Waddoups and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 12, 2004.

TWENTY−FIFTH DAY

MORNING SESSION

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

Prayer − Jean Nielsen, Director of the Utah Food Bank
Pledge of Allegiance − Senator Karen Hale
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2004

The House passed, **S.B. 4**, REPEAL OF COST−SAVINGS SUGGESTIONS PILOT PROGRAM, 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. 32**, USE OF ASTHMA MEDICATION BY PUPILS IN SCHOOL, by Senator P. Arent, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 42**, UTAH EXEMPTION CODE AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 83**, UNINSURED EMPLOYERS' FUND AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 96**, UTAH OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 108**, REVISOR'S STATUTE, by Senator L. Hillyard, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 115**, SPECIAL ELECTION DATES, 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

S.B. 4, S.B. 32, S.B. 42, S.B. 83, S.B. 96, S.B. 108, 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 11, 2004

The House passed **H.B. 237**, DEPARTMENT OF CORRECTIONS − THERAPY PROVIDER QUALIFICATIONS, by Representative D. Bourdeaux, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 237** was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 11, 2004

The House passed, as amended, **S.B. 10**, AMENDMENTS TO LOCAL REFERENDUM PROCESS, by Senator J. Hickman, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT, by Senator T. Hatch, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 68**, PROHIBITION OF PUBLIC FUNDING FOR ABORTION, by Senator C. Bramble, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

S.B. 10, 1st Sub. S.B. 23, S.B. 30, and **3rd Sub. S.B. 68** were placed on the Concurrence Calendar.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 11, 2004

The House adopted the Joint Conference Committee Report dated February 11, 2004, and passed **S.J.R. 4,** JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Mr. President: February 10, 2004

The Joint Conference Committee comprised of Sens. Hillyard, Waddoups, and Mayne, and Reps. Dillree, Harper, and Hendrickson, recommends **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 4, Line 96c Lilac copy
   After "NOTE," delete "OR AN ALTERNATE FISCAL NOTE"

Senator Lyle Hillyard and
Representative Marda Dillree
Committee Chairs

On motion of Senator Hillyard, the Senate voted to adopt the committee report to **S.J.R. 4,** JOINT RULES RESOLUTION − FISCAL NOTE PROCESS 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	Jenkins	Julander	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Mayne	Stephenson

S.J.R. 4, as amended, was returned to the House for signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 165**, WORKERS' COMPENSATION AMENDMENTS, from the Business and Labor Committee and assign it to the Revenue and Taxation Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 11, 2004

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

Business and Labor

S.B. 194	Plumbing Apprentice Amendments (Sen. P. Hellewell)
H.B. 59	Lien for Homeowner Association Charges (Rep. S. Mascaro) (Sen. T. Hatch)
H.B. 94	Health Insurance Pool (Rep. C. Bennion) (Sen. C. Walker)
H.B. 213	Changes to Investment Advisory Committee (Rep. D. Clark) (Sen. B. Evans)
1st Sub. H.B. 215	Building Standards Amendments (Rep. J. S. Adams) (Sen. B. Wright)
H.B. 219	Construction Bond Amendments (Rep. M. Morley) (Sen. B. Wright)

Education

H.B. 214	School and Institutional Trust Lands − Clarifying References to Rules and Policies (Rep. J. Gowans) (Sen. M. Dmitrich)

Government Operations and Political Subdivisions

S.B. 236	Utah Public Officers' and Employees' Ethics Act Amendments (Sen. D. C. Buttars)
H.B. 91	Utah Administrative Rulemaking Act Amendments (Rep. W. Harper) (Sen. J. Evans)
H.B. 205	State Settlement Agreements Amendments (Rep. W. Harper) (Sen. B. Evans)
2nd Sub. H.B. 206	Constitutional Defense Council Amendments (Rep. M. Noel) (Sen. T. Hatch)

Health and Human Services

1st Sub. H.B. 54	Videotape of Minors (Rep. W. Harper) (Sen. D. C. Buttars)

1st Sub. H.B. 82	Virtual Visitation Amendments (Rep. D. Aagard) (Sen. L. Hillyard)
H.B. 95	Clarification of Dependent Health Care Coverage Amendments (Rep. T. Kiser) (Sen. B. Evans)
H.C.R. 2	Individuals with Disabilities Act Resolution (Rep. K. Holdaway) (Sen. C. Walker)

Judiciary, Law Enforcement, and Criminal Justice

H.B. 179	Vulnerable Adult Abuse Amendments (Rep. P. Jones) (Sen. J. Valentine)
H.B. 212	Traffic Accident Response (Rep. E. Hutchings) (Sen. E. Mayne)

Natural Resources, Agriculture, and Environment

2nd Sub. H.B. 51	Nonresident User Fee for Off−highway Vehicle Users (Rep. D. Bowman) (Sen. J. Hickman)
H.B. 88	State Land Use Management Plans (Rep. B. Johnson) (Sen. T. Hatch)
1st Sub. H.B. 220	Off−highway Vehicle Amendments (Rep. B. Goodfellow) (Sen. D. Eastman)
H.B. 229	Public Utility Easements (Rep. R. C. Webb) (Sen. T. Hatch)
1st Sub. H.B. 232	Water Well Amendments (Rep. D. Peterson) (Sen. M. Dmitrich)
H.B. 233	Grazing Permit Fee Amendments (Rep. E. Anderson) (Sen. B. Evans)

Retirement and Independent Entities

H.B. 11	Unused Sick Leave for State Employee Provisions (Rep. D. Clark) (Sen. J. Valentine)

Revenue and Taxation

S.B. 60	Sports Development and Tourism, Recreation, Cultural, Convention, and Sports Facilities Tax Amendments (Sen. M. Waddoups)
1st Sub. H.B. 66	State Spending Limitations Amendments (Rep. G. Hughes) (Sen. C. Bramble)
1st Sub. H.B. 202	Mail Order Tobacco Sales Amendments (Rep. E. Hutchings) (Sen. M. Waddoups)
1st Sub. H.C.R. 6	Resolution Opposing Internet Access Taxes (Rep. C. Bennion) (Sen. H. Stephenson)

Transportation and Public Utilities and Technology

S.B. 223	Transportation Construction Amendments (Sen. D. Eastman)
S.B. 241	Future Farmers of America Special License Plate (Sen. B. Evans)
S.B. 242	Undocumented Workers Driver License Revisions (Sen. J. Hickman)

Workforce Services and Community and Economic Development

H.B. 79	Right to Display Flag At Personal Residence (Rep. C. Duckworth) (Sen. R. Allen)
H.B. 188	Donation of Surplus Computers to Persons with a Disability (Rep. C. Bird) (Sen. G. Davis)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 162**, INTERSTATE INSURANCE PRODUCT REGULATION − COMPACT, by Senator J. Valentine, with the following amendments:

1. Page 19, Line 584 through Page 20, Line 587:

584 b. Product approvals by the Commission or product self−certifications, or any

585 Advertisement in connection with such product, that are in force on the effective date of

586 termination shall remain in force in the Defaulting State in the same manner as if the

587 Defaulting State had withdrawn voluntarily pursuant to Section 1 of this [[~~Article~~]] article .

2. Page 20, Lines 604 through 605:

604 a. Nothing herein prevents the enforcement of any other law of a Compacting State,

605 except as provided in Paragraph b of this [[~~Article~~]] section .

Parley Hellewell, Chair

Mr. President: February 11, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 184**, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator G. Bell.

Carlene Walker, Chair

Mr. President: February 11, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 173**, BAIL BOND REINSTATEMENT AMENDMENTS, by Senator G. Bell, with the following amendments:

1. Page 2, Lines 47 through 53:

47 ~~agreement of the surety and the court.~~]

48 [[~~(4) (a) If a defendant fails to appear at a scheduled court appearance and the court has~~

49 ~~ordered forfeiture of the bond, and the defendant:~~

50 ~~(i) appears in court within seven days after the failure to appear, the court may reinstate~~

51 ~~the bond without further notice to the surety; or~~

52 ~~(ii) has failed to appear in court within seven days after the failure to appear, the court~~

53 ~~may not reinstate the bond without notifying the surety.~~]]
(4)(a) If a defendant appears in court within seven days after a missed, scheduled court appearance, even though the court has ordered the bond forfeited, the court may reinstate the bond without further notice to the bond company.
(b) If a defendant fails to appear within seven days after a scheduled court appearance and the court has ordered the bond forfeited, the court may not reinstate the bond without the consent of the surety.

2. Page 2, Line 54:

54 [[~~(b)~~]] (c) If the defendant is arrested and booked into a county jail booking facility pursuant

3. Page 2, Line 57:

57 [[~~(c)~~]] (d) Unless the court makes a finding of good cause why the bond should not be

4. Page 3, Line 70:

70 [[~~(d)~~]] (e) Under circumstances not otherwise provided for in this section, the court may

5. Page 3, Line 73:

73 [[~~(e)~~]] (f) If a surety's bond has been exonerated under this section and the surety remains; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 177**, PROPERTY TAX − OUTDOOR ADVERTISING, by Senator M. Waddoups.

Curtis Bramble, Chair

Mr. President: February 10, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 182**, ASSISTANT ADJUTANT GENERAL QUALIFICATIONS, by Senator P. Knudson, with the following amendments:

1. Page 1, Lines 12 through 14:

12 This bill:

13 ▸ allows the Assistant Adjutant General to[[~~be~~]] appoint a former federally recognized

14 commissioned officer as the personnel officer ; and

2. Page 2, Line 32:

32 adjutant general for the army or the assistant adjutant general for air for permanent duty at [[~~his~~]] the officer's

3. Page 2, Lines 35 through 36:

35 be a federally recognized commissioned officer[[~~, or former federally recognized commissioned~~

36 ~~officer.~~]] of the Utah National Guard with not less than five years military service in the armed

Page 2, Line 39:

39 officer. [[~~He~~]] The officer shall:

Page 2, Line 45:

45 (a) The officer shall be a federally recognized commissioned officer , or former federally recognized commissioned officer, of the Utah; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 200**, LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED NATIONAL GUARD MEMBERS, by Senator P. Knudson, with the following amendments:

1. Page 2, Lines 31 through 32:

31 [[~~(b) Title 53, Chapter 3, Part 1, Driver's License Division Administration;~~]] and

32 [[~~(c)~~]] (b) Section 26−8a−302.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, by Representative R. Lockhart, with the following amendments:

1. Page 1, Line 23
House Floor Amendments
2−3−2004:

23 [[~~2004−05~~]] 2003−04 to pay for task force expenses.

2. Page 2, Line 34
House Floor Amendments
2−3−2004:

34 (a) [[~~five~~]] six members of the Senate appointed by the president of the Senate, no more than

3. Page 2, Line 36
House Floor Amendments
2−3−2004:

36 (b) Ĥ [~~seven~~] [[~~NINE~~ Ĥ]] eight members of the House of Representatives appointed by the speaker of

4. Page 3, Line 64
House Floor Amendments
2−3−2004:

64 There is appropriated from the General Fund for fiscal year [[~~2004−05~~]] 2003−04 :

Sheldon L Killpack, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 162,** as amended, **S.B. 184, S.B. 173,** as amended, **S.B. 177, S.B. 182,** as amended, **S.B. 200,** as amended, and **H.B. 28,** as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 197, **Health Insurance − Contraceptive Equity Amendments** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 222, **Local Government Review of Impacts of Competing with Private Industry** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 233, **Airport Security Amendments** (J. Evans), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 160, CONTROLLED SUBSTANCES ACT 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	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Davis	Mayne	Stephenson

S.B. 160 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Thomas, the circle was removed from **4th Sub. S.B 90**, MEDICAL NEGLECT − EXCLUSION, and it was before the Senate. Senator Thomas explained the bill. Senators Julander and Arent commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander		

4th Sub. S.B. 90, as amended, was transmitted to the House.

* * *

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 140**, HUMAN SERVICES LICENSING AMENDMENTS, and it was before the Senate.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 41, HEALTH INSURANCE COVERAGE FOR DEPENDENTS, was read the third time, explained by Senator Julander, 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Blackham

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. 35, REQUIREMENTS OF TRUSTEES OF TRUST DEEDS, was read the third time and explained by Senator Waddoups. Senator Valentine commented and 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Blackham

H.B. 35, as amended, was returned to the House for further consideration.

* * *

H.B. 48, COLLECTION OF INFORMATION BY DEPARTMENT OF HEALTH, was read the third time, explained by Senator Bev 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
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Killpack	Stephenson

H.B. 48 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 **2nd Sub. S.B. 140**, HUMAN SERVICES LICENSING AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 9, Lines 247 through 248

247 (xii) staff to client ratios; [[~~and~~]]

248 (xiii) segregation of children from adults;and
(xiv) access to firearms.

Senator Buttars' motion to amend passed on a voice vote.

# # #

Senator Buttars proposed the following amendment:

1. Page4, Lines 115 through 117

115 (2) "Boarding school" means a 24−hour group living environment for four or more

116 individuals unrelated to the owner or provider that offers room, board, and educational

117 services, but [[~~does not provide~~]] also provides treatment, behavior modification, rehabilitation, or habilitation services.

Senator Buttars' motion to amend passed on a voice vote. Senators Hatch, Bramble, Hickman, Valentine, James Evans, and Eastman 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	B. Evans	J. Evans	Hale
Hellewell	Hillyard	Julander	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Allen	Blackham	Davis	Dmitrich
Hatch	Hickman	Jenkins	Stephenson
Wright			

Absent or not voting was: Senator
Gladwell

2nd Sub. S.B. 140, as amended, was transmitted to the House.

* * *

H.B. 9, ABSENTEE BALLOT AMENDMENTS, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Gladwell Wright

H.B. 9 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 203, SPECIAL GROUP LICENSE PLACE, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 25, GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 57, AMENDMENTS TO BUDGETARY PROCEDURES ACT, was read the third time, explained by Senator Killpack, 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	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Wright

H.B. 57 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 Gladwell, the circle was removed from **H.B. 203**, SPECIAL GROUP LICENSE PLATE, 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	Blackham
Bramble	Davis	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell

Hickman	Hillyard	Jenkins	Julander
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Buttars	Dmitrich	Eastman	Knudson
Wright			

H.B. 203 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 Gladwell, the circle was removed from **H.B. 25**, GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, and it was before the Senate. Senator Gladwell explained the bill. Senators Mansell and Waddoups commented.

On motion of Senator Gladwell, the bill was circled.

* * *

On motion of Senator Julander, the circle was removed from **S.B. 125**, CONFIDENTIALITY OF DRUG TESTING, and it was before the Senate. Senator Julander explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Lines 45 through 54

45 (3) Test−related information:

46 (a) shall be disclosed to the Division of Occupational and Professional Licensing [[~~as~~]] :
(i) in the manner provided in Subsection 58−13−5(3); and
(ii) only to the extent

47 required under Subsection 58−13−5(3); and

48 (b) may only be used in a proceeding related to:

49 (i) an action taken by the Division of Occupational and Professional Licensing under

50 Section 58−1−401 when the Division of Occupational and Professional Licensing is taking

51 action in whole or in part on the basis of test−related information disclosed under Subsection

52 (3)(a);

53 (ii) an action taken by an employer under Section 34−38−8; or

54 (iii) an action under Section 34−38−11.

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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Julander	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Hatch	Hickman	Killpack	Knudson
Wright			

S.B. 125, as amended, was transmitted to the House.

* * *

1st Sub. H.B. 40, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, was read the third time and explained by Senator Stephenson. Senator Valentine 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	Buttars	Davis	Dmitrich
Eastman	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

B. Evans	Killpack

1st Sub. H.B. 40, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Gladwell, the circle was removed from **H.B. 25**, GOVERNMENTAL INTERNET INFORMATION PRIVACY ACT, and it was before the Senate. Senator Gladwell explained the bill. Senator Waddoups 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
B. Evans

H.B. 25 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 189, TOBACCO COMPLIANCE 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Buttars Wright

H.B. 189 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 14, REPEAL OF EDUCATION MANDATE, 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

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

Absent or not voting were: Senators

Buttars	Wright

H.B. 14 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 Davis, **S.J.R. 7**, RESOLUTION RECOGNIZING SUGAR HOUSE SESQUICENTENNIAL, will be considered Tuesday, February 17, 2004 at 10:30 a.m.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2004

The House passed **H.B. 74**, EXTENSION OF SALES AND USE TAX EXEMPTION FOR STEEL INDUSTRY, by Representative B. Ferry, et al, and it is transmitted for consideration; and

The House passed **H.B. 78**, SCHOOL LAND TRUST PROGRAM RESTRICTED ACCOUNT, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 83**, STATE RETIREMENT − FUNDED RATIO, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 217**, CHANGES TO DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT CONTRACT PROCEDURES AND REQUIREMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 222**, ROBBERY AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed **H.B. 242**, FUNDS CONSOLIDATION ACT − DEPOSIT AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 253**, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, RESOLUTION ENCOURAGING LIFETIME AND RETIREMENT SAVINGS ACCOUNTS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, RESOLUTION URGING A STUDY ON STATEWIDE UNIFORM FEES IMPOSED ON MOTOR HOMES, by Representative L. Shurtliff, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 74, H.B. 78, H.B. 83, 1st Sub. H.B. 217, H.B. 222, H.B. 242, H.B. 253, H.C.R. 4,** and **H.J.R. 11** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Valentine and at 11: 50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 13, 2004.

TWENTY−SIXTH DAY

MORNING SESSION

The Senate was called to order at 10:25 a.m., with President Al Mansell presiding.

Prayer − Senator Bill Hickman
Pledge of Allegiance − Senator Paula Julander
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2004

The House passed, as amended, **H.B. 7**, MARRIAGE PREPARATION EDUCATION, by Representative R. McGee, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 71**, WATER CONSERVATION PLANS, by Representative J. Buffmire, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 218**, PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 7, 1st Sub. H.B. 71,** and **H.B. 218** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2004

The Business and Labor Committee recommends **S.B. 89**, CONTRACTOR LICENSING AMENDMENTS, by Senator P. Hellewell, be replaced and favorably recommends **1st Sub. S.B. 89,** CONTRACTOR LICENSING AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, by Senator L. Blackham.

Parley Hellewell, Chair

Mr. President: February 12, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 107**, ADVANCED PRACTICE REGISTERED NURSE MODIFICATIONS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 114**, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS, by Senator P. Knudson, with the following amendments:

1. Page 53, Line 1624:

1624 outside of the pharmacy facility.
(3)(a) The provisions of Subsections (1)and (2) do not apply to incarcerated patients or persons otherwise under the jurisdiction of the Utah Department of Corrections or a county detention facility.
(b)A written communication with a person described in Subsection (3)(a) shall be used by a pharmacist or pharmacy intern in lieu of a face to face or telephonic communication for the purpose of counseling the patient.; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 180**, BROWNFIELD PROPERTIES − AMENDMENTS, by Senator B. Wright; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 60**, PROTECTION OF CHILDREN IN FOSTER CARE, by Representative D. Litvack, with the following amendments:

1. Page 4, Lines 104 through 109c
House Committee Amendments
1−27−2004:

104 (6) (a) The division may allow its contract providers and the Office of the Guardian Ad

105 Litem to have limited access to the Management Information System. A division contract

106 provider has access only to information about persons who are currently receiving services

107 from that specific contract provider. The Office of the Guardian Ad Litem has access only to

108 information about children and families where the Office of the Guardian Ad Litem has been

109 appointed by a court to represent the interests of the children. Ĥ THE ACCESS GRANTED TO THE

109a OFFICE OF THE GUARDIAN AD LITEM IS LIMITED TO INFORMATION ENTERED INTO THE SYSTEM

109b ON OR AFTER JULY 1, 2004, EXCEPT THE OFFICE MAY HAVE ACCESS TO ALL CHILD ABUSE AND

109c NEGLECT REFERRALS Ĥ about children and families where the Office has been appointed by a court to represent the interests of the children.; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 198**, CHILD WELFARE COURT REPORTS, by Representative M. Thompson, with the following amendments:

1. Page 4, Lines 96 through 99
House Floor Amendments
2−3−2004:

96 Ĥ [~~(ii)~~] (iii) Ĥ for all other proceedings, no less than [[~~three~~]] five days before the proceeding.

97 (c) If a party to a proceeding obtains information after the deadline in Subsection

98 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the

99 party certifies to the court that the information was obtained after the deadline.

James Evans, Chair

Mr. President: February 12, 2004

The Education Committee reports a favorable recommendation on **S.B. 156**, SUBSTITUTE TEACHERS VOLUNTEER PROGRAM, by Senator J. Evans, with the following amendments:

1. Page 1, Lines 9 through 10:

9 This bill amends the State System of Public Education Code by creating a pilot program

10 to recruit professionals to volunteer as substitute teachers or teachers' assistants .

2. Page 1, Lines 13 through 14:

13 ▸ creates a pilot program to recruit individuals from a variety of professions to

14 volunteer at least one day per year as a substitute teacher or teacher's assistant ;

3. Page 2, Line 36:

36 53A−4−206. Volunteer Substitute and Assistant Teachers Pilot Program.

4. Page 2, Lines 37 through 38:

37 (1) A pilot program is created to recruit individuals from a variety of professions to

38 volunteer at least one day per year as a substitute teacher or teacher's assistant .; and

The Education Committee reports a favorable recommendation on **H.B. 46**, APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS, by Representative L. Shurtliff; and

The Education Committee reports a favorable recommendation on **H.C.R. 7**, RESOLUTION RECOGNIZING LEGISLATORS BACK TO SCHOOL WEEK, by Representative K. Holdaway.

Bill Wright, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. S.B. 89, S.B. 245, S.B. 107, S.B. 114,** as amended, **S.B. 180, S.B. 249,**

H.B. 60, as amended, **2nd Sub. H.B. 198,** as amended, **S.B. 156, H.B. 46,** and **H.C.R. 7** were placed on Second Reading Calendar.

* * *

Mr. President: February 12, 2004

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 200**, RECOGNITION OF FOREIGN ADOPTIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

James Evans, Chair

On motion of Senator Waddoups, the committee report was adopted. **1st Sub. H.B. 200** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 201, **Punitive Damages Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 208, **Funding For Tourism** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 229, **Task Force Study of Wildfires in Utah** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 234, **State Fair Park Leasing Agreements** (B. Wright), read the first time by short title and referred to the Rules Committee.

S.B. 237, **Pioneer Community Amendments** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.C.R. 6, **Utah Athletic Foundation Resolution** (B. Evans), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **S.B. 10**, AMENDMENTS TO LOCAL REFERENDUM PROCESS. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Walker	Mansell	

Absent or not voting were: Senators

Blackham	J. Evans	Hellewell	Julander
Waddoups	Wright		

S.B. 10 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hatch, the Senate refused to concur in the House amendments to **1st Sub. S.B. 23,** AMENDMENTS TO MUNICIPAL GOVERNMENT, and asks the House to recede from their amendments. **1st Sub. S.B. 23** was returned to the House.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS. 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Blackham	Hickman	Julander	Wright

S.B. 30 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **3rd S.B. 68**, PROHIBITION OF PUBLIC FUNDING FOR

ABORTION. Senators Allen and Hillyard commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	

Absent or not voting was: Senator
Wright

3rd S.B. 68 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Hale, the circle was removed from **S.B. 71**, SAFETY BELT ENFORCEMENT, and it was before the Senate. Senator Hale explained the bill. Senators Arent, Hillyard, Hickman, Eastman, Knudson, Thomas, Blackham, and Bramble commented.

Senator Blackham proposed the following amendment:

1. Page 1, Line 26:
   After “operated on ” delete “a” and insert “ <u>an interstate</u>”

2. Page 2, Line 35 and 36:
   After “operated on ” delete “a” and insert “<u>an interstate</u>”

Senator Blackham’s motion to amend failed on the following roll call:

Yeas, 11; Nays, 16; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Bramble	Buttars	Dmitrich
J. Evans	Hatch	Hellewell	Hickman
Jenkins	Thomas	Mansell	

Voting in the negative were: Senators

Allen	Arent	Bell	Davis
Eastman	Gladwell	Hale	Hillyard
Julander	Killpack	Knudson	Mayne
Stephenson	Valentine	Waddoups	Walker

Absent or not voting were: Senators

B. Evans	Wright

The bill passed on the following roll call:

Yeas, 16; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	J. Evans	Hale
Hillyard	Julander	Killpack	Knudson
Thomas	Valentine	Walker	Mansell

Voting in the negative were: Senators

Blackham	Bramble	Buttars	B. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Mayne	Stephenson	Waddoups

Absent or not voting was: Senator
Wright

S.B. 71 was transmitted to the House.

SECOND READING CALENDAR

S.B. 39, STATE AND SCHOOL RECOGNITION OF CESAR CHAVEZ, was read the second time. Senator James Evans explained the bill. Senators Walker, Davis, Bell, and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	J. Evans	Gladwell
Hale	Hillyard	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Bramble	B. Evans	Jenkins

Absent or not voting were: Senators

Blackham	Eastman	Hatch	Hellewell
Hickman	Julander	Mayne	Wright

* * *

On motion of Senator Valentine and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 16, 2004.

TWENTY−NINTH DAY

MORNING SESSION

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

Prayer − Stephen Nielsen, Venturer Scout from North Logan
Pledge of Allegiance − Senator Patrice Arent
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, DeLayne Dayton, DoLonne Hucks and Brenda Lee Bluth performed a vocal number, "The Star Spangled Banner," and Christina Dayton, Sara Dayton, Barbara Dayton and Trisha Kruger performed a piano quartet, "Stars and Strips," in Committee of the Whole. Lyndon Cook, portraying Patrick Henry, performed a reading.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2004

The Speaker of the House has signed **S.B. 10**, AMENDMENTS TO LOCAL REFERENDUM PROCESS, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 30**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 68**, PROHIBITION OF PUBLIC FUNDING FOR ABORTION, by Senator C. Bramble, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 10, S.B. 30, 3rd Sub. S.B. 68, and **S.J.R. 4** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 13, 2004

The House passed, as substituted, **1st Sub. H.B. 42**, INTEREST RATES ON JUDGMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 92**, BRUCELLOSIS VACCINATION AMENDMENTS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 96**, STATUTE OF REPOSE, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed **H.B. 161**, LAW ENFORCEMENT AMENDMENTS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 207**, HEALTH INSURANCE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 235**, TURKEY HUNTING PERMITS, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed **H.B. 240**, REVENUE AND TAXATION − OFFENSES AND PENALTIES, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 255**, WILDLIFE RESTITUTION AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 1**, RESOLUTION URGING OPEN SPACE ALONG JORDAN RIVER TRAIL, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 9**, RESOLUTION SUPPORTING EFFORTS TO END HOMELESSNESS, by Representative D. Clark, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 42, 1st Sub. H.B. 92, H.B. 96, H.B. 161, 2nd Sub. H.B. 207, H.B. 235, H.B. 240, H.B. 255, H.C.R. 1,** 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: February 13, 2004

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

Business and Labor

S.C.R. 6	Utah Athletic Foundation Resolution (Sen. B. Evans)

Government Operations and Political Subdivisions

S.B. 222	Local Government Feasibility and Economic Impact Studies (Sen. S. Jenkins)
S.B. 234	State Fair Park Leasing Agreements (Sen. B. Wright)

Education

S.B. 201	Punitive Damages Amendments (Sen. L. Hillyard)
H.B. 222	Robbery Amendments (Rep. C. Frank) (Sen. J. Valentine)
H.B. 237	Department of Corrections − Therapy Provider Qualifications (Rep. D. Bourdeaux) (Sen. G. Davis)

Natural Resources, Agriculture and Environment

S.B. 229	Task Force Study of Wildfires in Utah (Sen. B. Evans)

Retirement and Quasi−Governmental Entities

S.B. 218	Law Enforcement Overtime Fund (Sen. J. Evans)
H.B. 83	State Retirement − Funded Ratio (Rep. A. Hardy) (Sen. B. Evans)
H.B. 253	Retirement Office Amendments (Rep. A. Hardy) (Sen. B. Evans)
H.C.R. 4	Resolution Encouraging Lifetime and Retirement Savings Accounts (Rep. C. Bennion) (Sen. H. Stephenson)

Revenue and Taxation

S.B. 208	Funding for Tourism (Sen. P. Knudson)
H.B. 74	Extension of Sales and Use Tax Exemption for Steel Industry (Rep. B. Ferry) (Sen. P. Knudson)
H.B. 78	School Land Trust Program Restricted Account (Rep. D. Clark) (Sen. H. Stephenson)
H.B. 242	Funds Consolidation Act − Deposit Amendments (Rep. D. Clark) (Sen. J. Hickman)

H.J.R. 11 Resolution Urging a Study on Statewide Uniform Fees Imposed on Motor Homes (Rep. L. Shurtliff) (Sen. C. Bramble)

Transportation and Public Utilities and Technology
S.B. 233 Airport Security Amendments (Sen. J. Evans)

Workforce Services and Community and Economic Development
S.B. 181 Federal Research Committee (Sen. G. Davis)
S.B. 237 Pioneer and Community Heritage Amendments (Sen. L. Blackham)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 157**, AUTHORIZATION TO PERFORM MARRIAGES, by Senator C. Walker, with the following amendments:

1. Page 1, Line 24 through Page 2, Line 32

24 30−1−6. Who may solemnize marriages −− Certificate.

25 (1) Marriages may be solemnized by the following persons only:

* * * Some lines not shown * * *

31 (d) mayors of municipalities <u>or county executives</u> ;

32 (e) a justice, judge, or commissioner of a court of record;

2. Page 3, Lines 63 through 65

63 <u>(3) Notwithstanding any other provision in law, no person authorized under Subsection</u>

64 <u>(1) to solemnize a marriage may delegate or deputize another person to perform the function of</u>

65 <u>solemnizing a marriage , except that only full−time employees of the office responsible for the issuance of marriage licenses may be deputized .</u>; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 183**, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION, by Senator H. Stephenson, with the following amendments:

1. Page 2, Lines 51 through 53

51 (4) "Design−build project" means a building improvement or public works project costing over $1,000,000 with

52 respect to which both the design and construction are provided for in a single contract with a

53 contractor or combination of contractors capable of providing design−build services.

2. Page 4, Lines 101 through 104

101 (b) except as provided in Subsection (3), enter into a contract for the completion of the

102 building improvement or public works project with:

103 (i) the lowest responsive responsible bidder[.]; or

104 (ii) for a design−build project, a responsible bidder that :
(A) offers design−build services ; and
(B) satisfies the local entity's criteria relating to financial strength, past performance, integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder to perform fully and in good faith the contract requirements for a design−build project . ; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 215**, COUNTY POWERS AMENDMENTS, by Senator D. Gladwell, be replaced and favorably recommends **2nd Sub. S.B. 215**, COUNTY POWERS AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 236**, UTAH PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT AMENDMENTS, by Senator D. C. Buttars; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 206**, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, by Representative M. Noel, with the following amendments:

1. Page 5, Lines 138 through 143
House Floor Amendments
2−9−2004

138 [[~~(7) (a) At least~~ Ĥ ~~[14] 10~~ Ĥ ~~calendar days before the state submits final draft documents~~

138a ~~relating~~

139 ~~to land use plans to any federal land management agency, the governor shall make those~~

140 ~~documents available to any member of the Constitutional Defense Council~~ Ĥ ~~AND ANY COUNTY~~ Ĥ

140a ~~who requests them.~~

141 ~~(b) Members may make recommendations to the governor or the governor's designee~~

142 ~~about changes to be made to the documents before they are submitted to the federal land~~

143 ~~management agency.~~]]

(7) (a) At least 20 calendar days before the state submits comments on the draft environmental impact statement or environmental assessment for a proposed land management plan of any federal land management agency, the governor shall make those documents available to:

(i) members of the council; and

(ii) any county executive, county council member, or county commissioner of a county that is covered by the management plan and that has established formal cooperating agency status with the relevant federal land management agency regarding the proposed plan.

(b) (i)Council members or local government officials receiving the documents may make recommendations to the governor or the governor's designee concerning changes to the documents before they are submitted to the federal land management agency.

(ii) Council members or local government officials shall submit recommendations to the governor or the governor's designee no later than 10 calendar days after receiving the documents under Section (7) (a).

(c) Documents transmitted or received under this Section (7) are drafts and are protected records pursuant to Subsection 63−2−304(22).

2. Page 6, Lines 160 through 167
House Floor Amendments
2−9−2004

160 (5) The Legislature may annually appropriate monies from the Constitutional Defense

161 Restricted Account to one or more of the following:

162 (a) the Constitutional Defense Council to carry out its duties in Section 63C−4−102;

163 (b) the Office of the Governor , to be used only for the purpose of asserting, defending, or litigating state

164 and local government rights under R.S. 2477, in accordance with a plan developed and

165 approved as provided in Section 63C−4−104; [[~~or~~]]

166 (c) a county or association of counties to assist counties, consistent with the purposes

167 of the council, in pursuing issues affecting the counties[[~~.~~]] or
(d) the Office of the Attorney General, to be used only for public lands counsel and assistance and litigation to the state or local governments including asserting, defending, or litigating state and local government rights under R.S. 2477 in accordance with a plan developed and approved as provided in Section 63c−4−104.

Carlene M. Walker, Chair

Mr. President: February 13, 2004

The Workforce Services and Community and Economic Development Committee recommends **S.B. 199**, OUTSOURCING STATE JOBS, by Senator L. Blackham, be replaced and favorably recommends **1st Sub. S.B. 199,** OUTSOURCING STATE JOBS; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 240**, MOTION PICTURE TASK FORCE, by Senator R. Allen, with the following amendments:

1. Page 3, Lines 66 through 77:

66 (b) In conducting the review and making the recommendations required by Subsection

67 (1)(a) the task force shall:

68 (i) consider issues including:

69 (A) economic development;

70 (B) sales and use tax exemptions;

71 (C) investment tax credits;

72 (D) payroll tax credits;

73 (E) enterprise zones;

74 (F) production expense funds; [[~~and~~]]

75 (G) county and municipality revenue sources; [[~~and~~]]
(H) Tax Commission audit experience; and

76 (ii) review and make recommendations on any other issue relating to Subsection (1)(a).

77 (2) The task force may meet up to eight times during the 2004 interim.; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 9**, RESOLUTION ON ETHNIC ADVISORY COUNCILS, by Senator J. Evans; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 8**, UNEMPLOYMENT INSURANCE BENEFITS − SOCIAL SECURITY BENEFITS OFFSET, by Representative D. Cox, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 188**, DONATION OF SURPLUS COMPUTERS TO PERSONS WITH A DISABILITY, by Representative C. Bird.

David L. Thomas, Chair

Mr. President: February 13, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 170**, PUBLIC TRANSIT DISTRICT AMENDMENTS, by Senator J. Evans; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 223**, TRANSPORTATION CONSTRUCTION AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 1, Lines 18 through 22:

18 [[~~▸ repeals the estimated $50,000,000 transportation project cost threshold for a~~

19 ~~transportation agency to award a design−build contract;~~]]

20 ▸ provides that [[~~certain transportation agencies~~]] a public transit district that has more than 200,000 people residing within its boundaries •. may award design−build transportation

21 project contracts for any transportation project by following certain requirements;

22 and

• shall pass ordinances or a resolution establishing requirements for the procurement of design−build contracts; and

2. Page 7, Lines 184 through 186:

184 [[~~{~~]] (2) Except as provided in Subsection (3), a transportation agency may award a

185 design−build transportation project contract for any transportation project that has an estimated

186 cost of at least $50,000,000 by following the requirements of this section.[[~~}~~]]

3. Page 7, Lines 187 through 193:

187 [[~~{~~]] (3) (a) The Department of Transportation [[~~may~~]] : [[~~}~~]]

188 [[~~(2) A transportation agency may~~:]]

189 [[~~(a)~~]] (i) may award a design−build transportation project contract for any transportation project

190 by following the requirements of this section; and

191 [[~~(b)~~]] (ii) shall make rules, by following the procedures and requirements of Title 63, Chapter 46a,

192 Utah Administrative Rulemaking Act, establishing requirements for the procurement of its

193 design−build transportation project contracts in addition to those required by this section.

(b) A public transit district that has more than 200,000 people residing within its boundaries:

(i) may award a design−build transportation project contract for any transportation project by following the requirements of this section; and

(ii) shall pass ordinances or a resolution establishing requirements for the procurement of its design−build transportation project contracts in addition to those required by this section.

(c) A design−build transportation project contract authorized under this Subsection (3) is not subject to the estimated cost threshold under Subsection (2).

4. Page 7, Line 194

194 [[~~[~~]] (4) [[~~]~~]] [[~~(3~~)]] (a) Before entering a design−build transportation project contract, a

5. Page 7, Line 208

208 [[~~[~~]] (5) [[~~]~~]] [[~~(4~~)]] (a) The transportation agency shall:

6. Page 8, Line 215

215 [[~~[~~]] (6) [[~~]~~]] [[~~(5~~)]] The transportation agency shall issue a request for proposals to those qualified

7. Page 8, Line 235

235 [[~~[~~]] (7)[[~~]~~]] [[~~(6~~)]] The transportation agency shall: ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 232**, STANDARD OF CARE FOR EMERGENCY VEHICLE DRIVERS, by Senator L. Blackham; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 241**, FUTURE FARMERS OF AMERICA SPECIAL LICENSE PLATE, by Senator B. Evans.

Sheldon L Killpack, Chair

Mr. President: February 13, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 62**, STAY OF EXECUTION AMENDMENTS, by Senator D. Thomas.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 157,** as amended, **S.B. 183,** as amended, **2nd Sub. S.B. 215, S.B. 236,**

2nd Sub. H.B. 206, as amended, **1st Sub. S.B. 199, S.B. 240,** as amended, **S.J.R. 9, H.B. 8, H.B. 188, S.B. 170, S.B. 223,** as amended, **S.B. 232, S.B. 241,** and **S.B. 62** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 198, **Electric Generation Competitive Bid Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 239, **Unfair Competition Act** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 174, FORENSIC MENTAL HEALTH AMENDMENTS, was read the third time, explained by Senator Killpack, 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	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Stephenson

H.B. 174 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. 39, STATE AND SCHOOL RECOGNITION ON CESAR CHAVEZ, was read the third time and explained by Senator James Allen. Senator Mayne commented, Senator Killpack declared a conflict of interest and the bill failed on the following roll call:

Yeas, 12; Nays, 16; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Hale	Hatch	Hillyard
Julander	Mayne	Stephenson	Thomas

Voting in the negative were: Senators

Blackham	Bramble	Buttars	Eastman
B. Evans	J. Evans	Gladwell	Hellewell
Hickman	Jenkins	Killpack	Knudson
Valentine	Waddoups	Walker	Mansell

Absent or not voting was: Senator
Wright

S.B. 39 was filed.

SECOND READING CALENDAR

On motion of Senator Davis, the circle was removed from **S.B. 155**, COUNTY MENTAL HEALTH AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 2, Lines 32 through 33:

   32 government under Section 17−52−504, the county [[~~executive~~]] legislative body is the local substance abuse

   33 authority , provided however that any contract for plan services shall be administered by the county executive .

2. Page 5, Line 151:

   151 government under Section 17−52−504, the county [[~~executive~~]] legislative body is the local mental health authority , provided however that any contract for plan services shall be administered by the county executive .

Senator Davis' motion to amend passed on a voice vote. Senators Thomas commented. The bill passed second reading on the following roll call:

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

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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators
Bramble Buttars Wright

* * *

On motion of Senator Hatch, the circle was removed from **S.B. 52**, INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES, and it was before the Senate. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

2. Page 2, Lines 30 through 37
Senate Committee Amendments
2−9−2004

30 (1) Each rate, rating schedule, and rating manual filed with the commissioner for

31 [~~insurance covering a vehicle or the operation of a vehicle~~] personal lines insurance may not

32 permit a premium increase due to:

33 (a) a telephone call or other inquiry that does not result in the insured Ş [~~demanding~~]

33a REQUESTING Ş the

34 payment of a claim; or

35 (b) a claim under a policy of insurance covering a motor vehicle or the operation of a motor vehicle resulting from any incident, including acts of vandalism, in which the

36 person named in the policy or any other person using [[~~{~~]]the[[~~}~~]] [[~~an~~]] insured motor vehicle with the

37 express or implied permission of the named insured is not at fault.

2. Page 7, Lines 201 through 204
Senate Committee Amendments
2−9−2004:

201 (iii) a loss that occurred when real property covered by the personal lines insurance was

202 owned [[~~or occupied~~]] by a person other than the:

203 (A) insured; or

204 (B) person seeking insurance; or

Senator Hatch's motion to amend passed on a voice vote. Senators Valentine and Bramble commented. The bill passed second reading on the following roll call:

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

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	Killpack	Knudson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Buttars	Julander	Mayne	Stephenson
Wright			

* * *

S.B. 40, CESAR CHAVEZ SCHOLARSHIP PROGRAM, was read the second time. Senator James Evans explained the bill.

Senator Evans proposed the following amendment:

1. Page 6, Line 178:
   After "the board" delete "shall" and insert "may"

2. Page 6, Line 178:
   After "allocate" delete "at least" and insert "up to"

Senator Evans' motion to amend passed on a voice vote. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Hale	Hatch	Hellewell	Hillyard
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Blackham	B. Evans	Hickman	Jenkins

Absent or not voting were: Senators

Allen	Gladwell	Julander	Wright

* * *

S.C.R. 4, RESOLUTION RECOGNIZING 50TH ANNIVERSARY OF LANDMARK CASE OF BROWN V. BOARD OF EDUCATION, was read the second time. Senator James Evans explained the bill. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Davis	B. Evans	Julander	Wright

* * *

S.B. 66, TELECOMMUNICATIONS AMENDMENTS, was read the second time. Senator Hickman explained the bill. Senators Mansell, Thomas, Knudson, Bramble, and Valentine commented. Senator Bramble declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Blackham	Bramble	Davis
Dmitrich	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Mayne	Stephenson
Valentine	Walker	Mansell	

Voting in the negative were: Senators

Arent	Bell	Buttars	Julander
Killpack	Knudson	Thomas	Waddoups

Absent or not voting were: Senators
J. Evans Wright

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives M. Noel, D. Ure, and J. Gowans to meet with a like committee from the Senate to consider or amend **1st Sub. S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT, by Senator T. Hatch.

Carole E. Peterson, Chief Clerk

Communications filed.

Senator Mansell appointed a Conference Committee consisting of Senators Hatch, Bev Evans, and Davis to meet with a like committee from the House.

* * *

Mr. President: February 16, 2004

The House concurred in the Senate amendments and passed **H.B. 35**, REQUIREMENTS OF TRUSTEES OF TRUST DEEDS, by Representative D. Clark, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 35 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

Mr. President: February 16, 2004

The House passed, as substituted and amended, **1st Sub. H.B. 36**, MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 93**, DNA REIMBURSEMENT COSTS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 106**, HEALTH INSURANCE ACT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 111**, MUNICIPAL GOVERNMENT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 171**, INSURANCE FRAUD AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 172**, INSURANCE LIQUIDATION LAW AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed **H.B. 234**, SUNSET EXTENSION ON UNAUTHORIZED PRACTICE OF LAW, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 245**, INSURANCE LAW REVISIONS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 247**, TASK FORCE STUDYING WATER ISSUES, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.C.R. 3**, RESOLUTION URGING PROTECTION OF UNITED STATES FROM WEAPONS OF MASS DESTRUCTION, by Representative C. Bennion, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 36, H.B. 93, H.B. 106, 1st Sub. H.B. 111, H.B. 171, H.B. 172, H.B. 234, H.B. 239, H.B. 245, H.B. 247,** and **H.C.R. 3** were read the first time and referred to the Rules Committee.

* * *

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

AFTERNOON SESSION

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

INTRODUCTION OF BILLS

S.B. 224, **Homeless Coordinating Committee** (K. Hale), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

1st Sub. S.B. 166, OFF−HIGHWAY VEHICLE REGISTRATION PROVISIONS, was read the second time. Senator Hatch explained the bill. Senators Eastman and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Julander	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Bramble	Eastman	Hellewell	Jenkins
Stephenson	Wright		

* * *

On motion of Senator Walker, the Senate voted to reconsider its action on **S.B. 39**.

S.B. 39, STATE AND SCHOOL RECOGNITION OF CESAR CHAVEZ, was placed on the bottom of the Second Reading Calendar.

* * *

S.B. 168, DRIVER LICENSE RELATED AMENDMENTS, was read the second time. Senator Walker explained the bill. Senator Hillyard commented.

On motion of Senator Walker, the bill was circled.

* * *

S.B. 48, UNIFORM FIREARM LAWS, was read the second time. Senator Waddoups explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Lines 38 through 40
   Senate Committee Amendments
   2−9−2004

38 (2) Except as specifically provided by state law, [[~~an individual~~]] a local authority or state entity may not[[~~be~~]]:

39 (a)[[~~prohibited~~]] prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting,

40 or keeping a firearm at the individual's place of residence, property, business, or in any vehicle

2. Page 2, Line 42
Senate Committee Amendments
2−9−2004:

42 (b)[[~~required~~]] require an individual to have a permit or license to purchase, own, possess, transport, or keep a

3. Page 2, Lines 56 through 57
Senate Committee Amendments
2−9−2004:

56 (b) "local authority or state entity" includes public school districts, public schools, and

57 state institutions of higher education.
(8) Except as otherwise specifically provided by state law, nothing in this section prohibits an individual from restricting the possession or use of a firearm on private property.

Senator Bell's motion to amend passed on a voice vote. Senators Bell, Hillyard, Gladwell, Arent, Buttars, Hale, Thomas, and James Evans commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Davis	Hale
Julander			

Absent or not voting was: Senator Blackham

* * *

S.B. 49, COMPETENCY TO BE EXECUTED − AMENDMENTS, was read the second time. Senator Gladwell explained the bill.

Senator Gladwell proposed the following amendment:

1. Page 1, Line 22

22 ▸ provides for treatment for the inmate;
▸ provides the scope of appropriate mental health treatment, including the use of psychoactive medication;

2. Page 4, Lines 90 through 93:

90 condition, an inmate is unaware of either the punishment he is about to suffer or why he is to suffer it. [[~~:~~

91 ~~(1) of the fact of the inmate's impending execution; or~~

92 ~~(2) that the inmate is to be executed for the murder or murders for which he was~~

93 ~~sentenced to death.~~]]

3. Page 4, Line 119:

119 drawing of the warrant[[~~, at an hour determined by the Department of Corrections~~]].

4. Page 5, Line 129:

129 warrant[[~~, at an hour determined by the Department of Corrections~~]].
(4) The Department of Corrections shall determine the hour, within the appointed day, at which the judgment is to be executed.

5. Page 8, Line 235:

235 (1) (a) (i) If after the hearing under Section 77−19−204 the inmate is found to be

6. Page 8, Line 237:

237 receive appropriate mental health treatment.
(ii) Appropriate mental health treatment under Subsection

(1)(a)(i) does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.

7. Page 9, Line 272:

272 (b) (i) If the court determines the inmate is still incompetent to be executed, the inmate

8. Page 9, Line 275 through Page 10, Line 276:

275 competency to be executed.
(ii) Continued appropriate mental health treatment under Subsection (1)(a)(i) does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.

276 (6) (a) If at any time the clinical director of the Utah State Hospital or the primary

Senator Gladwell's motion to amend passed on a voice vote. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Hatch	Wright

* * *

S.B. 161, JUDICIAL CONDUCT COMMISSION, was read the second time. Senator Waddoups explained the bill.

Senator Thomas proposed the following amendment:

1. Page 3, Lines 64 through 69

64 (2) During the course of any investigation, the commission:

65 (a) shall refer any information relating to the criminal conduct alleged and any

66 evidence which relates to the allegation to which the judge has been accused, unless plainly

67 frivolous, to the local prosecuting attorney as provided in Subsection (1)(b);[[~~and~~]]

68 (b) may order a hearing to be held concerning the reprimand, censure, suspension,

69 removal, or involuntary retirement of a judge[[~~.~~]] ;
(c) shall, if it finds by a preponderance of the evidence that judicial misconduct occurred:
(i) review the record of all complaints previously dismissed against the judge;
(ii) review the record of all previous orders of reprimand, censure, or suspension issued by the commission against the judge; and
(iii) review all information in the commission's files on any informal resolution, including any letter of admonition, or caution, that the commission issued to the judge prior to May 1, 2000; and
(d) may, even if it finds by a preponderance of the evidence, dismiss relatively minor misconduct with a warning, or on conditions of no further misbehavior, but the commission may not order more than one dismissal for any judge during any single term of office when it finds by a preponderance of the evidence that misconduct occurred.

Senator Thomas' motion to amend passed on a voice vote. The bill passed second reading 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
Hillyard	Jenkins	Julander	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Blackham	Buttars	Hatch	Hickman
Knudson	Wright		

* * *

S.B. 219, AMENDMENTS TO JUSTICE COURT OPERATIONS, was read the second time. Senator Mayne explained the bill. Senators Thomas, Hillyard, and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Jenkins
Julander	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Bell	Hillyard

Absent or not voting were: Senators

Blackham	Buttars	Hatch	Hickman
Knudson	Wright		

* * *

S.B. 171, PROPERTY TAX TREATMENT OF TRANSPORTABLE FACTORY − BUILT HOUSING UNITS, was read the second time. Senator Bramble explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Davis	Gladwell	Killpack
Wright			

* * *

S.B. 238, INDIVIDUAL INCOME TAX − EARNED INCOME TAX CREDIT, was read the second time. Senator Hatch explained the bill. The bill passed second reading 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	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Killpack	Wright

INTRODUCTION OF BILLS

S.B. 213, **Motor Vehicles − Clean Air Discounts** (G. Davis), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 17, 2004.

THIRTIETH DAY

MORNING SESSION

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

Prayer −Senator Scott Jenkins
Pledge of Allegiance − Senator Chris Buttars
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

TIME CERTAIN CALENDAR

On motion of Senator Davis, under suspension of the rules, **S.J.R. 7**, RESOLUTION RECOGNIZING SUGAR HOUSE SESQUICENTENNIAL, was considered read the second and third times. Senator Davis explained the bill. Senator Hale 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Valentine

S.J.R. 7 was transmitted to the House.

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2004

The House passed **H.B. 86**, PRIMARY CARE NETWORK AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 199**, DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 211**, RENEWAL OF FISHING LICENSE, by Representative J. M. Philpot, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 223**, STATE SCHOOL BOARD CANDIDATE SELECTION COMMITTEES, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 226**, LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 231**, REVIEW AND APPROVAL OF FEDERAL MONIES RECEIVED BY THE STATE, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed **H.B. 238**, WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 254**, SOLID WASTE LANDFILL AMENDMENTS, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed **H.B. 256**, EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 86, 1st Sub. H.B. 199, 1st Sub. H.B. 211, H.B. 223, 1st Sub. H.B. 226, 3rd Sub. H.B. 231, H.B. 238, 1st Sub. H.B. 254, H.B. 256** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 16, 2004

The Business and Labor Committee reports a favorable recommendation on **S.B. 33**, MOBILE HOME PARK RESIDENCY ACT, by Senator E. Mayne, with the following amendments:

1. Page 1, Lines 23 through 24:

23 This chapter does not prevent a city, county, or municipality from [[~~establishing~~

24 ~~ordinances regulating a mobile home park~~]] mediating and enforcing state statutes governing a mobile home park .; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 194**, PLUMBING APPRENTICE AMENDMENTS, by Senator P. Hellewell, with the following amendments:

1. Page 6, Lines 175 through 180:

175 (ii) the shop ratio increases to one journeyman to [[~~ten~~]] five apprentices on residential and

176 commercial work that does not involve new construction if the journeyman is working for a

177 plumbing service company. For purposes of this Subsection (27)(b)(ii), plumbing service

178 company means a business entity that does at least 75% of its plumbing business repairing,

179 servicing, or replacing existing plumbing fixtures as opposed to plumbing related to new

180 construction. All on−the−job training shall be under circumstances in which the ratio of; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 216**, HEALTH PROVIDER REIMBURSEMENT AMENDMENTS, by Senator P. Hellewell, with the following amendments:

1. Page 2, Lines 50 through 51:

50 (d) Notwithstanding Subsection (2)(b), a health maintenance organization may impose

51 a deductible on coverage of a medical condition treated by health care providers not under contract with the health maintenance organization if the deductible is not greater than the deductible imposed on the same medical condition treated by health care

providers who are under contract with the health maintenance organization .

Parley Hellewell, Chair

Mr. President: February 16, 2004

The Health and Human Services Committee recommends **S.B. 214**, PROHIBITION OF OBESITY LAWSUITS AGAINST RESTAURANTS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 214**, PROHIBITION OF OBESITY LAWSUITS; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 82**, VIRTUAL VISITATION AMENDMENTS, by Representative D. Aagard; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 95**, CLARIFICATION OF DEPENDENT HEALTH CARE COVERAGE AMENDMENTS, by Representative T. Kiser.

James Evans, Chair

Mr. President: February 16, 2004

The Education Committee reports a favorable recommendation on **S.B. 230**, PERFORMANCE PLUS − READING ACHIEVEMENT, by Senator J. Evans; and

The Education Committee reports a favorable recommendation on **H.B. 214**, SCHOOL AND INSTITUTIONAL TRUST LANDS − CLARIFYING REFERENCES TO RULES AND POLICIES, by Representative J. Gowans.

Bill Wright, Chair

Mr. President: February 16, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 165**, WORKERS' COMPENSATION AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 14, Lines 405 through 406:

405 (i) a representative of the [~~Workers' Compensation Fund~~] designated residual market

406 carrier or assigned risk [[~~pool~~]] plan implemented in accordance with Section 31A−33a−103;

2. Page 19, Lines 564 through 566:

564 (1) Notwithstanding any other provision of this title, an independent corporation, as

565 defined in Section 63E−1−102, which participates in a system or plan prior to January 1, [[~~2005~~]] 2006 ,

566 may withdraw from participation with that system or plan as follows:

Page 29, Line 893:

893 (3) Section 31A−33−109 is repealed July 1, [[~~2012~~]] 2013 .; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 204**, REDEVELOPMENT AGENCY CHANGES, by Senator D. Thomas.

Curtis S. Bramble, Chair

Mr. President: February 16, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 233**, AIRPORT SECURITY AMENDMENTS, by Senator J. Evans.

Sheldon L Killpack, Chair

Mr. President: February 16, 2004

The Retirement and Independent Entities Committee recommends **S.B. 26**, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 26**, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 11**, UNUSED SICK LEAVE FOR STATE EMPLOYEE PROVISIONS, by Representative D. Clark; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 83**, STATE RETIREMENT − FUNDED RATIO, by Representative A. Hardy; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 253**, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.C.R. 4**, RESOLUTION ENCOURAGING LIFETIME AND RETIREMENT SAVINGS ACCOUNTS, by Representative C. Bennion.

John L. Valentine, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 33,** as amended, **S.B. 194,** as amended, **S.B. 216,** as amended, **1st Sub. S.B. 214, 1st Sub. H.B. 82, H.B. 95, S.B. 230, H.B. 214, S.B. 165,** as amended, **S.B. 204, S.B. 233, 1st Sub. S.B. 26, H.B. 11, H.B. 83, H.B. 253,** and **H.C.R. 4** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 167, **Victim Restitution Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 206, **Property Tax Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

ADVISE AND CONSENT

Mr. President: December 23, 2003

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

DISTRICT COURT

Samuel D. McVey appointed as a Judge of the District Court of the Fourth Judicial District. Utah Constitution Article VIII, Section 8 and Section 78−3−3, Utah Code Annotated 1953, as amended. Thank you for your timely consideration on this matter.

Olene S. Walker
Governor

* * *

Mr. President: February 17, 2004

The Judicial Senate Confirmation Committee met on February 16, 2004, and unanimously reports a favorable recommendation for Mr. Samuel D. McVey to be confirmed to the position of District Court Judge in the Fourth Judicial District

D. Chris Buttars, Chair

On motion of Senator Buttars, the Committee report was adopted. Senators Bell and Gladwell commented. Senator Buttars moved to consent with the

appointment of Judge Samuel D. McVey. The motion 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Bramble

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Samuel D. McVey spoke in the Committee of the Whole.

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

THIRD READING CALENDAR

S.B. 155, COUNTY MENTAL HEALTH AMENDMENTS, was read the third time.

On motion of Senator Arent, the bill was circled.

* * *

S.B. 52, INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES, was read the third time.

On motion of Senator Hickman, the bill was circled.

* * *

S.B. 40, CESAR CHAVEZ SCHOLARSHIP PROGRAM, was read the third time, explained by Senator James Evans, and passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	Mansell

Voting in the negative were: Senators

Blackham	B. Evans	Hickman	Jenkins

Absent or not voting was: Senator
Walker

S.B. 40, as amended, was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, U.S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Jenkins, Bell, Valentine, Mayne, and Allen commented.

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

* * *

On motion of Senator Knudson, the Senate voted to allow a bill file be opened concerning a resolution supporting the Reserve Officers Corps of the U.S.

On motion of Senator Valentine, the Senate voted to allow a bill file be opened concerning class action law suit refunds.

* * *

S.C.R. 4, RESOLUTION RECOGNIZING 50TH ANNIVERSARY OF LANDMARK CASE OF BOARD V. BOARD OF EDUCATION, was read the third time, explained by Senator James Evans, and 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	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

Voting in the negative was: Senator
Hickman

Absent or not voting were: Senators
Blackham Davis Walker

S.C.R. 4 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, U.S. Senator Robert Bennett spoke in Committee of the Whole. Senators Waddoups, Hellewell, and Knudson commented.

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

* * *

On motion of Senator Waddoups the Senate voted to recall **H.B. 174,** FORENSIC MENTAL HEALTH AMENDMENTS, from the House for reconsideration.

* * *

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.

* * *

On motion of Senator Knudson, the Senate voted to recall **S.J.R. 4** from Legislative Research for the purpose of a technical correction.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2004

The House passed, **S.B. 79**, REPEAL OF CHILD WELFARE WORKER DESIGNATIONS, 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. 111**, MECHANICS' LIENS 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. 122**, PAYMENT OF CLAIMS ON DECEASED SETTLOR'S ESTATE, 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. 137**, INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION − APPLICATION FEE, by Senator K. Hale, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 7**, RESOLUTION RECOGNIZING SUGAR HOUSE SESQUICENTENNIAL, by Senator G. Davis, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 79, 1st Sub. S.B. 111, S.B. 122, S.B. 137, 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 17, 2004

The House passed, as substituted, **1st Sub. H.B. 22**, CIVIC AND CHARACTER EDUCATION IN SCHOOLS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 53**, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 164**, RESIDENT TUITION STATUS FOR NATIONAL GUARD MEMBERS, by Representative B. King, and it is transmitted for consideration; and

The House passed **H.B. 169**, MAIL THEFT AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 236**, FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER AMENDMENTS, by Representative D. Litvack, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 22, H.B. 53, 1st Sub. H.B. 164, H.B. 169, 1st Sub. H.B. 236** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 17, 2004

The House requests the return of **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, for reconsideration.

Carole E. Peterson, Chief Clerk

Communications filed.

S.J.R. 4 was returned to the House for reconsideration.

* * *

Mr. President: February 17, 2004

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative C. Frank, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator James Evans, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 40**. President Mansell appointed a conference committee consisting of Senators James Evans, Stephenson, and Hale to meet with a like committee from the House.

STANDING COMMITTEE REPORTS

Mr. President: February 17, 2004

The Government Operations and Political Subdivisions Committee recommends **S.B. 55**, GOVERNMENTAL IMMUNITY ACT OF UTAH, by Senator L. Blackham, be replaced and favorably recommends **1st Sub. S.B. 55**, GOVERNMENTAL IMMUNITY ACT OF UTAH.

Carlene M. Walker, Chair

Mr. President: February 17, 2004

The Revenue and Taxation Committee recommends **S.B. 60**, SPORTS DEVELOPMENT AND TOURISM, RECREATION, CULTURAL, CONVENTION, AND SPORTS FACILITIES TAX AMENDMENTS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 60**, SPORTS DEVELOPMENT AND TOURISM, RECREATION, CULTURAL, CONVENTION, AND SPORTS FACILITIES TAX AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 208**, FUNDING FOR TOURISM, by Senator P. Knudson, with the following amendments:

1. Page 1, Lines 17 through 18:

17 ▸ provides for the transfer of remaining monies in the Tourism Marketing [[~~and Promotion~~]] Performance Fund

18 to the Tourism Economic Stimulus Fund; and

2. Page 5, Line 145:

145 (d) (i) establish a Cooperative [[~~Fund~~]] Program from the monies in the Tourism Economic

3. Page 5, Lines 150 through 151:

150 (ii) the Cooperative [[~~Fund~~]] Program shall [[~~receive~~]] be allocated 20% of the revenues from the Tourism

151 Economic Stimulus Fund;

4. Page 6, Lines 158 through 159:

158 (vi) Cooperative [[~~Fund~~]] Program monies not used for eligible applications in each fiscal year shall

159 be returned to the Tourism Economic Stimulus Fund.

5. Page 7, Lines 201 through 202:

201 (1) There is created a restricted special revenue fund entitled the Tourism Economic Stimulus

202 Fund.

6. Page 7, Line 206:

206 (c) any monies remaining in the Tourism Marketing Performance Fund as of July 1, 2004; and

Curtis S. Bramble, Chair

Mr. President: February 17, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 181**, FEDERAL RESEARCH COMMITTEE, by Senator G. Davis, with the following amendments:

1. Page 2, line 51:
Delete "four" and insert "three"

2. Page 2, line 54:
Delete "eight" and insert "seven"; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 237**, PIONEER AND COMMUNITY HERITAGE AMENDMENTS, by Senator L. Blackham; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 79**, RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE, by Representative C. Duckworth.

David L. Thomas, Chair

Mr. President: February 16, 2004

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 151**, WASTE WATER AMENDMENTS, by Senator D. Thomas, be replaced and favorably recommends **2nd Sub. S.B. 151**, WASTE WATER AMENDMENTS with the following amendments:

1. Page 2, Line 26 through Page 2, Line 30:

26 (1) [~~Any~~] A person ,excluding a municipality, intending to apply sewage effluent to a beneficial use pursuant to

27 Subsection 73−3c−2(1) or 73−3c−3(1) or change the point of discharge of sewage effluent

28 pursuant to Subsection 73−3c−7(1) shall [~~notify~~] make application to the state engineer [~~of the~~

29 ~~use~~] describing the proposed use of sewage effluent or change in point of discharge as provided

30 by rules of the state engineer; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 159**, ANNEXATION OF PUBLIC LAND TO SPECIAL AND LOCAL DISTRICTS, by Senator M. Dmitrich; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **2nd Sub. H.B. 51**, NONRESIDENT USER FEE FOR OFF−HIGHWAY VEHICLE USERS, by Representative D. Bowman; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson, with the following amendments:

1. Page 3, Lines 69 thru 70
   Delete lines 69 thru 70
   House Floor Amendment
   (Lilac) Renumber remaining sections accordingly :
   dated 2−6−2004:
2. Page 3, Line 74 After "state" insert "and local"
   House Floor Amendment (Lilac)
   dated 2−6−2004:
   After "state" insert "and local"
3. Page 3, Line 87
   House Floor Amendment (Lilac)
   dated 2−6−2004:
   After "(b) in" delete "conjunction" and reinstate "consultation"
4. Page 8, Line 227
   House Floor Amendment (Lilac)
   dated 2−6−2004:
   After line 227 insert: "(8) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air Force, or Navy."; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 220**, OFF−HIGHWAY VEHICLE AMENDMENTS, by Representative B. Goodfellow; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 229**, PUBLIC UTILITY EASEMENTS, by Representative R. C. Webb; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 232**, WATER WELL AMENDMENTS, by Representative D. Peterson.

Beverly Ann Evans, Chair

Mr. President: February 16, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 158**, CRIMINAL OFFENSE AMENDMENTS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 174**, ADOPTION OF UNIFORM JUVENILE COMPACT, by Senator D. Gladwell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, by Senator D. C. Buttars, et al, with the following amendments:

1. Page 1, Lines 16 through 17:

16 ▸ creates [[~~a special revenue fund known as the Crime Reduction Assistance Fund, to be managed by the~~]] a restricted account for specified state forfeiture funds, and provides that funds in the account shall be appropriated to the

17 Commission on Criminal and Juvenile Justice;

2. Page 3, Line 78:
(1) "Account" means the Criminal Forfeiture Account created in Section 24−1−8.

Renumber following sections.

78 (1) "Agency" [~~shall mean~~] means any agency of municipal, county, or state

3. Page 4, Line 90:

90 [[~~(5) "Fund" means the Crime Reduction Assistance Fund created in Section 24−1−17.~~]]

4. Page 12, Line 339:

339 Reduction Assistance Program under Section[[~~24−1−18~~]] 24−1−19 if the agency has not established or

5. Page 13, Lines 374 through 380:

374 (10) the motion for hardship release shall also be served upon the prosecuting attorney

375 [[~~and~~]] or the seizing agency within ten days after filing the motion.

376 [~~(3)~~] (11) The court shall render a decision on a motion [~~or complaint~~] for hardship

377 filed under [~~Subsection (2)~~] this section not later than [~~ten~~] 20 days after the date of filing, or

378 ten days after service upon the prosecuting attorney [[~~and~~]] or seizing agency, whichever is earlier,

379 unless [~~the ten=day~~] this period is extended by the [~~consent of the~~] parties or by the court for

380 good cause shown.

6. Page 14, Line 405:

405 (ii) second, for the satisfaction of [[~~exempt~~]] interests , including those of interest holders, in the order of their priority as

7. Page 14, Lines 418 through 425:

418 [[~~(1)~~]] In any [~~civil or criminal~~] proceeding to forfeit seized property under this chapter,

419 the court [[~~[~~]]shall[[~~]~~]][[~~may~~]] award a prevailing [~~owner~~] party reasonable attorneys' fees and other

420 costs of [~~suit~~] litigation reasonably incurred by the owner. An owner who prevails only in part

421 [~~shall be~~] is entitled to recover reasonable attorneys' fees and reasonable costs of suit related to

422 those issues on which he prevailed.

423 [[~~(2) In determining whether to award attorneys' fees and costs, the court shall consider~~

424 ~~the merit of each parties' allegations and pleadings, and whether a seizure, complaint, claim, or~~

425 ~~answer was reasonable and based upon good faith, or was made for any improper purpose.~~]]

8. Page 15, Line 439:

439 ~~such~~] if the forfeiture is [[~~[~~]]substantially[[~~]~~]] [~~proportional to both~~] [[~~grossly~~]] disproportional to the use

9. Page 15, Line 451:

451 (b) If the court finds that the forfeiture is [[~~grossly~~]] substantially disproportional to the conduct for

10. Page 16, Lines 478 through 480:

478 [[~~(d) A court order to transfer the property is not required if a federal agency seeking~~

479 ~~jurisdiction over the property obtains a seizure warrant, search warrant, arrest warrant in rem,~~

480 ~~or other federal process mandating the transfer.~~]]

11. Page 16, Lines 481 through 484:

481 (ii) shall be used only for those law enforcement purposes specified in [[~~Section~~

482 ~~24−1−18(8)~~]] Subsection 24−1−19(8) ; and

483 (iii) may not be used for those law enforcement purposes prohibited in [[~~Section~~

484 ~~24−1−18(9)~~]] Subsection 24−1−19(9) .

12. Page 17, Lines 495 through 498:

495 (c) Law enforcement agencies awarded any equitable share of property forfeited by the

496 federal government may only use[[~~that equitable share subject to the laws, rules, regulations,~~

497 ~~and orders of the state or local jurisdiction or political subdivision governing the use of public~~

498 ~~funds available for law enforcement purposes. The use of the property shall be nonlapsing.~~]] the award monies after approval or appropriation by the agency's legislative body. The award monies are

nonlapsing.

13. Page 17, Line 507:

507 or law enforcement purposes authorized under Section [[~~24−1−18~~]] 24−1−19 , and only upon approval or

14. Page 18, Lines 545 through 548:

545 (5) The remaining forfeited property shall then be [[~~transferred by the seizing agency to~~

546 ~~the state treasurer, to be deposited in the Crime Reduction Assistance Fund created in Section~~

547 ~~24−1−18 for award and distribution pursuant to the Crime Reduction Assistance Program~~

548 created in Section 24−1−19]] deposited in the Criminal Forfeiture Account created in section 24−1−18 .

15. Page 18, Lines 549 through 554:

549 (6) [[(a)]] All property and proceeds awarded to the state through forfeiture proceedings

550 under this chapter shall be deposited in the Criminal Forfeiture Account created in Section 24−1−18 [[held by the state treasurer until the Utah Commission on Criminal

551 and Juvenile Justice approves awards and disbursements under the program]].

552 [[(b) The property and proceeds held by the state treasurer shall be segregated from other

553 property, equipment, or assets of the state and from any department, office, or agency of the

554 state until awarded through the program.]]

16. Page 19, Lines 556 through 567:

556 [[24−1−18. Crime Reduction Assistance Fund.

557 (1) (a) There is created a special revenue fund known as the Crime Reduction

558 Assistance Fund for the purpose of providing funding for the Crime Reduction Assistance

559 Program created by Section 24−1−19.

560 (b) Consistent with its duties and responsibilities under Section 63−25a−104, the Utah

561 Commission on Criminal and Juvenile Justice shall expend monies from the fund for the

562 purposes under Section 24−1−19.

563 (c) The Utah Commission on Criminal and Juvenile Justice may pay program

564 administrative costs from the fund.

565 (2) The fund consists of all monies deposited to the fund under Section 24−1−17.

566 (3) (a) The fund shall earn interest.

567 ~~(b) All interest earned on fund monies shall be deposited into the fund.~~]]
24−1−18. Criminal Forfeiture Account.
(1) (a) There is created within the General Fund a restricted account known as the "Criminal Forfeiture Account."
(2) Proceeds from forfeited property and forfeited monies shall be deposited in this account.
(3) Money in the account shall be appropriated to the Commission on Criminal and Juvenile Justice, for implementing the Crime Reduction Assistance Program under Section 24−1−19.

17. Page 21, Line 612:

612 (d) law enforcement training that includes:
(i) implementation of the Fourth Amendment of the federal constitution and Article 1, Section 7, of the Utah Constitutions, and addresses the protection of the individual's rights of due process;
(ii) protection of the rights of innocent property holders; and
(iii) the Tenth Amendment of the federal constitution regarding states' sovereignty and the states' reserved rights ;

18. Page 21, Lines 619 through 621:

619 (9) Law enforcement purposes for which award monies may not be granted or used

620 include:

621 (a) payment of salaries , retirement benefits, or bonuses to any person;

19. Page 22, Lines 652 through 653:

652 (11) The Utah Commission on Criminal and Juvenile Justice shall report in writing to

653 the[[~~Legislature~~]] legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the forfeited property transferred to the fund, awards made

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. S.B. 55, 1st Sub. S.B. 60, S.B. 208,** as amended, **S.B. 181,** as amended, **S.B. 237,H.B. 79, 2nd Sub.S.B. 151,** as amended, **S.B. 159, 2nd Sub. H.B. 51,**

H.B. 88, as amended, **1st Sub. H.B. 220, H.B. 229, 1st Sub. H.B. 232, S.B. 158, S.B. 174,** and **S.B. 175,** as amended, were placed on Second Reading Calendar.

* * *

Mr. President: February 16, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 233**, GRAZING PERMIT FEE AMENDMENTS, by Representative E. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Beverly Ann Evans, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 233** was considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 17, 2004

The Government Operations and Political Subdivisions Committee has tabled **1st Sub. H.B. 181**, FLUORINE COST REQUIREMENTS, by Representative M. Morley, and has returned it to the Rules Committee for filing.

Carlene M. Walker, Chair

1st Sub. H.B. 181 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

S.B. 196, **Court Fee Adjustments** (D. Gladwell), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, the Senate voted to return **S.J.R. 4** to the House for a technical correction.

* * *

On motion of Senator Buttars, **S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, will be considered Wednesday, February 18, 2004 at 3:00 p.m..

THIRD READING CALENDAR

On motion of Senator Davis, the circle was removed from **S.B. 155**, COUNTY MENTAL HEALTH AMENDMENTS, and it was before the Senate. Senator Davis 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	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Killpack

S.B. 155, as amended, was transmitted to the House.

* * *

On motion of Senator Hatch, the circle was removed from **S.B. 52**, INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES, and it was before the Senate. Senator Hatch 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	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Killpack

S.B. 52, as amended, was transmitted to the House.

* * *

S.B. 66, TELECOMMUNICATIONS AMENDMENTS, was read the third time.

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

1st Sub. S.B. 66 Telecommunications Amendments (J. Hickman)

Senator Hickman explained the bill. Senators Bramble, Blackham, Knudson, Thomas, Jenkins, Waddoups, Bell, and Stephenson, commented.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. S.B. 166, OFF−HIGHWAY VEHICLE REGISTRATION PROVISIONS, was read the third time and explained by Senator Hatch. Senators Jenkins, Waddoups, Blackham, and Eastman commented and the bill passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	J. Evans	Hale	Hatch
Hickman	Hillyard	Julander	Killpack
Knudson	Mayne	Thomas	Walker

Voting in the negative were: Senators

Blackham	B. Evans	Gladwell	Hellewell
Jenkins	Stephenson	Valentine	Waddoups
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Buttars	Eastman

1st Sub. S.B. 166, as amended, was transmitted to the House.

* * *

S.B. 39, STATE AND SCHOOL RECOGNITION OF CESAR CHAVEZ, was before the Senate for reconsideration and was explained by Senator James Evans.

Senator Evans proposed the following amendment:

1. Page 1, Line 12:
   After “March 31;” insert “<u>and</u>”

2. Page 1, Lines 13 and 14:
Delete lines 13 and 14

2. Page 4, Line 102:
Delete "; and"

3. Page 4, Lines 103 and 104:
Delete lines 103 and l04

Senator Evans' motion to amend passed on a voice vote. Senators Arent and Waddoups commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Blackham	B. Evans	Hickman	Hillyard
Jenkins	Waddoups	Wright	

S.B. 39, as amended, was transmitted to the House.

* * *

S.B. 48, UNIFORM FIREARM LAWS, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 57, Item 7:
Senate 2nd Reading amendments:
After the words: "on private property" insert "that is not a place of public accommodation"

Senator Waddoups' motion to amend failed on the following roll call:

Yeas, 13; Nays, 13; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Dmitrich	Eastman
J. Evans	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Stephenson	Waddoups
Walker			

Voting in the negative were: Senators

Allen	Arent	Blackham	Davis
B. Evans	Gladwell	Hale	Hatch
Hickman	Julander	Killpack	Thomas
Wright			

Absent or not voting were: Senators

Bramble	Valentine	Mansell

Senators Thomas, Killpack, Hale, Walker, Julander, James Evans, and Allen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Waddoups	Walker
Wright			

Voting in the negative were: Senators

Allen	Arent	Davis	Hale
Julander			

Absent or not voting were: Senators

Bramble	Valentine	Mansell

S.B. 48, as amended, was transmitted to the House.

* * *

S.B. 49, COMPETENCY TO BE EXECUTED − AMENDMENTS, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 161, JUDICIAL CONDUCT COMMISSION, was read the third time and explained by Senator Waddoups. Senators Hillyard, Thomas, Arent, and Bell commented.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 219, AMENDMENTS TO JUSTICE COURT OPERATIONS, was read the third time and explained by Senator Mayne.

Senator Mayne proposed the following amendment:

1. Page 2, Lines 32 through 41

32 (3) [~~County~~] Notwithstanding Subsection 78−3−24(10), county and municipal justice

33 courts shall be open and judicial business shall be transacted [~~every day except as provided by~~

34 ~~law including the provisions of Section 78−3−24 regarding court administration.~~]:

35 (a) five days per week; or

36 (b) no less than four days per week for at least 11 hours per day. (4) The legislative body of the county, city, or town shall establish operating hours for the justice courts within the requirements of Subsection (3).

37 [[~~(4)~~]] (5) The hours the courts are open shall be posted conspicuously at the courts and in

38 local public buildings. [~~The judges of county and municipal courts shall attend the court at~~

39 ~~regularly scheduled times.~~]

40 [[~~(5)~~]] (6) The clerk of the court and judges of county and municipal courts shall attend the

41 court at regularly scheduled times as established by the legislative body .

Senator Mayne's motion to amend passed on a voice vote. Senators Thomas, Hillyard, and James Evans commented and the bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Davis
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Julander	Killpack	Knudson	Mayne
Thomas	Waddoups	Walker	Wright

Voting in the negative were: Senators

Bell	Buttars	Eastman	Hillyard
Jenkins	Stephenson		

Absent or not voting were: Senators

Bramble	Valentine	Mansell

S.B. 219, as amended, was transmitted to the House.

* * *

S.B. 171, PROPERTY TAX TREATMENT OF TRANSPORTABLE FACTORY−BUILT HOUSING UNITS, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 238, INDIVIDUAL INCOME TAX − EARNED INCOME TAX CREDIT, was read the third time and explained by Senator Hatch.

Senator Hatch proposed the following amendment:

1. Page1, Lines 14 through 17

14 ▸ requires the [[~~State Tax Commission~~]] Division of Finance to make transfers from the General Fund to the

15 Uniform School Fund equal to the amount of state earned income tax credit claimed

16 and grants rulemaking authority to the State Tax Commission to provide procedures

17 for [[~~making the transfers~~]] reporting the amount of state earned income tax credit claimed to the Division of Finance .

2. Page 2, Line 29:

29 59−10−136. Nonrefundable earned income tax credit −− [[~~Commission~~]] Division of Finance to transfer

3. Page 2, Lines 47 through 53:

47 (3) (a) [[~~In accordance with any rules prescribed by the commission under Subsection~~

48 ~~(3)(b), the commission~~]] Subject to Subsection (3)(b), the Division of Finance shall transfer at least annually from the General Fund into the Uniform

49 School Fund an amount equal to the amount of earned income tax credit claimed under this

50 section.

(b)(i) The commission shall report to the Division of Finance the amount of earned income tax credit claimed under this section.

51 [[~~(b)~~]] (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

52 commission may make rules providing procedures for [[~~making transfers from the General Fund~~

53 ~~into the Uniform School Fund as required by Subsection (3)(a)~~]] reporting to the Division of Finance the amount of earned income tax credit claimed under this section .

Senator Hatch'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
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Stephenson	Thomas
Waddoups	Walker	Wright	

Absent or not voting were: Senators

Bramble	Buttars	Davis	Mayne
Valentine	Mansell		

S.B. 238, as amended, was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **S.B. 168**, DRIVER LICENSE RELATED AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 12, Line 368 through Page 13, Line 371

368 (ii) The Driver License Division may hold a hearing in some other county if[[~~:~~

369 ~~(A)~~]] the Driver License Division and the person both agree[[~~; or~~

370 ~~(B) the Driver License Division makes telephonic participation available to the person~~

371 ~~requesting the hearing under Subsection (2)(e)(ii) as provided under Section 53-3-223.5~~]].

2. Page 26, Lines 779 through 782:

779 (ii) The division may hold a hearing in some other county if[[~~:~~

780 ~~(A)~~]] the division and the person both agree[[~~; or~~

781 ~~(B) the division makes telephonic participation available to the person requesting the~~

782 ~~hearing under Subsection (6)(a) as provided under Section 53-3-223.5~~]].

3. Page 29, Lines 890 through 893:

890 (ii) The division may hold a hearing in some other county if[[~~:~~

891 ~~(A)~~]] the division and the person both agree[[~~; or~~

892 ~~(B) the division makes telephonic participation available to the person requesting the~~

893 ~~hearing under Subsection (7)(a) as provided under Section 53-3-223.5~~]].

4. Page 35, Lines 1060 through 1063:

1060 (ii) The division may hold a hearing in some other county if[[~~:~~

1061 ~~(A)~~]] the division and the person both agree[[~~; or~~

1062 ~~(B) the division makes telephonic participation available to the person requesting the~~

1063 ~~hearing under Subsection (9) as provided under Section 53-3-223.5~~]].

Senator Hillyard's motion to amend passed on a voice vote. The bill passed second reading 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	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright

Absent or not voting were: Senators

Bramble	Davis	Hale	Valentine
Mansell			

* * *

1st Sub. S.B. 50, RURAL PLANNING AND DEVELOPMENT, was read the second time. Senator Hatch explained the bill. Senators Bev Evans, Hickman, and Jenkins commented. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker	Wright	

Absent or not voting were: Senators

Valentine	Mansell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2004

The House transmits **H.B. 174**, FORENSIC MENTAL HEALTH AMENDMENTS, by Representative J. Seitz, for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, **H.B. 174** was placed at the top of the Second Reading Calendar

STANDING COMMITTEE REPORT

Mr. President: February 16, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson, with the following amendments:

1. Page 3, Lines 69 thru 71
House Floor Amendment (Lilac)
dated 2−6−2004:
Delete lines 69 thru 71
Renumber remaining sections accordingly

2. Page 3, Line 74
House Floor Amendment (Lilac)
dated 2−6−2004:
After "state" insert "and local"

3. Page 3, Line 87
House Floor Amendment (Lilac)
dated 2−6−2004:
After "(b) in" delete "conjunction" and reinstate "consultation"

4. Page 8, Line 227
House Floor Amendment (Lilac)
dated 2−6−2004:
After line 227 insert: "(8) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air Force, or Navy."; and

Beverly Ann Evans, Chair

On motion of Senator Blackham, the committee report was adopted. **H.B. 88,** as amended, was placed on the Second Reading Calendar.

* * *

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 9:30 a.m., Wednesday, February 18, 2004.

THIRTY−FIRST DAY

MORNING SESSION

The Senate was called to order at 10:45 a.m., with President Al Mansell presiding.

Prayer − Senator David Thomas
Pledge of Allegiance − Senator Greg Bell
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2004

The House passed, as amended, **H.B. 97**, PROTECTIVE ORDER AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 128**, AMENDMENTS TO OPERATING UNDER THE INFLUENCE, by Representative D. Love, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 227**, MIDWIFE CERTIFICATION ACT, by Representative J. Biskupski, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 16**, RESOLUTION AMENDING RULES OF CIVIL PROCEDURE − JUDGMENT, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 97, 2nd Sub. H.B. 128, H.B. 227,** 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 17, 2004

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

Business and Labor

S.B. 239	Unfair Competition Act (Sen. M. Dmitrich)
H.B. 171	Insurance Fraud Amendments (Rep. J. Ferrin) (Sen. S. Killpack)
H.B. 172	Insurance Liquidation Law Amendments (Rep. J. Ferrin) (Sen. S. Killpack)
H.B. 218	Private Health Insurance − Waiver of Health Condition (Rep. C. Bennion) (Sen. L. Blackham)
H.B. 238	Workers' Compensation Access to Medical Records (Rep. J. Alexander) (Sen. E. Mayne)
H.B. 245	Insurance Law Revisions (Rep. J. Ferrin) (Sen. T. Hatch)

Education

1st Sub. H.B. 43	No Child Left Behind Options (Rep. M. Dayton) (Sen. D. Gladwell)
1st Sub. H.B. 199	Disruption of Activities in or Near School Building (Rep. C. Moss) (Sen. K. Hale)
H.B. 223	State School Board Candidate Selection Committees (Rep. K. Morgan) (Sen. K. Hale)

Government Operations and Political Subdivisions

1st Sub. H.B. 111	Municipal Government Amendments (Rep. W. Harper) (Sen. G. Bell)
1st Sub. H.B. 217	Changes to Division of Facilities and Construction Management Contract Procedures and Requirements (Rep. W. Harper) (Sen. B. Evans)
1st Sub. H.B. 226	Legislative Approval for Capital Projects (Rep. D. Ure) (Sen. D. Gladwell)

Health and Human Services

S.B. 224	Homeless Coordinating Committee (Sen. K. Hale)
H.B. 86	Primary Care Network Amendments (Rep. K. Holdaway) (Sen. S. Jenkins)
H.B. 93	DNA Reimbursement Costs (Rep. J. S. Adams) (Sen. S. Killpack)
H.B. 106	Health Insurance Act Amendments (Rep. J. Dunnigan) (Sen. L. Blackham)
2nd Sub. H.B. 207	Health Insurance Amendments (Rep. R. Lockhart) (Sen. Bell)
H.J.R. 9	Resolution Supporting Efforts to End Homelessness (Rep. D. Clark) (Sen. G. Bell)

Judiciary, Law Enforcement, and Criminal Justice

S.B. 167	Victim Restitution Amendments (Sen. G. Bell)
1st Sub. H.B. 42	Interest Rates on Judgments (Rep. J. Dunnigan) (Sen. J. Valentine)
H.B. 96	Statute of Repose (Rep. J. S. Adams) (Sen. G. Bell)
H.B. 234	Sunset Extension on Unauthorized Practice of Law (Rep. S. Urquhart) (Sen. G. Bell)

Natural Resources, Agriculture and Environment

1st Sub. H.B. 71	Water Conservation Plans (Rep. J. Buffmire) (Sen. D. Gladwell)
1st Sub. H.B. 92	Brucellosis Vaccination Amendments (Rep. B. Johnson) (Sen. B. Wright)
1st Sub. H.B. 211	Renewal of Fishing License (Rep. J. M. Philpot) (Sen. M. Dmitrich)
H.B. 235	Turkey Hunting Permits (Rep. D. G. Buxton) (Sen. D. Gladwell)
H.B. 247	Task Force Studying Water Issues (Rep. M. Styler) (Sen. T. Hatch)
1st Sub. H.B. 254	Solid Waste Landfill Amendments (Rep. D. G. Buxton) (Sen. D. Gladwell)
H.B. 255	Wildlife Restitution Amendments (Rep. R. Barrus) (Sen. S. Killpack)
H.C.R. 1	Resolution Urging Open Space along Jordan River Trail (Rep. T. Kiser) (Sen. H. Stephenson)

Revenue and Taxation

S.B. 206	Property Tax Amendments (Sen. H. Stephenson)
1st Sub. H.B. 36	Management, Enhancement, and Funding of 911 System (Rep. B. Dee) (Sen. D. Gladwell)
3rd Sub. H.B. 231	Review and Approval of Federal Monies Received by the State (Rep. C. Bennion) (Sen. J. Valentine)
H.B. 240	Revenue and Taxation − Offenses and Penalties (Rep. R. Bigelow) (Sen. H. Stephenson)

Transportation and Public Utilities and Technology

S.B. 213	Motor Vehicles − Clean Air Discounts (Sen. G. Davis)
H.B. 161	Law Enforcement Amendments (Rep. C. Moss) (Sen. K. Hale)

Workforce Services and Community and Economic Development

H.B. 256	Expansion of Economic Development Webpage (Rep. S. Allen) (Sen. C. Walker)
H.C.R. 3	Resolution Urging Protection of United States from Weapons of Mass Destruction (Rep. C. Bennion) (Sen. C. Bramble)

Lyle Hillyard
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 192, **Loan Transactions Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 202, **Unemployment Insurance Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 200, RECOGNITION OF FOREIGN ADOPTIONS, 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	Eastman	B. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Dmitrich	J. Evans	Hatch
Stephenson	Thomas		

1st Sub. H.B. 200 was signed by the President of the Senate in open session and returned to the House.

THIRD READING CALENDAR

S.B. 168, DRIVER LICENSE RELATED 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	Bramble
Buttars	Davis	Eastman	B. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Dmitrich	J. Evans	Hatch
Thomas			

S.B. 168, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 50, RURAL PLANNING AND DEVELOPMENT, was read the third time.

On motion of Senator Hickman, the bill was circled.

* * *

On motion of Senator Gladwell, the circle was removed from **S.B. 49**, COMPETENCY TO BE EXECUTED − AMENDMENTS, and it was before the Senate. 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	J. Evans	Hatch	Thomas

S.B. 49 was transmitted to the House.

SECOND READING CALENDAR

H.B. 174, FORENSIC MENTAL HEALTH AMENDMENTS, was before the Senate for reconsideration.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 80, WILDLIFE LICENSE AGENTS − PENALTIES FOR VIOLATIONS, was read the second time. Senator Hickman explained the bill.

Senator Hickman proposed the following amendment:

1. Page 3, Line 60:
   Delete "$5,000" and insert "$10,000"

2. Page 3, Line 65:
   Delete "$5,000" and insert "$10,000"

Senator Hickman's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Thomas	Valentine
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Eastman	Hatch	Julander
Stephenson	Waddoups		

* * *

H.B. 174, FORENSIC MENTAL HEALTH AMENDMENTS, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 2, Line 43:
   Lilac
   After "guilty and mentally ill" insert "or"

Senator Killpack's motion to amend passed on a voice vote. Senator Killpack explained the bill. The bill passed second reading 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	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Davis	Mayne

* * *

H.B. 23, JOINT TRANSPORTATION PLANNING AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

* * *

1st Sub. H.B. 34, UNLAWFUL CONTROLLED SUBSTANCES IN CORRECTIONAL FACILITIES, was read the second time. Senator James Evans explained the bill. The bill passed second reading on the following roll call:

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

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
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Dmitrich	Killpack

* * *

H.B. 209, LICENSING OF PLUMBING AND ELECTRICAL TRADES, was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 3, line 74:
After "executive director" insert "with the approval of the governor"

2.Page 3, Line 77:
After "director" insert "with the approval of the governor"

Senator Jenkins' motion to amend passed on a voice vote. The bill passed second reading 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	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bramble	Buttars	Davis	Killpack

* * *

H.B. 29, UTAH TELEHEALTH COMMISSION AMENDMENTS, was read the second time. Senator Gladwell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Buttars	Hickman

* * *

H.B. 26, PARENT−TIME SCHEDULE AMENDMENTS, was read the second time.

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

1st Sub. H.B. 26, Parent−Time Schedule Amendments (S. Daniels)

Senator Bell explained the bill. Senators Hillyard and Arent commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	J. Evans
Gladwell	Hale	Hatch	Hellewell
Jenkins	Julander	Killpack	Mayne
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Bramble	Eastman	B. Evans	Hickman
Hillyard	Knudson	Stephenson	Thomas
Valentine			

* * *

H.B. 190, RESTRICTING WIRELESS TELEPHONE USE FOR SCHOOL BUS DRIVERS, was read the second time. Senator Allen explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Killpack	Knudson	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Bell	Buttars	Mayne	Stephenson
Thomas	Valentine		

Absent or not voting was: Senator
Hillyard

* * *

H.B. 13, HAZARDOUS WASTE AND NONHAZARDOUS SOLID WASTE FEE AND TAX AMENDMENTS, was read the second time. Senator Allen explained the bill. Senators Jenkins and Bramble commented. The bill passed second reading 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	Killpack
Knudson	Mayne	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative was: Senator
Thomas

Absent or not voting was: Senator
Stephenson

On motion of Senator Hickman, **H.B. 13** was tabled on Third Reading Table due to fiscal impact.

* * *

H.B. 204, PUBLIC UTILITIES REVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading 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	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Stephenson

* * *

H.B. 75, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Stephenson	Wright

* * *

H.B. 210, LAW ENFORCEMENT EMPLOYEE BACKGROUND CHECKS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading 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	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hickman	Killpack	Stephenson

* * *

H.B. 193, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, was read the second time. Senator Bell explained the bill.

Senator Arent proposed the following amendment:

1. Page1, Line 10

   10 regarding the appointment of legislative members and the number of legislative members .

2. Page 1, Line 14:

   14 Senate each appoint the [[~~respective legislative member~~]] two legislative members who are not members of the same political party , rather than the governor.

3. Page 2, Lines 31 through 32:

   31 (1) The commission on criminal and juvenile justice shall be composed of [[~~20~~]] 22 voting

   32 members as follows:

4. Page 2, Lines 54 through 56:

54 [[~~(iii) one member of the House of Representatives who is appointed by the speaker of~~

55 ~~the House of Representatives; and~~

56 ~~(iv) one member of the Senate who is appointed by the president of the Senate.~~]]
(iii) two members of the House of Representatives who are not members of the same
political party, and who are appointed by the speaker of the House of Representatives; and
(iv) two members of the Senate who are not members of the same political party, and
who are appointed by the president of the Senate.

5. Page 3, Lines 72 through 73:

72 (1) The commission on criminal and juvenile justice shall be composed of [[~~20~~]] 22 voting

73 members as follows:

6. Page 4, Lines 95 through 97:

95 [[~~(iii) one member of the House of Representatives who is appointed by the speaker of~~

96 ~~the House of Representatives; and~~

97 ~~(iv) one member of the Senate who is appointed by the president of the Senate.~~]] (iii) two members of the House of Representatives who are not members of the same
political party, and who are appointed by the speaker of the House of Representatives; and
(iv) two members of the Senate who are not members of the same political party, and
who are appointed by the president of the Senate.

Senator Arent's motion to amend failed on a voice vote. Senators Waddoups and Hale commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hellewell	Hickman

Hillyard	Jenkins	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Arent	Hale	Julander

Absent or not voting were: Senators

Blackham	Hatch	Killpack	Stephenson

* * *

H.B. 180, DEATH PENALTY PROVISIONS, was read the second time. Senator Allen explained the bill. Senators Thomas, James Evans, Hickman, Walker, and Mansell commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hillyard
Julander	Killpack	Knudson	Mayne
Walker			

Voting in the negative were: Senators

Buttars	Hellewell	Hickman	Jenkins
Stephenson	Thomas	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hatch	Valentine

* * *

H.B. 183, CONDITIONS FOR RELEASE AFTER NOTICE REGARDING ARREST FOR DOMESTIC VIOLENCE, was read the second time. Senator Jenkins explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hatch	Thomas	Valentine

* * *

H.B. 65, TUITION WAIVER FOR PURPLE HEART RECIPIENTS, was read the second time. Senator James Evans explained the bill. The bill passed second reading 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	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Wright	Mansell

Absent or not voting were: Senators

Blackham	Hale	Hatch	Valentine
Walker			

* * *

H.J.R. 8, RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF INTO SESSION, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. H.B. 27, TAX COMMISSION REPORT − FEDERAL TAX LAW CHANGES, was read the second time. Senator Bramble explained the bill. The bill passed second reading 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
B. Evans	J. Evans	Gladwell	Hellewell
Hickman	Jenkins	Julander	Killpack
Knudson	Mayne	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hale	Hatch	Hillyard
Stephenson	Thomas	Valentine	Walker

* * *

1st Sub. H.B. 64, AMENDMENTS TO LOCAL OPTION SALES TAX, was read the second time. Senator Eastman explained the bill. Senators Stephenson, Bramble, and Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	Hale
Hickman	Julander	Killpack	Mayne
Thomas	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Bramble	Gladwell	Hellewell	Jenkins
Wright			

Absent or not voting were: Senators

Blackham	Buttars	J. Evans	Hatch
Hillyard	Knudson	Stephenson	Valentine

* * *

1st Sub. H.B. 187, VIATICAL SETTLEMENT ACT, was read the second time. Senator Bramble explained the bill. Senator Hale commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans

Gladwell	Hale	Hellewell	Hickman
Jenkins	Julander	Mayne	Thomas
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Buttars	J. Evans	Hatch
Hillyard	Killpack	Knudson	Stephenson
Valentine			

CORRECTED STANDING COMMITTEE REPORT

Mr. President: February 17, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, by Senator D. C. Buttars, et al, with the following amendments:

1. Page 1, Lines 23 through 24:

23 ▸ creates [[~~a special revenue fund known as the Crime Reduction Assistance Fund, to be managed by the~~]] a restricted account for specified state forfeiture funds, and provides that funds in the account shall be appropriated to the

24 Commission on Criminal and Juvenile Justice;

2. Page 3, Line 85:
(1) "Account" means the Criminal Forfeiture Account created in Section 24−1−8.

Renumber following sections.

85 (1) "Agency" [~~shall mean~~] means any agency of municipal, county, or state

3. Page 4, Line 97:

97 [[~~(5) "Fund" means the Crime Reduction Assistance Fund created in Section 24−1−17.~~]]

4. Page 12, Line 346:

346 Reduction Assistance Program under Section[[~~24−1−18~~]] 24−1−19 if the agency has not established or

5. Page 13, Lines 374 through 380:

374 (10) the motion for hardship release shall also be served upon the prosecuting attorney

375 [[~~and~~]] or the seizing agency within ten days after filing the motion.

376 [~~(3)~~] (11) The court shall render a decision on a motion [~~or complaint~~] for hardship

377 filed under [~~Subsection (2)~~] this section not later than [~~ten~~] 20 days after the date of filing, or

378 ten days after service upon the prosecuting attorney [[~~and~~]] or seizing agency, whichever is earlier,

379 unless [~~the ten-day~~] this period is extended by the [~~consent of the~~] parties or by the court for

380 good cause shown.

6. Page 14, Lines 405 through 406:

405 (ii) second, for the satisfaction of [[~~exempt~~]] any interests , including those of interest holders, in the order of their priority as

406 determined by Title 70A, Uniform Commercial Code; and

7. Page 14, Lines 418 through 425:

418 [[~~(1)~~]] In any [~~civil or criminal~~] proceeding to forfeit seized property under this chapter,

419 the court [[~~[~~]]shall[[~~]~~]][[~~may~~]] award a prevailing [~~owner~~] party reasonable attorneys' fees and other

420 costs of [~~suit~~] litigation reasonably incurred by the owner. An owner who prevails only in part

421 [~~shall be~~] is entitled to recover reasonable attorneys' fees and reasonable costs of suit related to

422 those issues on which he prevailed.

423 [[~~(2) In determining whether to award attorneys' fees and costs, the court shall consider~~

424 ~~the merit of each parties' allegations and pleadings, and whether a seizure, complaint, claim, or~~

425 ~~answer was reasonable and based upon good faith, or was made for any improper purpose.~~]]

8. Page 15, Line 439:

439 ~~such~~] if the forfeiture is [[{]]substantially[[}]] [~~proportional to both~~] [[~~grossly~~]] disproportional to the use

9. Page 15, Line 451:

451 (b) If the court finds that the forfeiture is [[~~grossly~~]] substantially disproportional to the conduct for

10. Page 16, Lines 478 through 480:

478 [[~~(d) A court order to transfer the property is not required if a federal agency seeking~~

479 ~~jurisdiction over the property obtains a seizure warrant, search warrant, arrest warrant in rem,~~

480 ~~or other federal process mandating the transfer.~~]]

11. Page 16, Lines 488 through 491:

488 (ii) shall be used only for those law enforcement purposes specified in [[~~Section~~

489 ~~24−1−18(8)~~]] Subsection 24−1−19(8) ; and

490 (iii) may not be used for those law enforcement purposes prohibited in [[~~Section~~

491 ~~24−1−18(9)~~]] Subsection 24−1−19(9) .

12. Page 17, Lines 495 through 498:

495 (c) Law enforcement agencies awarded any equitable share of property forfeited by the

496 federal government may only use[[~~that equitable share subject to the laws, rules, regulations,~~

497 ~~and orders of the state or local jurisdiction or political subdivision governing the use of public~~

498 ~~funds available for law enforcement purposes. The use of the property shall be nonlapsing.~~]] the award monies after approval or appropriation by the agency's legislative body. The award monies are

nonlapsing.

13. Page 17, Line 514:

514 or law enforcement purposes authorized under Section [[~~24−1−18~~]] 24−1−19 , and only upon approval or

14. Page 18, Lines 552 through 555:

552 (5) The remaining forfeited property shall then be [[~~transferred by the seizing agency to~~

553 ~~the state treasurer, to be deposited in the Crime Reduction Assistance Fund created in Section~~

554 ~~24−1−18 for award and distribution pursuant to the Crime Reduction Assistance Program~~

555 ~~created in Section 24−1−19~~]] deposited in the Criminal Forfeiture Account created in section 24−1−18 .

15. Page 18, Lines 556 through 561:

556 (6) [[~~(a)~~]] All property and proceeds awarded to the state through forfeiture proceedings

557 under this chapter shall be deposited in the Criminal Forfeiture Account created in Section 24−1−18 [[~~held by the state treasurer until the Utah Commission on Criminal~~

558 ~~and Juvenile Justice approves awards and disbursements under the program~~]].

559 [[~~(b) The property and proceeds held by the state treasurer shall be segregated from other~~

560 ~~property, equipment, or assets of the state and from any department, office, or agency of the~~

561 ~~state until awarded through the program.~~]]

16. Page 19, Lines 563 through 574:

563 [[~~24−1−18.~~ Crime Reduction Assistance Fund.

564 ~~(1) (a) There is created a special revenue fund known as the Crime Reduction~~

565 ~~Assistance Fund for the purpose of providing funding for the Crime Reduction Assistance~~

566 ~~Program created by Section 24−1−19.~~

567 ~~(b) Consistent with its duties and responsibilities under Section 63−25a−104, the Utah~~

568 ~~Commission on Criminal and Juvenile Justice shall expend monies from the fund for the~~

569 ~~purposes under Section 24−1−19.~~

570 ~~(c) The Utah Commission on Criminal and Juvenile Justice may pay program~~

571 ~~administrative costs from the fund.~~

572 ~~(2) The fund consists of all monies deposited to the fund under Section 24−1−17.~~

573 ~~(3) (a) The fund shall earn interest.~~

574 ~~(b) All interest earned on fund monies shall be deposited into the fund.~~]]

24−1−18. Criminal Forfeiture Account.

(1) (a) There is created within the General Fund a restricted account known as the "Criminal Forfeiture Account."

(2) Proceeds from forfeited property and forfeited monies shall be deposited in this account.

(3) Money in the account shall be appropriated to the Commission on Criminal and Juvenile Justice, for implementing the Crime Reduction Assistance Program under Section 24−1−19.

17. Page 21, Line 619:

619 (d) law enforcement training that includes:

(i) implementation of the Fourth Amendment of the federal constitution and Article 1, Section 7, of the Utah Constitutions, and addresses the protection of the individual's rights of due process;

(ii) protection of the rights of innocent property holders; and

(iii) the Tenth Amendment of the federal constitution regarding states' sovereignty and the states' reserved rights ;

18. Page 21, Lines 626 through 628:

626 (9) Law enforcement purposes for which award monies may not be granted or used

627 include:

628 (a) payment of salaries , retirement benefits, or bonuses to any person;

19. Page 22, Lines 652 through 653:

652 (11) The Utah Commission on Criminal and Juvenile Justice shall report in writing to

653 the[[~~Legislature~~]] legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the forfeited property transferred to the fund, awards made

Greg Bell, Chair

On motion of Senator Waddoups, the corrected committee report was adopted.

* * *

On motion of Senator Waddoups, and at 12:30 p.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 18, 2004

The House passed, **S.B. 12**, TRANSPORTATION OF CHILDREN FOR PARENT−TIME, 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, **1st Sub. S.B. 14**, INSURANCE CODE EXEMPTION, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 46**, SUNSET DATE EXTENSION OF DIVISION OF OIL, GAS AND MINING, 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. 112**, UNIFORM ANATOMICAL GIFT ACT AMENDMENTS, by Senator K. Hale, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 118**, JUDICIARY 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.C.R. 3**, RESOLUTION SUPPORTING HILL AIR FORCE BASE, by Senator D. Thomas, 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, 1st Sub. S.B. 14, S.B. 46, S.B. 112, S.B. 118, 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 18, 2004

The House passed, as amended, **H.B. 120**, CHILD WELFARE FUNDING FOR IN−HOME SERVICES, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 124**, SMALL CLAIMS COURT JURISDICTION AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 248**, DISCLOSURE OF HIGHER EDUCATION COSTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 252**, CALCULATION OF PROPERTY TAX LEVIES, by Representative M. Newbold, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 120, H.B. 124, H.B. 248,** and **H.B. 252** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 18, 2004

The House substituted, amended, and passed, **2nd Sub. S.B. 69**, PARTIAL BIRTH ABORTION AMENDMENTS, by Senator C. Bramble, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 69 was placed on the Concurrence Calendar.

* * *

Mr. President: February 18, 2004

The House adopted the Joint Conference Committee Report dated February 18, 2004 and passed **1st Sub. S.B. 23**, AMENDMENTS TO MUNICIPAL

GOVERNMENT, by Senator T. Hatch, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 16, 2004

The Joint Conference Committee comprised of Sens. Thomas Hatch, Beverly Evans, and Gene Davis, and Reps. Michael E. Noel, David Ure, and James R. Gowans, recommends **1st Sub. S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT, by Senator T. Hatch, with the following amendments:

1. Page 5, Line 125:
   After "an appeal" insert "and the standard of review"

Senator Thomas Hatch
Rep. Michael E. Noel
Committee Chairs

On motion of Senator Hatch, the Senate voted to concur in the House amendments to **1st Sub. S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT. 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
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Mansell	

Absent or not voting were: Senators

Bramble	Buttars	Gladwell	Valentine
Walker	Wright		

1st Sub. S.B. 23, as amended, was returned to the House.

* * *

Mr. President: February 18, 2004

The House adopted the Joint Conference Committee Report dated February 18, 2004 and passed **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE

PROCESS AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 18, 2004

The Joint Conference Committee comprised of Sens. Hillyard, Waddoups, and Mayne, and Reps. Dillree, Harper, and Hendrickson, recommends **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 4, Lilac copy 2−5−2004
   Incorporate the House amendments

2. Page 4, Line 96c Lilac copy
   After "NOTE," delete "OR AN ALTERNATE FISCAL NOTE"

Senator Lyle Hillyard
Representative Marda Dillree
Committee Chairs

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Buttars	J. Evans	Gladwell	Valentine
Wright			

S.J.R. 4, as amended, was returned to the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2004

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

Education

1st Sub. H.B. 164	Resident Tuition Status for National Guard Members (Rep. B. King) (Sen. M. Dmitrich)

Health and Human Services

H.B. 169	Mail Theft Amendments (Rep. M. Thompson) (Sen. L. Hillyard)
1st Sub. H.B. 236	Families, Agencies, and Communities Together Amendments (Rep. D. Litvack) (Sen. P. Arent)
H.B. 97	Protective Order Amendments (Rep. K. Holdaway) (Sen. L. Hillyard)
H.J.R. 16	Resolution Amending Rules of Civil Procedure − Judgment (Rep. G. Curtis) (Sen. J. Valentine)

Judiciary, Law Enforcement, and Criminal Justice

S.B. 196	Court Fee Adjustments (Sen. D. Gladwell)

Retirement and Quasi−Governmental Entities

H.B. 53	Additional State Retirement Benefit (Rep. L. Shurtliff) (Sen. B. Evans)

Revenue and Taxation

S.B. 192	Loan Transactions Amendments (Sen. M. Waddoups)
H.B. 239	Sexually Explicit Business and Escort Service Tax (Rep. D. Bourdeaux) (Sen. H. Stephenson)

Transportation and Public Utilities and Technology

2nd Sub. H.B. 128	Amendments to Operating Under the Influence (Rep. D. Love) (Sen. M. Waddoups)

Workforce Services and Community and Economic Development

S.B. 202 Unemployment Insurance Amendments
(Sen. H. Stephenson)

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 18, 2004

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

S.B. 198 Electric Generation Competitive Bid Amendments
(Sen. C. Bramble)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 18, 2004

The Business and Labor Committee reports a favorable recommendation on **S.C.R. 6**, UTAH ATHLETIC FOUNDATION RESOLUTION, by Senator B. Evans.

Parley Hellewell, Chair

On motion of Senator Waddoups, the committee report was adopted. **S.C.R. 6** was placed on Second Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 171**, PROPERTY TAX TREATMENT OF TRANSPORTABLE FACTORY−BUILT HOUSING UNITS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Gladwell Valentine

S.B. 171 was transmitted to the House.

* * *

On motion of Senator Waddoups, the circle was removed from **S.B. 161**, JUDICIAL CONDUCT COMMISSION, and it was before the Senate. Senator Waddoups explained the bill.

Senator Bell proposed the following amendment:

1. Page3, Lines 64 through 69m
Senate 2nd Reading Amendments
2−16−2004

64 (2) During the course of any investigation, the commission:

65 (a) shall refer any information relating to the criminal conduct alleged and any

66 evidence which relates to the allegation to which the judge has been accused, unless plainly

67 frivolous, to the local prosecuting attorney as provided in Subsection (1)(b); Ş [~~and~~] Ş

68 (b) may order a hearing to be held concerning the reprimand, censure, suspension,

69 removal, or involuntary retirement of a judge[~~;~~] Ş [~~.~~] ;

69a (c) SHALL, IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT JUDICIAL

69b MISCONDUCT OCCURRED:

69c (I) REVIEW THE RECORD OF ALL COMPLAINTS PREVIOUSLY DISMISSED AGAINST THE JUDGE;

69d (II) REVIEW THE RECORD OF ALL PREVIOUS ORDERS OF REPRIMAND, CENSURE, OR

69e SUSPENSION ISSUED BY THE COMMISSION AGAINST THE JUDGE; AND

69f (III) REVIEW ALL INFORMATION IN THE COMMISSION'S FILES ON ANY INFORMAL

69g RESOLUTION, INCLUDING ANY LETTER OF ADMONITION, OR CAUTION, THAT THE COMMISSION

69h ISSUED TO THE JUDGE PRIOR TO MAY 1, 2000; AND

69i (d) MAY[[~~, EVEN IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE,~~]] DISMISS

69j RELATIVELY MINOR MISCONDUCT WITH A WARNING, OR ON CONDITIONS OF NO FURTHER

69k MISBEHAVIOR, even if it finds by a preponderance of the evidence that misconduct occurred, unless one or more of the following conditions have been met:
(i) the respondent judge has previously received a public reprimand, censure, or suspension;
(ii) the respondent judge has previously received any informal reprimand from the commission prior to May 1, 2004; or
(iii) the misconduct under consideration has been widely reported or is widely known among court employees, participants in the judicial system, or the general public. BUT THE COMMISSION MAY NOT ORDER MORE THAN ONE DISMISSAL FOR ANY

69l JUDGE DURING ANY SINGLE TERM OF OFFICE WHEN IT FINDS BY A PREPONDERANCE OF THE

69m EVIDENCE THAT MISCONDUCT OCCURRED. Ş

Senator Bell's motion to amend passed on a voice vote. Senators Bell and Thomas 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Gladwell Valentine

S.B. 161, as amended, was transmitted to the House.

TIME CERTAIN CALENDAR

S.B. 175, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, was read the second time.

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

1st Sub. S.B. 175, Protection of Private Lawfully Obtained Property
(D.C. Buttars)

Senator Buttars explained the bill.

Senator Thomas proposed the following amendment:

1. Page16, Line 479
(3) When state or local law enforcement agencies are working with a federal law enforcement agency as a multi−agency task force, the participating state or local law enforcement agencies shall execute an agreement with the federal law enforcement agency stipulating that all asset forfeiture proceedings of the task force shall be conducted in accordance with state law.
Renumber following subsections

Senator Thomas' motion to amend failed on the following roll call:

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

Voting in the affirmative were: Senators

J. Evans	Hatch	Hellewell	Jenkins
Stephenson	Thomas	Waddoups	Wright

Voting in the negative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Hale	Hickman	Hillyard
Julander	Killpack	Knudson	Mayne
Valentine	Walker	Mansell	

Absent or not voting were: Senators
Blackham Gladwell

# # #

Senator Bramble proposed the following amendment:

1. Page 14, Line lines 425 to 427:
   Delete lines 425 to 427

Senator Bramble's motion to amend passed on a voice vote.

# # #

Senator Valentine proposed the following amendment:

1. Page 4, Line 106:
   After "in the property" delete "after the conduct subjecting the property to seizure has occurred"

2. Page 14, Line 402:
   Delete "be foreclosed"

3. Page 22, Line 675:
   After "agreements or" insert "Utah"

Senator Valentine's motion to amend passed on a voice vote. Senators Thomas, Hillyard, Wright, Bell, Stephenson, Hatch, Bramble, Valentine, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Julander	Killpack
Knudson	Mayne	Walker	Mansell

Voting in the negative were: Senators

Hatch	Jenkins	Stephenson	Thomas
Valentine	Waddoups	Wright	

Absent or not voting were: Senators
Blackham Gladwell

SECOND READING CALENDAR

H.B. 67, CULTURAL AFFAIRS TASK FORCE, was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 19

19 This bill appropriates for fiscal year [[~~2004−05~~]] 2003−04 only:

2. Page 3, Line 69:

69 There is appropriated from the General Fund for fiscal year[[~~2004−05~~]] 2003−04 , a one−time

Senator Jenkins' motion to amend passed on a voice vote. Senator Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Bramble	Davis	Dmitrich
Gladwell			

On motion of Senator Hickman, the Senate voted to place **H.B. 67** on the Third Reading Table due to fiscal impact.

* * *

H.B. 28, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 3, Lines 65 through 68
House Floor Amendments
2−3−2004

65 (1) [[~~$6,000~~]] $7,200 to the Senate to pay for the compensation and expenses of senators on the

66 task force; and

67 (2) Ĥ [~~$8,500~~] [[~~$11,000~~]] $9,800 Ĥ to the House of Representatives to pay for the compensation and

67a expenses

68 of representatives on the task force.

Senator Walker's motion to amend passed on a voice vote. Senators Waddoups, Killpack, and Hale commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

Voting in the negative were: Senators

Eastman	B. Evans	Hickman	Knudson
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Gladwell

On motion of Senator Hickman, the Senate voted to place **H.B. 28** on the Third Reading Table due to fiscal impact.

* * *

On motion of Senator Bramble, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Mansell presiding.

* * *

S.B. 198, ELECTRIC GENERATION COMPETITIVE BID AMENDMENTS, was read the second time.

On motion of Senator Hellewell, the bill was circled.

* * *

S.B. 146, OLYMPIC LAW REVISIONS AND CLEANUP, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Bramble	Dmitrich	J. Evans
Jenkins	Wright		

* * *

S.B. 58, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Dmitrich	Jenkins

* * *

S.B. 179, EXPEDITED APPEALS IN CHILD WELFARE CASES, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 49 through 54

49 [[~~(3) In all other appeals of right, the appeal shall be taken within 30 days from the entry~~

50 ~~of the order, decree, or judgment appealed from and the notice of appeal must be signed by~~

51 ~~appellant's counsel, if any, or by appellant. The attorney general shall represent the state in all~~

52 ~~appeals under this chapter.~~]]

53 [[~~(4) The~~]] (3) If the parties are present in the courtroom, the court shall inform[[~~the parties in open court at the conclusion of the proceedings~~

54 ~~of the requirements of this section, including~~]] them of :

2. Page 3, Line 59:

59 other parties and the appellate court informed of their whereabouts.

(4) If the parties are not present in the courtroom, the court shall mail a written statement containing the information provided in Subsection (4) to the parties at their last know address.

3. Page 3, Line 64

Senate Committee Amendments
2−12−2004:

64 (b) [[~~Claims~~]] Until the petition on appeal is filed, claims of ineffective assistance of counsel do not constitute extraordinary

4. Page 3, Lines 70 through 71

Senate Committee Amendments
2−12−2004:

70 their whereabouts.

(7) In all other appeals of right, the appeal shall be taken within 30 days from the entry of the order, decree, or judgment appealed from and the notice of appeal must be signed by appellant's counsel, if any, or by appellant. The attorney general shall represent the state in all appeals under this chapter.

71 [~~(2)~~][[~~(7)~~]] (8) Unless the juvenile court stays its order, the pendency of an appeal does not

5. Page 3, Line 75
Senate Committee Amendments
2−12−2004:

75 [~~(3)~~] [[~~(8)~~]] (9) The name of the minor may not appear on the record on appeal.

Senator Hillyard's motion to amend passed on a voice vote. The bill passed second reading 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	Hillyard
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Jenkins

* * *

S.B. 22, ADMINISTRATIVE RULES REAUTHORIZATION, was read the second time. Senator Stephenson explained the bill.

Senator Mayne proposed the following amendment:

1. Page 1, Lines 23 and 24:
Restore the deleted language

Senators Mayne, Buttars, Wright, Dmitrich, and Gladwell commented.

On motion of Senator Gladwell, the bill was circled.

* * *

On motion of Senator Stephenson, **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, was moved to the top of the Second Reading Calendar.

* * *

S.B. 249, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 51, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, was read the second time. Senator Blackham explained the bill. Senators Walker, Bev Evans, Arent, and Wright commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Julander	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Allen	Bramble	Davis	Jenkins
Mayne			

* * *

S.B. 154, SCHOOL BUILDING LEGISLATIVE TASK FORCE, was read the second time. Senator Stephenson explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Bramble	Jenkins	Killpack
Thomas			

* * *

S.B. 185, PUBLIC EDUCATION AMENDMENTS, was read the second time. Senator Hatch explained the bill. Senators Walker, Arent, Hale, Bell, and Knudson commented.

Senator Hale proposed the following amendment:

1. Page 2, Lines 43 through 50

43 (b) By May 1 of the year in which a State Board of Education member's term expires,

44 the lieutenant governor shall submit the name of each person who has filed a declaration of

45 candidacy for the State Board of Education to the nominating and recruiting committee for the

46 State Board of Education district in which the candidate resides .

47 (2) [~~(a)~~] By November 1 of [~~2003 and every four years thereafter~~] the year preceding

48 [[~~each regular general election~~]] year preceding the year in which a State Board of Education member's term expires , a nominating and recruiting committee consisting of [~~11~~] [[~~12~~]] eight

49 members, each to serve a [~~four-year~~] [[~~two-year~~]] one-year term, shall be appointed by the governor for the state board district that member represents as

50 follows:

2. Page 3, Line 71 through Page 4, Line 90:

71 (a) [[~~one member~~]] four members shall be appointed to represent [[~~each of the following~~]] business and

72 industry interests; and [[~~sectors:~~

73 ~~(i) manufacturing and mining;~~

74 ~~(ii) transportation and public utilities;~~

75 ~~(iii) service, trade, and information technology;~~

76 ~~(iv) finance, insurance, and real estate;~~

77 ~~(v) construction; and~~

78 ~~(vi) agriculture; and~~]]

79 (b) one member shall be appointed to represent each of the following education

80 sectors:

81 (i) teachers;

82 (ii) school administrators;

83 (iii) parents; and

84 (iv) local school board members[[;]] .

85 [[~~(v) charter schools; and~~

86 ~~(vi) higher education.~~]]

87 (3) (a) The members appointed under Subsections [[~~(2)(a)(i) through (vi) and~~]] (2)(b)(i)

88 through [[~~(vi)~~]] (iv) shall be appointed from lists containing at least two names submitted by

89 organizations representing each of the respective sectors.
(b) The governor shall ensure that each member of the nominating and recruiting committee resides within the state board district.

90 [~~(b)~~] (4) (a) The members shall elect one member to serve as chair for the committee.

3. Page 4, Line 98:

98 [~~(4)~~] (5) [[~~The~~]] Each nominating and recruiting committee shall:

4. Page 4, Line 101 through Page 5, Line 129:

101 (b) prepare a list of candidates for membership on the State Board of Education [[~~for~~

102 ~~each state board district subject to election in that year~~]] from its district using the qualifications under

103 Subsection [~~(5)~~] (6);

104 (c) submit a list of at least three candidates for [[~~each~~]] the state board position to the

105 governor by July 1; and

106 (d) ensure that the list includes appropriate background information on each candidate.

107 [~~(5)~~] (6) [[~~The~~]] Each nominating committee shall select [[~~a broad variety of~~]] candidates who

108 possess outstanding professional qualifications relating to the powers and duties of the State

109 Board of Education . [[, ~~including experience in the following areas:~~

110 ~~(a) business and industry administration;~~

111 ~~(b) business and industry human resource management;~~

112 ~~(c) business and industry finance;~~

113 ~~(d) business and industry, including expertise in:~~

114 ~~(i) metrics and evaluation;~~

115 ~~(ii) manufacturing;~~

116 ~~(iii) retailing;~~

117 ~~(iv) natural resources;~~

118 ~~(v) information technology;~~

119 ~~(vi) construction;~~

120 ~~(vii) banking;~~

121 ~~(viii) science and engineering; and~~

122 ~~(ix) medical and healthcare;~~

123 ~~(e) higher education administration;~~

124 ~~(f) applied technology education;~~

125 ~~(g) public education administration;~~

126 ~~(h) public education instruction;~~

127 ~~(i) economic development;~~

128 ~~(j) labor; and~~

129 ~~(k) other life experiences that would benefit the State Board of Education.~~

Senator Hale's motion to amend failed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Arent	Hale	Julander	Mayne

Absent or not voting were: Senators

Allen	Jenkins

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2004

The House passed, **1st Sub. S.B. 24**, MARRIAGE RECOGNITION POLICY, 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. 34**, OCCUPATIONAL THERAPISTS 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. 120**, RESIDENTIAL PROPERTY TAX EXEMPTION, 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.C.R. 1**, CONCURRENT RESOLUTION APPROVING SOLID WASTE PERMIT, 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

1st Sub. S.B. 24, S.B. 34, S.B. 120, and **S.C.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 18, 2004

The House passed, as amended, **1st Sub. S.J.R. 5**, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS, by Senator G. Davis, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 43**, RECREATIONAL THERAPY PRACTICE AMENDMENTS, by Senator G. Davis, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 109**, INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION, by Senator D. Thomas, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

On motion of Senator Waddoups and at 5:40 p.m., the Senate adjourned until 9:30 a.m., Thursday, February 19, 2004.

THIRTY−SECOND DAY

MORNING SESSION

The Senate was called to order at 9:50 a.m., with President Al Mansell presiding.

Prayer − Scott O'Dell, Student Body President of Logan High School
Pledge of Allegiance − Senator Curtis Bramble
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2004

The House passed, as substituted, **1st Sub. H.B. 90**, ACCESS TO CHILD WELFARE HEARINGS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 100**, SCHOOL PROFESSIONAL DEVELOPMENT DAYS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 116**, FACILITIES WITH REGIONAL IMPACT, by Representative R. Becker, et al, and it is transmitted for consideration; and

The House passed **H.B. 118**, BRAND INSPECTION AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 123**, DRUG LAB CLEANUP AND DISCLOSURE, by Representative D. Litvack, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 249**, NURSING CARE FACILITY MEDICAID CERTIFICATION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 250**, PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 90, 1st Sub. H.B. 100, 2nd Sub. H.B. 116, H.B. 118, 1st Sub. H.B. 123, H.B. 249,** and **H.B. 250** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 18, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Frank, G. Curtis, and R. Becker to meet with a like committee from the Senate to consider or amend **1st Sub. H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative C. Frank.

Carole E. Peterson, Chief Clerk

Communications filed.

INTRODUCTION OF BILLS

S.B. 169, **Sales and Use Tax Agricultural Exemptions** (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 205, **Certification of Crane Operators** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 210, **Motor Vehicle Insurance Enforcement Amendments** (L. Blackham), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 69**, PARTIAL BIRTH ABORTION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins

Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Arent	Davis	Dmitrich	Hale
Julander			

Absent or not voting were: Senators

Blackham	B. Evans	Wright

2nd Sub. S.B. 69 was returned to the House for signature of the Speaker.

* * *

On motion of Senator Davis, the Senate voted to concur in the House amendments to **S.B. 43**, RECREATIONAL THERAPY PRACTICE 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	Bramble
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Buttars	B. Evans	Julander
Wright			

S.B. 43 was returned to the House for signature of the Speaker.

* * *

On motion of Senator Thomas, the Senate voted to concur in the House amendments to **S.B. 109**, INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION. 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	Bramble
Davis	Dmitrich	J. Evans	Hale

Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Buttars	Eastman	B. Evans
Gladwell	Julander	Wright	

S.B. 109 was returned to the House for signature of the Speaker.

* * *

On motion of Senator Davis, the Senate voted to concur in the House amendments to **1st Sub. S.J.R. 5**, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS. 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	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Eastman	Gladwell	Julander
Wright			

1st Sub. S.J.R. 5 was returned to the House for signature of the Speaker.

THIRD READING CALENDAR

H.B. 80, WILDLIFE LICENSE AGENTS − PENALTIES FOR VIOLATIONS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Gladwell	Julander	Mayne
Wright			

H.B. 80, as amended, was returned to the House for further consideration.

* * *

H.B. 174, FORENSIC MENTAL HEALTH AMENDMENTS, was read the third time, explained by Senator Killpack, 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	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Dmitrich	Eastman	Gladwell
Julander	Mayne	Wright	

H.B. 174, as amended, was returned to the House for further consideration.

* * *

H.B. 23, JOINT TRANSPORTATION PLANNING AMENDMENTS, 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	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman

Hillyard	Jenkins	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bell	Blackham	Gladwell	Hatch
Julander	Killpack	Mayne	Wright

H.B. 23 was signed by the President of the Senate in open session and returned to the House.

* * *

1st Sub. H.B. 34, UNLAWFUL CONTROLLED SUBSTANCES IN CORRECTIONAL FACILITIES, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Gladwell	Hatch	Julander

1st Sub. H.B. 34 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 209, LICENSING OF PLUMBING AND ELECTRICAL TRADES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Eastman	B. Evans	Hale

Hellewell	Hickman	Hillyard	Jenkins
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Blackham	Bramble	Dmitrich	J. Evans
Gladwell	Hatch	Julander	Killpack
Mayne	Wright		

H.B. 209, as amended, was returned to the House for further consideration.

* * *

H.B. 29, UTAH TELEHEALTH COMMISSION 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	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Dmitrich	Hatch
Julander	Mayne	Wright	

H.B. 29 was signed by the President of the Senate in open session and returned to the House.

* * *

1st Sub. H.B. 26, PARENT−TIME SCHEDULE AMENDMENTS, was read the third time and explained by Senator Bell. Senator Hillyard commented and the bill failed on the following roll call:

Yeas, 9; Nays, 14; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	J. Evans
Hale	Killpack	Knudson	Walker
Wright			

Voting in the negative were: Senators

Bramble	Buttars	Eastman	B. Evans
Gladwell	Hellewell	Hickman	Hillyard
Jenkins	Stephenson	Thomas	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Blackham	Davis	Dmitrich	Hatch
Julander	Mayne		

1st Sub. H.B. 26, as substituted, was returned to the House for filing.

* * *

H.B. 190, RESTRICTING WIRELESS TELEPHONE USE FOR SCHOOL BUS DRIVERS, was read the third time and explained by Senator Allen. Senators Waddoups, Buttars, and Knudson commented and the bill failed on the following roll call:

Yeas, 11; Nays, 16; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
B. Evans	Hale	Julander	Knudson
Waddoups	Wright	Mansell	

Voting in the negative were: Senators

Bell	Bramble	Buttars	Eastman
J. Evans	Gladwell	Hatch	Hickman
Hillyard	Jenkins	Killpack	Mayne
Stephenson	Thomas	Valentine	Walker

Absent or not voting were: Senators

Blackham	Hellewell

H.B. 190, as amended, was returned to the House for filing.

* * *

H.B. 204, PUBLIC UTILITIES REVISIONS, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hale	Hellewell	Killpack

H.B. 204 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 75, INDUSTRIAL ASSISTANCE FUND 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
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Killpack

H.B. 75 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 210, LAW ENFORCEMENT EMPLOYEE BACKGROUND CHECKS, 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	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Blackham	Knudson	Mansell

H.B. 210 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 193, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Thomas	Valentine	Waddoups	Walker
Wright			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Julander	Mayne	Stephenson

Absent or not voting were: Senators

Blackham	Bramble	Knudson	Mansell

H.B. 193 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 180, DEATH PENALTY PROVISIONS, was read the third time and explained by Senator Allen. Senators Thomas and Bell commented, and the bill passed on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hellewell	Hillyard
Julander	Killpack	Mayne	Walker

Voting in the negative were: Senators

Buttars	Eastman	Hickman	Jenkins
Stephenson	Thomas	Valentine	Waddoups
Wright			

Absent or not voting were: Senators

Blackham	Hatch	Knudson	Mansell

H.B. 180, as amended, was returned to the House for further consideration.

* * *

H.B. 183, CONDITIONS FOR RELEASE AFTER NOTICE REGARDING ARREST FOR DOMESTIC VIOLENCE, was read the third time, explained by Senator Jenkins, 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	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

Absent or not voting were: Senators

Davis	Gladwell	Hickman	Knudson
Mansell			

H.B. 183 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 65, TUITION WAIVER FOR PURPLE HEART RECIPIENTS, was read the third time and explained by Senator James Evans. Senator Blackham 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Gladwell	Knudson	Mansell

H.B. 65 was signed by the President of the Senate in open session and returned to the House.

* * *

1st Sub. H.B. 27, TAX COMMISSION REPORT − FEDERAL TAX LAW CHANGES, 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	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Gladwell	Knudson	Mansell

1st Sub. H.B. 27 was signed by the President of the Senate in open session and returned to the House.

* * *

1st Sub. H.B. 64, AMENDMENTS TO LOCAL OPTION SALES TAX, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 19; Nays, 6; 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	Julander
Killpack	Mayne	Walker	

Voting in the negative were: Senators

Jenkins	Stephenson	Thomas	Valentine
Waddoups	Wright		

Absent or not voting were: Senators

Gladwell	Hatch	Knudson	Mansell

1st Sub. H.B. 64 was signed by the President of the Senate in open session and returned to the House.

* * *

1st Sub. H.B. 187, VIATICAL SETTLEMENT ACT, 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

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

Absent or not voting were: Senators

Allen	Gladwell	Hatch	Knudson
Mansell			

1st Sub. H.B. 187, as substituted, was returned to the House for further consideration.

* * *

1st Sub. S.B. 175, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, was read the third time and explained by Senator Buttars.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 146, OLYMPIC LAW REVISIONS AND CLEANUP, was read the third time.

On motion of Senator Hellewell, the bill was circled.

* * *

S.B. 58, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Arent	Davis	Dmitrich	Gladwell
Hickman	Wright	Mansell	

S.B. 58, as amended, was transmitted to the House for consideration.

* * *

S.B. 179, EXPEDITED APPEALS IN CHILD WELFARE CASES, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 51, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, was read the third time.

On motion of Senator Hellewell, the bill was circled.

* * *

S.B. 154, SCHOOL BUILDING LEGISLATIVE TASK FORCE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 17; Nays, 3; Absent, 9.

Voting in the affirmative were: Senators

Bell	Bramble	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker			

Voting in the negative were: Senators

Allen	Dmitrich	Mayne

Absent or not voting were: Senators

Arent	Blackham	Buttars	Davis
Gladwell	Hickman	Killpack	Wright
Mansell			

S.B. 154 was transmitted to the House.

* * *

S.B. 185, PUBLIC EDUCATION AMENDMENTS, was read the third time.

On motion of Senator Hatch, the bill was circled.

SECOND READING CALENDAR

H.B. 60, PROTECTION OF CHILDREN IN FOSTER CARE, was read the second time. Senator Davis explained the bill. The bill failed second reading on the following roll call:

Yeas, 11; Nays, 14; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hillyard	Julander
Knudson	Mayne	Walker	

Voting in the negative were: Senators

Allen	Bell	Bramble	Eastman
Gladwell	Hatch	Hellewell	Jenkins
Killpack	Stephenson	Thomas	Valentine
Waddoups	Wright		

Absent or not voting were: Senators

Arent	Blackham	Hickman	Mansell

H.B. 60 was returned to the House for filing.

* * *

2nd Sub. H.B. 198, CHILD WELFARE COURT REPORTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Blackham	Buttars	Mansell

* * *

H.B. 46, APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS, was read the second time. Senator Hale explained the bill. Senators Gladwell, Stephenson, and Killpack commented. The bill failed second reading on the following roll call:

Yeas, 12; Nays, 15; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Julander	Mayne	Thomas	Wright

Voting in the negative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Hillyard	Mansell

H.B. 46 was returned to the House for filing.

* * *

H.C.R. 7, RESOLUTION RECOGNIZING LEGISLATORS BACK TO SCHOOL WEEK, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Davis	Dmitrich

Absent or not voting was: Senator
Hillyard

* * *

Senator Wright gave recognition to award winners of the Annual All−State High School Art Show.

* * *

2nd Sub. H.B. 206, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, was read the second time. Senator Hatch explained the bill. The bill passed second reading 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	Hale	Hatch
Hellewell	Hickman	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Walker

* * *

H.B. 8, UNEMPLOYMENT INSURANCE BENEFITS − SOCIAL SECURITY BENEFITS OFFSET, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 188, DONATION OF SURPLUS COMPUTERS TO PERSONS WITH A DISABILITY, was read the second time. Senator Davis explained the bill. The bill passed second reading 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	Hale	Hatch
Hickman	Hillyard	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

J. Evans	Gladwell	Hellewell

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 198**, ELECTRIC GENERATION COMPETITIVE BID AMENDMENTS, and it was before the Senate. Senator Bramble motioned to return the bill to the Rules Committee and request the bill be referred for interim study.

* * *

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from **1st Sub. S.B. 66**, TELECOMMUNICATIONS AMENDMENTS, and it was before the Senate. Senator Hickman explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 47

47 (3) (a) As used in this [[~~Subsection (3)~~]] chapter , [[“~~municipal entity” means~~]] “municipality” includes :

2. Page 2, Lines 52 through 54:

52 (b) Notwithstanding Subsection (2), a [[~~municipal entity~~]] municipality shall comply with Subsection

53 (3)(c) if the [[~~municipal entity~~]] municipality purchases, leases, constructs, or equips facilities that the

54 [[~~municipal entity~~]] municipality by written contract leases, sells capacity in, or grants other similar rights to a

3. Page 3, Line 58:

58 (c) A [[~~municipal entity~~]] municipality described in Subsection (3)(b) shall, with respect to an action

4. Page 3, Lines 74 through 80:

74 (3) (a) A revenue bond issued under this section shall be secured and paid for [[~~solely~~]] :
(i)

75 from the revenues generated by the municipality from providing:

76 [[~~(i)~~]] (A) cable television services with respect to revenue bonds issued to finance facilities

77 for the municipality's cable television services; and

78 [[~~(ii)~~]] (B) public telecommunications services with respect to revenue bonds issued to finance

79 facilities for the municipality's public telecommunications services[[~~.~~]] ; and

(ii) notwithstanding Subsection (3)(b) and Subsection 10−18−303(3)(a), from revenues generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

(A) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the revenue bond; and

(B) the municipality or municipalities annually appropriate the revenues described in this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

80 (b) [[~~A~~]] Except as provided in Subsection (3)(a)(ii), a municipality may not pay the origination, financing, or other carrying costs

Senator Bramble's motion to amend failed on a voice vote. Senators Stephenson, Knudson, Killpack, Jenkins, Hillyard, Thomas, Blackham, and Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Julander
Mayne	Stephenson	Wright	Mansell

Voting in the negative were: Senators

Bell	Bramble	Hellewell	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker			

1st Sub. S.B. 66 was transmitted to the House.

On motion of Senator Hickman, the following intent language was adopted for **1st Sub. S.B. 66.**

INTENT LANGUAGE FOR 1ST SUB. S.B. 66

"In passing **1st Sub. S.B. 66**, TELECOMMUNICATIONS AMENDMENTS, the Legislature intends that the state of Utah shall not appropriate funds or otherwise subsidize a municipality or municipal entity that incurs financial losses as a result of providing, either directly or through leased facilities, cable television services or public telecommunications services."

* * *

On motion of Senator Walker, the Senate voted to lift **S.C.R. 2** from the Government Operations and Political Subdivision Committee and assign it to the Natural Resources, Agriculture and Environment Committee.

* * *

On motion of Senator Bramble, the Senate voted to return **S.B. 198**, ELECTRIC GENERATION COMPETITIVE BID AMENDMENTS, to the Rules Committee.

* * *

On motion of Senator Waddoups, and at 12:10 p.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 19, 2004

The House passed, **S.B. 11**, GUIDELINES FOR LOCAL MATCHING DOLLARS FOR TRANSPORTATION PROJECTS, 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 **1st Sub. S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT, by Senator T. Hatch, and it is transmitted for the signature of the President; and

The House passed, **S.B. 70**, HEALTH CARE FACILITY LICENSING EXEMPTION, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 76**, REVISIONS TO ROYALTY ON BRINE SHRIMP, 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. 80**, CAPITAL PUNISHMENT AMENDMENTS − EXCLUDED DAYS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 88**, UNIFORM BUILDING STANDARDS ACT − MANUFACTURED HOUSING 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. 119**, PROSECUTION JURISDICTION AMENDMENT, 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. 132**, UTAH CONSTRUCTION TRADES LICENSING ACT − ELECTRICAL LICENSING 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. 136**, UNIFORM INTERSTATE FAMILY SUPPORT ACT, 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. 142**, VALIDITY OF MARRIAGE LICENSES, 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. 145**, COUNTY SURVEYOR AMENDMENTS, 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. 152**, DIVISION OF COMMUNITY DEVELOPMENT NAME CHANGE, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 4**, JOINT RULES RESOLUTION − FISCAL NOTE PROCESS AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 11, 1st Sub. S.B. 23, S.B. 70, 1st Sub. S.B. 76, S.B. 80, 2nd Sub. S.B. 88, S.B. 119, S.B. 132, S.B. 136, S.B. 142, S.B. 145, S.B. 152, and **S.J.R. 4** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 2004

The House passed, as amended, **H.B. 114**, MONEY MANAGEMENT ACT AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 117**, INDIVIDUAL INCOME TAX − TREATMENT OF CERTAIN MILITARY INCOME, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 265**, DESIGNATION OF COMMEMORATIVE DAYS, by Representative D. Bush, and it is transmitted for consideration; and

The House passed **H.C.R. 14**, RESOLUTION RECOGNIZING DUGWAY PROVING GROUND, TOOELE ARMY DEPOT, DESERET CHEMICAL DEPOT, UTAH NATIONAL GUARD, AND UNITED STATES MILITARY RESERVES, by Representative E. Anderson, and it is transmitted for consideration; and

The House passed **H.J.R. 23**, RESOLUTION URGING STUDY OF INCENTIVES FOR FILM INDUSTRY PRODUCTION IN UTAH, by Representative S. Allen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 114, H.B. 117, H.B. 265, H.C.R. 14, H.J.R. 23** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 19, 2004

The House passed, as amended, **2nd Sub. S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY, by Senator L. Blackham, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 65**, COUNTY CLASSIFICATION AMENDMENTS, by Senator L. Blackham, and it is transmitted for further consideration; and

The House substituted and passed, **4th Sub. S.B. 82**, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND, by Senator B. Evans, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 129**, COMMUNITY ASSOCIATIONS, by Senator M. Waddoups, 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 19, 2004

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

Education

S.B. 205 Certification of Crane Operators (Sen. G. Davis)

Revenue and Taxation

S.B. 169 Sales and Use Tax Agricultural Exemptions (Sen. R. Allen)

Transportation and Public Utilities and Technology

S.B. 210 Motor Vehicle Insurance Enforcement Amendments (Sen. L. Blackham)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 229**, TASK FORCE STUDY OF WILDFIRES IN UTAH, by Senator B. Evans; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 71**, WATER CONSERVATION PLANS, by Representative J. Buffmire; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 92**, BRUCELLOSIS VACCINATION AMENDMENTS, by Representative B. Johnson; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 247**, TASK FORCE STUDYING WATER ISSUES, by Representative M. Styler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 255**, WILDLIFE RESTITUTION AMENDMENTS, by Representative R. Barrus, with the following amendments:

1. Page 2, Lines 42 through 50:

42 (c) $500 per animal for:
43 [[~~(i) cougar;~~]]
44 [[~~(ii)~~]] (i) golden eagle;
45 [[~~(iii)~~]] (ii) river otter; or
46 [[~~(iv)~~]] (iii) gila monster;
47 (d) $400 per animal for:
48 (i) pronghorn antelope; or
49 (ii) deer;
50 (e) $350 per animal for :
(i) cougar; or
(ii) bobcat;

Beverly Ann Evans, Chair

Mr. President: February 19, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 213**, MOTOR VEHICLES − CLEAN AIR DISCOUNTS, by Senator G. Davis.

Sheldon L Killpack, Chair

Mr. President: February 19, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 126**, AMENDMENTS TO WARRANTS, by Senator P. Hellewell, with the following amendments:

1. Page 6, Lines 160 through 163:

160 (b) For purposes of[[~~this~~]] Subsection [[~~(2)~~]] (1) (b):
161 (i) another minor residing in the same household may not be removed from the home

162 unless that minor is considered to be at substantial risk of being physically or sexually abused

163 as described in Subsection (1)(b) or this Subsection (2)(b) (ii) ; and; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 167**, VICTIM RESTITUTION AMENDMENTS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 179**, VULNERABLE ADULT ABUSE AMENDMENTS, by Representative P. Jones.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 229, 1st Sub. H.B. 71, 1st Sub. H.B. 92, H.B. 247, H.B. 255,** as amended, **S.B. 213, S.B. 126,** as amended, **S.B. 167,** and **H.B. 179** were placed on Second Reading Calendar.

* * *

Mr. President: February 19, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 211**, RENEWAL OF FISHING LICENSE, by Representative J. M. Philpot, et al, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 235**, TURKEY HUNTING PERMITS, by Representative D. G. Buxton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Beverly Ann Evans, Chair

Mr. President: February 19, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 161**, LAW ENFORCEMENT AMENDMENTS, by Representative C. Moss, and recommends it be considered read for the second time and placed on the Consent Calendar.

Sheldon L Killpack, Chair

Mr. President: February 19, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 81**, CRIMINAL LAW INTENT

AMENDMENT, 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. 96**, STATUTE OF REPOSE, by Representative J. S. Adams, and recommends it be considered read for the second time and placed on the Consent Calendar.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. H.B. 211, H.B. 235, H.B. 161, H.B. 81,** and **H.B. 96** were considered read the second time and placed on the Consent Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, and it was before the Senate.

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

2nd Sub. S.B. 175 Protection of Private Lawfully Obtained Property
(D. C. Buttars)

Senator Buttars explained the bill. Senators Thomas, Bramble, Gladwell, and Jenkins commented. The bill passed on the following roll call:

Yeas, 18; Nays, 11; Absent, 0.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hickman
Hillyard	Julander	Killpack	Knudson
Walker	Mansell		

Voting in the negative were: Senators

Blackham	Gladwell	Hatch	Hellewell
Jenkins	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	

2nd Sub. S.B. 175 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. 82, VIRTUAL VISITATION AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Davis	Dmitrich	J. Evans
Hale	Hellewell	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Bell	Bramble	Buttars	Eastman
B. Evans	Gladwell	Killpack	Stephenson

Absent or not voting were: Senators

Allen	Blackham	Hatch

* * *

H.B. 95, CLARIFICATION OF DEPENDENT HEALTH CARE COVERAGE AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading on the following roll call:

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

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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Allen	Blackham	Wright

* * *

H.B. 214, SCHOOL AND INSTITUTIONAL TRUST LANDS − CLARIFYING REFERENCES TO RULES AND POLICIES, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

* * *

On motion of Senator Valentine, under suspension of the rules, the Senate voted to consider Senate bills for the remainder of the day.

* * *

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. 179**, EXPEDITED APPEALS IN CHILD WELFARE CASES, and it was before the Senate.

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

1st Sub. S.B. 179 Expedited Appeals in Child Welfare Cases (L. Hillyard)

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Bev Evans, the circle was removed from **S.B. 146**, OLYMPIC LAW REVISIONS AND CLEANUP, and it was before the Senate. 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Julander

S.B. 146 was transmitted to the House.

* * *

On motion of Senator Hatch, the circle was removed from **1st Sub. S.B. 50**, RURAL PLANNING AND DEVELOPMENT, and it was before the Senate. Senator Hatch explained the bill. Senator Mansell 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator

Buttars

1st Sub. S.B. 50 was transmitted to the House.

* * *

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 Hillyard, under suspension of the rules, the Senate voted to lift **H.C.R. 14** , RESOLUTION RECOGNIZING DUGWAY PROVING GROUND, TOOELE ARMY DEPOT, DESERET CHEMICAL DEPOT, UTAH NATIONAL GUARD, AND UNITED STATES MILITARY RESERVES, from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Blackham, under suspension of the rules, **H.C.R. 14**, RESOLUTION RECOGNIZING DUGWAY PROVING GROUND, TOOELE ARMY DEPOT, DESERET CHEMICAL DEPOT, UTAH NATIONAL GUARD, AND UNITED STATES MILITARY RESERVES, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Mayne

H.C.R. 14 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

S.B. 187, WATER CONSERVANCY DISTRICTS TRUSTEES, was read the second time. Senator Stephenson explained the bill. Senators Jenkins and Allen commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hickman

* * *

S.B. 81, CHILD AND FAMILY SERVICES − PLEA IN ABEYANCE, was read the second time. Senator Hellewell explained the bill.

Senator Hellewell proposed the following amendment:

3. Page 2, Lines 68 through 72

68 (7) (a) An alleged perpetrator may not make a request under Subsection (4) to

69 challenge a supported finding if a court of competent jurisdiction [~~has made a determination~~]

70 <u>entered a finding</u>, in a proceeding in which the alleged perpetrator was a party, that the alleged

71 perpetrator is substantially responsible for the abuse, neglect, or dependency which was also

72 the subject of the supported finding. This Subsection (7)(a) does not apply to pleas in abeyance or diversion agreements.

Senator Hellewell's motion to amend passed on a voice vote. The bill passed second reading 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	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Stephenson Wright

* * *

S.B. 103, CHILD REMOVAL AMENDMENTS, was read the second time. Senator Hellewell explained the bill.

Senator Hellewell proposed the following amendment:

1. Page 2, Line 56 through Page 3, Line 60
Senate Committee Amendments
2−11−2004

56 (4) When circumstances within the family pose a [~~threat~~][[~~serious~~]] substantial danger to the child's

57 safety or welfare, the state's interest in the child's welfare is paramount to the rights of a parent.

58 The division may obtain custody of the child for a planned period and place him in a safe

59 environment, in accordance with the requirements of Title 78, Chapter 3a, Part 3, Abuse,

60 Neglect, and Dependency Proceedings.

Senator Hellewell's motion to amend passed on a voice vote. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting was: Senator
Wright

* * *

S.B. 104, SELECTION OF MENTAL HEALTH THERAPIST IN TERMINATION OF PARENTAL RIGHTS, was read the second time. Senator Hellewell explained the bill. The bill passed second reading on the following roll call:

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

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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Wright	Mansell		

Voting in the negative were: Senators
Allen Davis

Absent or not voting was: Senator
Walker

* * *

S.B. 162, INTERSTATE INSURANCE PRODUCT REGULATION − COMPACT, was read the second time. Senator Valentine explained the bill. Senator Gladwell commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hickman

* * *

S.B. 184, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Hickman

* * *

S.B. 173, BAIL BOND REINSTATEMENT AMENDMENTS, was read the second time. Senator Bell explained the bill.

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

1st Sub. S.B. 173 Bail Bond Reinstatement (G. Bell)

The bill passed second reading 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
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hickman	Killpack

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to lift **S.B. 165** to the top of the Second Reading Calendar.

* * *

S.B. 165, WORKERS' COMPENSATION AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Blackham, Valentine, Hillyard, Mayne, Thomas, Hellewell, and Bev Evans commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Walker	Mansell		

Voting in the negative were: Senators

B. Evans	Hatch	Hillyard	Julander
Thomas	Waddoups	Wright	

* * *

On motion of Senator Waddoups and at 4:15 p.m., the Senate adjourned until 9:30 a.m., Friday, February 20, 2004.

THIRTY−THIRD DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President Pro Tem John Valentine presiding.

Prayer − David Bott, President of the Morgan Utah Stake, LDS Church
Pledge of Allegiance − Senator David Thomas
Roll Call − All Senators present except President Mansell and Senator Bill Wright, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 107)

SPECIAL PRESENTATION

Senator Valentine read a letter from the Utah Student Association.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2004

The Speaker of the House has signed **S.B. 43**, RECREATIONAL THERAPY PRACTICE AMENDMENTS, by Senator G. Davis, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 69**, PARTIAL BIRTH ABORTION AMENDMENTS, by Senator C. Bramble, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 109**, INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION, 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.J.R. 5**, RESOLUTION URGING CONGRESS TO ADDRESS CITIZEN CHILDREN OF UNDOCUMENTED PARENTS, by Senator G. Davis, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 43, 2nd Sub. S.B. 69, S.B. 109, 1st Sub. S.J.R. 5 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, 2004

The House passed, as amended, **H.B. 85**, HEALTH INSURANCE MANDATE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 121**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 122**, PRIVATE INVESTIGATOR AMENDMENTS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 125**, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 131**, EMINENT DOMAIN AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 162**, CANDIDACY FOR MUNICIPAL ELECTIONS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 165**, CHILD PROTECTION REGISTRY, by Representative M. Styler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 168**, INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX TASK FORCE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 170**, OFFICE OF THE ATTORNEY GENERAL RESPONSIBILITIES, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 228**, SALE, EXCHANGE, OR DONATION OF REAL PROPERTY BY STATE AGENCIES, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 244**, AMENDMENTS TO ASSET TESTING FOR MEDICAID, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.B. 293**, REPEAL OF NATIONAL GUARD EFFICIENCY BOARDS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 320**, TRANSFERABILITY OF CREDITS AMONG HIGHER EDUCATION INSTITUTIONS, by Representative B. Johnson, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 20**, RESOLUTION REGARDING RADIATION EXPOSURE COMPENSATION ACT, by Representative D. Peterson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 85, H.B. 121, H.B. 122, H.B. 125, H.B. 131, H.B. 162, H.B. 165, H.B. 168, H.B. 170, 1st Sub. H.B. 228, H.B. 244, H.B. 293, H.B. 320,** and **H.J.R. 20** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 191, **Severance Tax Amendments** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 250, **Prohibition of Class Actions Relating to Taxes or Fees Administered by the State Tax Commission** (J. Valentine), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 233, GRAZING PERMIT FEE AMENDMENTS, was read the third time, explained by Senator Bev Evans, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Davis
Hale	Hatch	Hickman	Julander
Wright	Mansell		

H.B. 233 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 Blackham, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY. 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	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Davis	Eastman	Julander	Wright
Mansell			

2nd Sub. S.B. 19 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. 65**, COUNTY CLASSIFICATION 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	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Davis	Wright	Mansell

S.B. 65 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 **4th Sub. S.B. 82**, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND. 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	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Blackham	Wright	Mansell

4th Sub. S.B. 82 was returned to the House for signature of the Speaker.

* * *

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 129**, COMMUNITY ASSOCIATIONS. Senator Hatch commented. 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	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Blackham	Buttars	Hickman	Hillyard
Wright	Mansell		

S.B. 129 was returned to the House for signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. H.B. 198, CHILD WELFARE COURT REPORTS, 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
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Blackham	Buttars	Hickman	Wright
Mansell			

2nd Sub. H.B. 198, as amended, was returned to the House for further consideration.

* * *

H.C.R. 7, RESOLUTION RECOGNIZING LEGISLATORS BACK TO SCHOOL WEEK, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Blackham	Wright	Mansell

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

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 179**, EXPEDITED APPEALS IN CHILD WELFARE CASES, and it was before the Senate. Senator Hillyard explained the bill. Senators Bell and Valentine 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	Hellewell	Hillyard
Jenkins	Julander	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Hickman	Knudson	Wright	Mansell

1st Sub. S.B. 179, as amended, was transmitted to the House.

* * *

2nd Sub. H.B. 206, CONSTITUTIONAL DEFENSE COUNCIL 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Hickman	Wright	Mansell

2nd Sub. H.B. 206, as amended, was returned to the House for further consideration.

* * *

H.B. 188, DONATION OF SURPLUS COMPUTERS TO PERSONS WITH A DISABILITY, was read the third time. Senator Bev Evans commented.

On motion of Senator Davis, the bill was circled.

* * *

1st Sub. H.B. 82, VIRTUAL VISITATION AMENDMENTS, was read the third time and explained by Senator Hillyard. Senators Jenkins and Gladwell commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Eastman

Absent or not voting were: Senators

Blackham	Buttars	J. Evans	Wright
Mansell			

1st Sub. H.B. 82 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 open a bill file for the purpose of a Senate Joint Resolution honoring Bill Asplund on his retirement from the Office of Legislative Research and General Counsel.

* * *

H.B. 95, CLARIFICATION OF DEPENDENT HEALTH CARE COVERAGE AMENDMENTS, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Blackham	Gladwell	Wright	Mansell

H.B. 95 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 Waddoups, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators Thomas, Knudson, and Eastman commented.

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

* * *

H.B. 214, SCHOOL AND INSTITUTIONAL TRUST LANDS − CLARIFYING REFERENCES TO RULES AND POLICIES, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hillyard	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Buttars	Gladwell	Hickman	Wright
Mansell			

H.B. 214 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

S.B. 187, WATER CONSERVANCY DISTRICT TRUSTEES, 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hatch	Hellewell
Hillyard	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Buttars	Gladwell	Hale	Hickman
Wright	Mansell		

S.B. 187 was transmitted to the House.

* * *

S.B. 81, CHILD AND FAMILY SERVICES − PLEA IN ABEYANCE, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Julander	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker			

Absent or not voting were: Senators

Buttars	Davis	Gladwell	Hickman
Jenkins	Waddoups	Wright	Mansell

S.B. 81, as amended, was transmitted to the House.

* * *

S.B. 103, CHILD REMOVAL AMENDMENTS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Gladwell	Hickman	Wright
Mansell			

S.B. 103, as amended, was transmitted to the House.

* * *

S.B. 104, SELECTION OF MENTAL HEALTH THERAPIST IN TERMINATION OF PARENTAL RIGHTS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hickman	Jenkins	Wright
Mansell			

S.B. 104 was transmitted to the House.

* * *

S.B. 162, INTERSTATE INSURANCE PRODUCT REGULATION − COMPACT, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 184, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the third time, explained by Senator Bell, 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	Hellewell	Hickman
Hillyard	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Allen	Buttars	Davis	B. Evans
Jenkins	Julander	Wright	Mansell

S.B. 184 was transmitted to the House.

* * *

1st Sub. S.B. 173, BAIL BOND REINSTATEMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Arent	Buttars	Davis	Hillyard
Wright	Mansell		

1st Sub. S.B. 173 was transmitted to the House.

* * *

S.B. 165, WORKERS' COMPENSATION AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Blackham proposed the following amendment:

1. Page 2, Line 33:
   Delete "March 3" and insert "May 5"

2. Page 33, Line 1005:
   Delete "March 3" and insert "May 5"

Senator Blackham's motion to amend passed on a voice vote.

# # #

Senator Hickman proposed the following amendment:

1. Page 9, Lines 274 through 275:

   274 (c) provide workers' compensation insurance at actuarially sound premium rates that

   275 are in accordance with Title 31A, Chapter 19a, Part 4, Workers' Compensation Rates , except that during the first three years of the contract, the residual market carrier may not increase rates for the residual market above the average rate increase of the other workers' compensation insurance carriers that write coverage in the state .

Senator Hickman's motion to amend passed on a voice vote.

Senators Blackham, Bell, Hickman, Buttars, Hatch, Hale, Thomas, Hillyard, Bev Evans, Mayne, Waddoups, and Dmitrich commented. Senator Jenkins made the motion to circle. The motion failed. The bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Walker

Voting in the negative were: Senators

B. Evans	Hale	Hatch	Hillyard
Julander	Thomas	Waddoups	

Absent or not voting were: Senators

Wright	Mansell

S.B. 165, as amended, was transmitted to the House.

* * *

A special citation was presented to J. Leon Sorenson, retiring President of the Utah Medical Association. Senators Waddoups, Bell, Julander, Blackham, and Dmitrich commented.

INTRODUCTION OF BILLS

S.B. 163, **Property Tax − Protection of Certain Information** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, and at 12:10 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Pro Tem Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2004

The House passed, **S.B. 86**, 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. 125**, CONFIDENTIALITY OF DRUG TESTING, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 160**, CONTROLLED SUBSTANCES 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. 86, S.B. 125, and **S.B. 160** 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, 2004

The House concurred in the Senate amendments and passed **H.B. 80**, WILDLIFE LICENSE AGENTS − PENALTIES FOR VIOLATIONS, by Representative B. Last, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 174**, FORENSIC MENTAL HEALTH AMENDMENTS, by Representative J. Seitz, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 180**, DEATH PENALTY PROVISIONS, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 187**, VIATICAL SETTLEMENT ACT, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 209**, LICENSING OF PLUMBING AND ELECTRICAL TRADES, by Representative S. Clark, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 80, H.B. 174, H.B. 180, 1st Sub. H.B. 187, H.B. 209 were signed by the President of the Senate in open session and returned to the House for enrolling.

* * *

Mr. President: February 20, 2004

The House passed, as substituted, **1st Sub. H.B. 61**, CHILD WELFARE INVESTIGATIONS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 225**, PROVISION FOR EMERGENCY MEDICAL SERVICES, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 241**, COMMITMENT FOR MENTAL RETARDATION, by Representative C. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 13**, WESTERN LEGENDS ROUNDUP RESOLUTION, by Representative M. Noel, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 61, H.B. 225, H.B. 241,** and **H.C.R. 13** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 20, 2004

The House passed, as amended, **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 20, 2004

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

Business and Labor

H.B. 227 Midwife Certification Act (Rep. J. Biskupski)
(Sen. D. Gladwell)

Education

H.B. 7 Marriage Preparation Education (Rep. R. McGee)
(Sen. G. Bell)

Revenue and Taxation

S.B. 163 Property Tax − Confidentiality of Certain Information
(Sen. H. Stephenson)

S.B. 191 Oil and Gas Related Taxes and Fees (Sen. B. Evans)
S.B. 197 Health Insurance − Contraceptive Equity Amendments (Sen. P. Julander)
H.B. 125 County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (Rep. T. Kiser) (Sen. H. Stephenson)

Judiciary, Law Enforcement, and Criminal Justice
S.B. 250 Prohibition of Class Actions Relating to Taxes or Fees Administered by the State Tax Commission (Sen. J. Valentine)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

The Business and Labor Committee recommends **S.B. 53**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 53**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS; and

The Business and Labor Committee recommends **S.B. 176**, FINANCIAL INSTITUTIONS AMENDMENTS, by Senator J. Valentine, be replaced and favorably recommends **1st Sub. S.B. 176,** FINANCIAL INSTITUTIONS AMENDMENTS; and

The Business and Labor Committee recommends **S.B. 178**, MORTGAGE BROKER AMENDMENTS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 178,** MORTGAGE BROKER AMENDMENTS with the following amendments:

1. Page 7, Lines 192 through 196:

192 (d) [[~~(i)~~]] visit and investigate an entity licensed under this chapter, regardless of whether

193 the entity is located in Utah; and

194 [[~~(ii) assess investigation fees established under Section 63−38−3.2 to a licensee for the~~

195 ~~reasonable costs, including reasonable travel costs, incurred by the division in conducting a~~

196 ~~records inspection;~~]]

2. Page 10, Line 282:

282 (A) except as provided in Subsection 61−2c−206(2)(c) and Subsection 61−2c−202(4)(a)(i)(C) , the appropriate number of hours

3. Page 17, Line 495:

495 (5) (a) On or after January 1,[[~~2005~~]] 2006 , a license issued under this chapter to an individual

4. Page 17, Line 514:

514 (8) On or after January 1, [[~~2005~~]] 2006 , except as provided under Title 16, Chapter 11,

5. Page 17, Line 519:

519 (9) On or after January 1, [[~~2005~~]] 2006 , a mortgage officer shall conduct all business of

6. Page 18, Line 537:

537 (b) On or after January 1, [[~~2005~~]] 2006 , a mortgage officer whose license has been placed in

7. Page 18, Line 543:

543 (12) (a) On or after May 3, 2004 and before January 1, [[~~2005~~]] 2006 , if a licensed entity

8. Page 18, Line 548:

548 (b) On or after January 1, [[~~2005~~]] 2006 , if a licensed entity terminates its principal lending

9. Page 19, Line 560:

560 (iii) on or after May 3, 2004 and before January 1, [[~~2005~~]] 2006 , if the applicant is an entity[~~,~~]:

10. Page 19, Line 563:

563 (iv) on or after January 1, [[~~2005~~]] 2006 , if the applicant is an entity:

11. Page 20, Line 599:

599 of having successfully completed [[~~the number of~~]] 20 hours of approved prelicensing education

12. Page 22, Line 669:

669 (b) (i) before January 1, [[~~2005~~]] 2006 , a control person who fails to meet the requirements of

13. Page 22, Line 671:

671 (ii) on or after January 1, [[~~2005~~]] 2006 , a principal lending manager who fails to meet the

14. Page 24, Line 709:

709 (iii) (A) on or after May 3, 2004 and before January 1, [[~~2005~~]] 2006 , the control [~~persons~~]

15. Page 24, Line 711:

711 (B) on or after January 1, [[~~2005~~]] 2006 , the principal lending manager of the entity; or

16. Page 25, Lines 762 through 769:

762 [[~~(1) On or after January 1, 2005 and before January 1, 2006, to qualify as a principal~~

763 ~~lending manager under this chapter, an individual shall, in addition to meeting the standards in~~

764 ~~Section 61-2c-203:~~

765 ~~(a) submit an application on a form approved by the division;~~

766 ~~(b) pay fees determined by the division under Section 63-38-3.2; and~~

767 ~~(c) if the individual is not licensed under this chapter at the time of application, submit~~

768 ~~to the criminal background check required by Subsection 61-2c-202(4).~~]]

769 [[~~(2)~~]] (1) Except as provided in Subsection (3), on or after [[~~January 1, 2006~~]] September 1, 2005 , to qualify as a

17. Page 26, Line 774:

774 (c) submit proof of having successfully completed [[~~80~~]] 40 hours of prelicensing education

18. Page 26, Line 782:

782 [[~~(3)~~]] (2) (a) Notwithstanding Subsection (2), an individual described in Subsection (3)(b)

19. Page 26, Line 800 through Page 27, Line 805:

800 [[~~(4) On or after January 1, 2006, the principal lending manager license of an individual~~

801 ~~who has not submitted proof to the division of successful completion of the education,~~

802 ~~examination, and experience requirements of Subsection (2) shall be automatically inactivated~~

803 ~~by the division until the individual provides proof of having successfully completed the~~

804 ~~education, examination, and experience requirements of Subsection (2).~~]]

805 [[~~(5)~~]] (3) A principal lending manager may not engage in the business of residential

20. Page 27, Line 822:

822 [[~~(ii)~~]] (b) establishes that the individual's experience described in Subsection (2)(a) was

21. Page 27, Line 824:

824 [[~~(iii)~~]] (c) provides any other information required by the division by rule under Subsection

22. Page 28, Line 833:

833 (b) On or after January 1, [[~~2005~~]] 2006 , if the license of a principal lending manager is

23. Page 28, Line 844:

844 (3) On or after January 1, [[~~2005~~]] 2006 , in addition to the requirements of Subsection (2), a

24. Page 28, Line 848:

848 (4) (a) On or after May 3, 2004 and before January 1, [[~~2005~~]] 2006 , in addition to the

25. Page 28, Line 852:

852 (b) On or after January 1, [[~~2005~~]] 2006 , in addition to the requirements of Subsection (2), an

26. Page 30, Line 911:

911 (o) fail, within [[~~30~~]] 90 calendar days of a request from a borrower who has paid for an

27. Page 30, Line 924:

924 (s) on or after January 1, [[~~2005~~]] 2006 , in the case of the principal lending manager of an entity

28. Page 37, Line 1126:

1126 (3) On or after January 1, [[~~2005~~]] 2006 :

29. Page 37, Line 1136:

1136 (4) On or after January 1, [[~~2005~~]] 2006 , a principal lending manager who transacts the business

30. Page 43, Line 1308:

1308 (1) the amendments to Section 61−2c−106 take effect on January 1, [[~~2005~~]] 2006 ; and; and

The Business and Labor Committee recommends **S.B. 164**, AMENDMENTS TO THE UTAH COMPREHENSIVE HEALTH INSURANCE POOL, by Senator G. Davis, be replaced and favorably recommends **1st Sub. S.B. 164,** AMENDMENTS TO THE UTAH COMPREHENSIVE HEALTH INSURANCE POOL; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 94**, HEALTH INSURANCE POOL, by Representative C. Bennion, with the following amendments:

1. Page 6, Lines 152 through 173:

152 Ĥ [[~~{~~]](16) (a) In adopting a budget each year for the Utah Comprehensive Health Insurance

153 Pool, the Legislature shall determine an amount that is sufficient to fund the pool for each

154 fiscal year.

155 (b) When making a determination under Subsection (16)(a), the Legislature shall
156 consider factors it determines are appropriate, which may include:
157 (i) actuarial analysis of growth or decline in enrollment projected over a period of at
158 least three years;
159 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period
160 of at least three years;
161 (iii) the annual Medical Care Consumer Price Index;
162 (iv) the annual base budget for the pool established by the Joint Tax and Revenue
163 Appropriations Subcommittee for each fiscal year;
164 (v) the growth or decline in insurance premium taxes and fees collected by the tax
165 commission and the insurance department from the previous fiscal year; and
166 (vi) the availability of surplus General Fund revenue under Section 63−38−2.5 and
167 Subsection 59−14−204(5)(b).
168 (c) The funds appropriated by the Legislature to fund the Utah Comprehensive Health
169 Insurance Pool as determined under this Subsection (16)[[~~(c)~~]] (a):
170 (i) shall be deposited into the enterprise fund established by Section 31A−29−120; and
171 (ii) are restricted and are to be used to maintain the operation, administration, and
172 management of the Utah Comprehensive Health Insurance Pool created by Section
173 31A−29−104
(17) In considering the factors in Subsections (14)(b)(i), (ii) and (iii), and Subsections (16)(b)(i), (ii) and (iii), the governor and the Legislature may consider the actuarial data and projections

prepared for the board of the Utah Comprehensive Health Insurance Pool as it develops its financial statements and projections for each fiscal year .[[~~]~~ Ĥ]]

2. Page 5, Lines 142 through 143:

142 (iv) the annual base budget for the pool established by the [[~~Joint Tax~~]] Commerce and Revenue

143 Appropriations Subcommittee for each fiscal year;

3. Page 6, Lines 162 through 163
a. House Floor Amendments
b. 2−10−2004:

162 [[~~[~~]](iv) the annual base budget for the pool established by the [[~~Joint Tax~~]] Commerce and Revenue

163 Appropriations Subcommittee for each fiscal year;[[~~]~~]]; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 171**, INSURANCE FRAUD AMENDMENTS, by Representative J. Ferrin, with the following amendments:

1. Page 8, Line 233 through Page 9, Line 245
House Committee Amendments
2−4−2004:

233 31A−31−110. Mandatory reporting of fraudulent title insurance acts −− Failure to

234 report −− Criminal penalties.

235 (1) [[~~A~~]] An auditor that is employed by a Ĥ [~~person~~] TITLE INSURER Ĥ [[~~having~~]] and that has knowledge Ĥ [~~or a reasonable belief~~] Ĥ that a

235a fraudulent insurance act is

236 being, will be, or has been committed related to title insurance shall report the fraudulent act to

237 the commissioner in a writing that provides information in detail relating to:

238 (a) the fraudulent insurance act; and

239 (b) the perpetrator of the fraudulent insurance act.

240 (2) (a) Any Ĥ [~~person~~][[~~TITLE INSURER~~]] Ĥ auditor required to report a fraudulent insurance act under

240a Subsection (1)

241 who willfully fails to comply with Subsection (1) is guilty of a class B misdemeanor.

242 (b) An action for failure to comply with Subsection (1) shall be commenced within

243 four years from the date on which the Ĥ [~~person~~] auditor employed by the TITLE INSURER Ĥ :

244 (i) had knowledge of the fraudulent insurance act; and

245 (ii) willfully failed to report the fraudulent insurance act.

2. Page 9, Lines 248 through 269:

248 (1) A person commits a fraudulent insurance act if that person with intent to defraud:

* * * Some lines not shown * * *

264 (e) knowingly employs, uses, or acts as a runner, as defined in Section 31A−31−102, for

265 the purpose of committing a fraudulent insurance act;

266 (f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent insurance

267 act; or

268 (g) knowingly supplies false or fraudulent material information in any document or

269 statement required by the Department of Insurance.; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 172**, INSURANCE LIQUIDATION LAW AMENDMENTS, by Representative J. Ferrin; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 218**, PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION, by Representative C. Bennion, with the following amendments:

1. Page 3, Line 84
House Committee Amendments
2−2−2004:

84 (C)[[~~cleft lip, cleft palate,~~ Ĥ ~~WHEN EXISTING AT TIME OF APPLICATION~~]], Ĥ deviated nasal; and

The Business and Labor Committee recommends **H.B. 245**, INSURANCE LAW REVISIONS, by Representative J. Ferrin, be replaced and favorably recommends **1st Sub. H.B. 245,** INSURANCE LAW REVISIONS.

Parley Hellewell, Chair

Mr. President: February 20, 2004

The Health and Human Services Committee recommends **S.B. 29**, ACCESS TO RURAL HEALTH CARE PROVIDERS, by Senator L. Blackham, be replaced and favorably recommends **1st Sub. S.B. 29,** ACCESS TO RURAL HEALTH CARE PROVIDERS; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 224**, HOMELESS COORDINATING COMMITTEE, by Senator K. Hale; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 86**, PRIMARY CARE NETWORK AMENDMENTS, by Representative K. Holdaway; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 93**, DNA REIMBURSEMENT COSTS, by Representative J. S. Adams; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 97**, PROTECTIVE ORDER AMENDMENTS, by Representative K. Holdaway; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 169**, MAIL THEFT AMENDMENTS, by Representative M. Thompson; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 207**, HEALTH INSURANCE AMENDMENTS, by Representative R. Lockhart; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 236**, FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER AMENDMENTS, by Representative D. Litvack; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 9**, RESOLUTION SUPPORTING EFFORTS TO END HOMELESSNESS, by Representative D. Clark.

James Evans, Chair

Mr. President: February 20, 2004

The Education Committee reports a favorable recommendation on **S.B. 172**, EDUCATION ARTICULATION LEGISLATIVE TASK FORCE, by Senator S. Jenkins; and

The Education Committee reports a favorable recommendation on **S.B. 201**, PUNITIVE DAMAGES AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Lines 44 through 51:

44 (3) (a) In any [[~~judgment~~]] case where punitive damages are awarded [~~and paid~~], the judgment shall provide that 50% of the

45 amount of the punitive damages in excess of $20,000 shall, [[~~by order of the trial court~~]] after an

46 allowable deduction for the payment of attorneys' fees and costs, be remitted by the judgment

47 debtor to the state treasurer for deposit into the General Fund.

48 (b) For the purposes of this Subsection (3), an "allowable deduction for the payment of

49 attorneys' fees and costs" shall equal the amount of actual and reasonable attorneys' fees and

50 costs incurred by the judgment creditor[[~~, as determined by an order of the court~~,]] minus the

51 amount of any separate judgment awarding attorneys' fees and costs to the judgment creditor.

2. Page 2, Line 55 through Page 3, Line 62:

55 (d) Unless all affected parties, including the state, expressly agree otherwise or the

56 application is contrary to the terms of the judgment, any payment on the judgment by or on

57 behalf of any judgment debtor, whether voluntary or by execution or otherwise, shall be

58 applied in the following order:

59 (i) compensatory damages , and any applicable attorneys fees and costs ;

60 [[~~(ii) applicable attorney fees and costs;~~]]

61 [[~~(iii)~~]] (ii) the initial $20,000 punitive damages; and finally

62 [[~~(iv)~~]] (iii) the balance of the punitive damages.

Bill Wright, Chair

Mr. President: February 19, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 222**, LOCAL GOVERNMENT FEASIBILITY AND ECONOMIC IMPACT STUDIES, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 234**, STATE FAIR PARK LEASING AGREEMENTS, by Senator J. Evans, with the following amendment:

1. Page 3, Line 71:
After "private" insert "or public"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 205**, STATE SETTLEMENT AGREEMENTS AMENDMENTS, by Representative W. Harper; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 217**, CHANGES TO DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT CONTRACT PROCEDURES AND REQUIREMENTS, by Representative W. Harper; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 226**, LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS, by Representative D. Ure, with the following amendment:

1. Page 3, Line 83:
After "monies and" insert "the Uintah Basin Revitalization Fund"

Carlene Walker, Chair

Mr. President: February 19, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 206**, PROPERTY TAX AMENDMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 38**, SALES AND USE TAX − REPEAL OF CABLE AND SATELLITE SERVICE, by Representative G. Curtis, et al; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 66**, STATE SPENDING LIMITATIONS AMENDMENTS, by Representative G. Hughes; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 74**, EXTENSION OF SALES AND USE TAX EXEMPTION FOR STEEL INDUSTRY, by Representative B. Ferry; and

The Revenue and Taxation Committee reports a favorable recommendation on **3rd Sub. H.B. 231**, REVIEW AND APPROVAL OF FEDERAL MONIES RECEIVED BY THE STATE, by Representative C. Bennion; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, by Representative D. Bourdeaux.

Curtis S. Bramble, Chair

Mr. President: February 19, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 202**, UNEMPLOYMENT INSURANCE AMENDMENTS, by Senator H. Stephenson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 3**, RESOLUTION SUPPORTING HILL AIR FORCE BASE, by Senator D. Thomas.

David L. Thomas, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. S.B. 53, 1st Sub. S.B. 176, 1st Sub. S.B. 178** as amended, **1st Sub. S.B. 164,**

H.B. 94, as amended, **H.B. 171,** as amended, **H.B. 172, H.B. 218,** as amended, **1st Sub. H.B. 245, 1st Sub. S.B. 29, S.B. 224, H.B. 86, H.B. 93, H.B. 97, H.B. 169, 2nd Sub. H.B. 207, 1st Sub. H.B. 236, H.J.R. 9, S.B. 172, S.B. 201,** as amended, **S.B. 222, S.B. 234,** as amended, **H.B. 205, 1st Sub. H.B. 217, 1st Sub. H.B. 226,** as amended, **2nd Sub. H.B. 206, H.B. 38, 1st Sub. H.B. 66, H.B. 74, 3rd Sub. H.B. 231, H.B. 239, S.B. 202,** and **H.C.R. 3** were placed on Second Reading Calendar.

* * *

Mr. President: February 20, 2004

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 195**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Parley Hellewell, Chair

Mr. President: February 20, 2004

The Health and Human Services Committee reports a favorable recommendation on **H.C.R. 2**, INDIVIDUALS WITH DISABILITIES ACT RESOLUTION, by Representative K. Holdaway, and recommends it be considered read for the second time and placed on the Consent Calendar.

James Evans, Chair

Mr. President: February 20, 2004

The Education Committee reports a favorable recommendation on **H.B. 222**, ROBBERY AMENDMENTS, by Representative C. Frank, and recommends it be considered read for the second time and placed on the Consent Calendar.

Bill Wright, Chair

Mr. President: February 19, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 78**, SCHOOL LAND TRUST PROGRAM RESTRICTED ACCOUNT, by Representative D. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 184**, VOYEURISM AMENDMENTS, by Representative B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 202**, MAIL ORDER TOBACCO SALES AMENDMENTS, by Representative E. Hutchings, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 242**, FUNDS CONSOLIDATION ACT − DEPOSIT AMENDMENTS, by Representative D. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 19, 2004

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 256**, EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE, by Representative S. Allen, et al, 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. **1st Sub. H.B. 195, H.C.R. 2, H.B. 222, H.B. 78, H.B. 184, 1st Sub. H.B. 202, H.B. 242,** and **H.B. 256** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 190, **Sales and Use Tax Exemption Relating to Film, Television, and Video** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hatch, under suspension of the rules, **H.C.R. 13**, WESTERN LEGENDS ROUNDUP RESOLUTION, will be considered Wednesday, February 25, 2004 at 11:45 a.m.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, and it was before the Senate. Senator Buttars explained the bill. Senators Mayne, Knudson, and Stephenson commented. The bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Stephenson
Thomas	Waddoups	Walker	

Voting in the negative were: Senators

Arent	Davis	Hale	Julander
Knudson	Mayne	Valentine	

Absent or not voting were: Senators

Hickman	Wright	Mansell

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 8**, UNEMPLOYMENT INSURANCE BENEFITS − SOCIAL SECURITY BENEFITS OFFSET, and it was before the Senate. Senator Jenkins explained the bill. Senators Bev Evans and Stephenson commented. The bill passed on the following roll call:

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

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	Killpack	Mayne	Thomas
Valentine	Waddoups	Walker	

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

Hickman	Hillyard	Knudson	Wright
Mansell			

* * *

On motion of Senator Allen, the Senate voted to recall from the House and reconsider its action on **H.B. 60**. Senators Thomas and Eastman commented.

* * *

A special citation was read recognizing William D. Landels, retiring after 19 years with Scottish Power. Senators Dmitrich, Walker, Waddoups, Mayne, and Stephenson commented.

* * *

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 **H.B. 188**, DONATION OF SURPLUS COMPUTERS TO PERSONS WITH A DISABILITY, and it was before the Senate. Senator Davis explained the bill. Senators Bev Evans and Jenkins 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
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Julander	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Dmitrich	Hickman	Hillyard
Stephenson	Wright	Mansell	

H.B. 188 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

S.B. 177, PROPERTY TAX − OUTDOOR ADVERTISING, was read the second time. Senator Waddoups explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 2; Absent, 7.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Davis
Dmitrich	Eastman	J. Evans	Gladwell
Hatch	Hellewell	Jenkins	Julander
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Voting in the negative were: Senators

Arent	Hale

Absent or not voting were: Senators

Bramble	Buttars	B. Evans	Hickman
Hillyard	Wright	Mansell	

* * *

S.B. 182, ASSISTANT ADJUTANT GENERAL QUALIFICATIONS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Davis
Dmitrich	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Julander
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Arent	Bramble	Buttars	B. Evans
Hickman	Hillyard	Jenkins	Killpack
Stephenson	Wright	Mansell	

* * *

S.B. 200, LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED NATIONAL GUARD MEMBERS, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 8 through 17

8 General Description:

9 This bill extends the licenses or a certification of active members of the National

10 Guard and members of a reserve component of the armed forces .

11 Highlighted Provisions:

12 This bill:

13 ▸ allows for a 90−day extension for certain licenses or a certification that expire while

14 the National Guard member or reservist is on active duty; and

15 ▸ exempts the National Guard member or reservist from meeting any continuing education or

16 training requirements to obtain a renewal of a license that expired while the member

17 of the National Guard or reservist was on active duty.

2. Page 2, Lines 33 through 46
Senate Committee Amendments
2−12−2004:

33 (2) Any license held by a member of the National Guard or reserve component of the armed forces that expires while the member

34 is on active duty shall be extended until 90 days after the member is discharged from active

35 duty status.

36 (3) The licensing agency shall renew a license extended under Subsection (2) until the

37 next date that the license expires or for the period that the license is normally issued, at no cost

38 to the member of the National Guard or reserve component of the armed forces if all of the following conditions are met:

39 (a) the National Guard member or reservist requests renewal of the license within 90 days after

40 being discharged;

41 (b) the National Guard member or reservist provides the licensing agency with a copy of the

42 member's or reservist's official orders calling the member or reservist to active duty, and official orders discharging the

43 member or reservist from active duty; and

44 (c) the National Guard member or reservist meets all the requirements necessary for the renewal of

45 the license, except the member or reservist need not meet the requirements, if any, that relate to continuing

46 education or training.

(4) The provisions of this section do not apply to regularly scheduled annual training.

Senator Knudson's motion to amend passed on a voice vote. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Jenkins	Julander	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Allen	Bramble	Buttars	Hickman
Hillyard	Killpack	Wright	Mansell

* * *

1st Sub. S.B. 89, CONTRACTOR LICENSING AMENDMENTS, was read the second time. Senator Hellewell explained the bill.

Senator Hellewell proposed the following amendment:

1. Page 1, Line 11:
   After "plumbing" delete "and" and insert "or"

2. Page 3, Line 64:
   After "plumbing" delete "and" and insert "or"

Senator Hellewell's motion to amend passed on a voice vote. Senator Hellewell declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Gladwell	Hatch
Hickman	Hillyard	Wright	Mansell

* * *

S.B. 245, MEDICAL DISPUTE RESOLUTION AMENDMENTS, was read the second time. Senator Blackham explained the bill.

On motion of Senator Hellewell, the bill was circled.

* * *

S.B. 107, ADVANCED PRACTICE REGISTERED NURSE MODIFICATIONS, was read the second time. Senator Knudson explained the bill. Senator Julander commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Gladwell	Hatch
Hickman	Hillyard	Wright	Mansell

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. Senator Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Jenkins
Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Gladwell	Hatch
Hickman	Hillyard	Wright	Mansell

* * *

S.B. 114, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 1, Line 13:
   After line 13 insert:
   "▸ amends the definition of unlawful and unprofessional conduct to include prescribing a drug or device without a diagnosis or a bona fide patient−practitioner relationship;"

2. Page 2, Line 44:
   After line 44 insert:
   "58−1−501, as last amended by Chapter 148, Laws of Utah 2001"

3. Page 16, Line 464:
   After line 464 insert:
   "Section 7. Section 58−1−501 is amended to read:
   58−1−501. Unlawful and unprofessional conduct.
   (1) "Unlawful conduct" means conduct, by any person, that is defined

as unlawful under this title and includes:
(a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring licensure under this title if the person is:
(i) not licensed to do so or not exempted from licensure under this title; or
(ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive license;
(b) impersonating another licensee or practicing an occupation or profession under a false or assumed name, except as permitted by law;
(c) knowingly employing any other person to practice or engage in or attempt to practice or engage in any occupation or profession licensed under this title if the employee is not licensed to do so under this title;
(d) knowingly permitting the person's authority to practice or engage in any occupation or profession licensed under this title to be used by another, except as permitted by law; [~~or~~]
(e) obtaining a passing score on a licensure examination, applying for or obtaining a license, or otherwise dealing with the division or a licensing board through the use of fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission[~~.~~]:
(f) unless Subsection (2)(m) or (3) applies, issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device to a person located in this state:
(i) without prescriptive authority conferred by a license issued under this title, or by an exemption to licensure under this title;
(ii) with prescriptive authority conferred by an exception issued under this title or a multistate practice privilege recognized under this title, if the prescription was issued:
(A) without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment; or
(B) based on a questionnaire completed by the patient on the internet, or toll−free telephone number, when there exists no other bona−fide patient−practitioner relationship; or
(iii) in violation of Subsection (2)(m), when the licensed person who issued, or aided and abetted another in the issuance of the prescription has violated Subsection (2)(m) on more than 100 prescriptions within a thirty day period of time; and
(g) Subsection (2)(f) does not apply to treatment rendered in an emergency, on−call or cross coverage situation, provided that the

person who issues the prescription has prescriptive authority conferred by a license under this title, or is exempt from licensure under this title.

(2) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as unprofessional conduct under this title or under any rule adopted under this title and includes:

(a) violating, or aiding or abetting any other person to violate, any statute, rule, or order regulating an occupation or profession under this title;

(b) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title;

(c) engaging in conduct that results in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation with respect to a crime of moral turpitude or any other crime that, when considered with the functions and duties of the occupation or profession for which the license was issued or is to be issued, bears a reasonable relationship to the licensee's or applicant's ability to safely or competently practice the occupation or profession;

(d) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58−1−401;

(e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the occupation or profession;

(f) practicing or attempting to practice an occupation or profession regulated under this title despite being physically or mentally unfit to do so;

(g) practicing or attempting to practice an occupation or profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

(h) practicing or attempting to practice an occupation or profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;

(i) practicing or attempting to practice an occupation or profession regulated under this title beyond the scope of the licensee's competency, abilities, or education;

(j) practicing or attempting to practice an occupation or profession regulated under this title beyond the scope of the licensee's license;
(k) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license; or
(l) acting as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule[~~.~~]; or
(m) unless Subsection (3) applies, issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:
(i) without first obtaining information in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed treatment; or
(ii) based on a questionnaire completed by the patient on the internet, or toll free telephone number when there exists no other bonafide patient−practitioner relationship or bona fide referral by a practitioner involved in an existing patient−practitioner relationship.
(c) Subsections (2)(m)(i) and (ii) do not apply to treatment rendered in an emergency, on−call, or cross coverage situation.
(3) Notwithstanding Subsections (1)(f) and (2)(m), the division may permit a person licensed to prescribe under this title to prescribe a legend drug to a person located in this state if the division in collaboration with the appropriate professional board has permitted the specific prescriptive practice of the legend drug by rule."

4. Page 26, Line 795:
After "person" insert "or entity"

5. Page 36, Line 1106:
Delete "patient" and insert "pharmacy"

6. Page 53, Line 1635:
After "final" and insert "administrative, disciplinary"

7. Page 56, Line 1724:
After "(2)" insert "(a)"

8. Page 56, Line 1727:
After line 1727 insert:
(b) Notwithstanding Subsection (2)(a), any third party payor of pharmaceutical services may restrict the type of outlet where a patient may obtain certain prescriptive drugs and devices, such as injectable medications, that are not readily available in all pharmacies. The payor

may also restrict access to no more than one mail−order pharmacy.

Renumber remaining sections accordingly.

Senator Knudson's motion to amend passed on a voice vote. The bill passed second reading 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	Hale
Hellewell	Jenkins	Julander	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Gladwell	Hatch	Hickman	Hillyard
Wright	Mansell		

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to lift **S.B. 190**, SALES AND USE TAX EXEMPTION RELATING TO FILM, TELEVISION, AND VIDEO, from the Rules Committee and assign it to the Revenue and Taxation Standing Committee.

* * *

On motion of Senator Waddoups and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, February 23, 2004.

THIRTY−SIXTH DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President Al Mansell presiding.

Prayer − Reverend Dr. David Henry, Wasatch Presbyterian Church
Pledge of Allegiance − Senator Carlene Walker
Roll Call − All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2004

The Speaker of the House has signed **2nd Sub. S.B. 19**, SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY, by Senator L. Blackham, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 65**, COUNTY CLASSIFICATION AMENDMENTS, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **4th Sub. S.B. 82**, DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND, by Senator B. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 129**, COMMUNITY ASSOCIATIONS, by Senator M. Waddoups, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 19, S.B. 65, 4th Sub. S.B 82, and **S.B. 129** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 20, 2004

The House passed, as substituted and amended, **1st Sub. H.B. 105**, CONTINUING EDUCATION FOR CONTRACTORS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 113**, NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 149**, NEW AUTOMOBILE FRANCHISE ACT, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 160**, MORTGAGE ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 323**, SPYWARE REGULATION, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 349**, DEPARTMENT OF AGRICULTURE AND FOOD AUDIT REQUIREMENTS, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.J.R. 12**, RESOLUTION − EXCEPTION TO SUBSCRIBING TO STOCK PROHIBITION, by Representative G. Curtis, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 105, H.B. 113, 1st Sub. H.B. 149, 2nd Sub. H.B. 160, 3rd Sub. H.B. 323, H.B. 349,** and **3rd Sub. H.J.R. 12** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Hillyard the Senate voted to move **S.B. 218** from the Retirement Standing Committee and assign it to the Government and Operations Standing Committee

CONCURRENCE CALENDAR

S.B. 150, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, was before the Senate.

On motion of Senator Buttars, the bill was circled.

THIRD READING CALENDAR

S.B. 249, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 177, PROPERTY TAX − OUTDOOR ADVERTISING, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Arent	Hale

Absent or not voting were: Senators

Julander	Wright

S.B. 177 was transmitted to the House.

CONCURRENCE CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, and it was before the Senate.

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS. Senator Valentine commented and 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	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators
Julander Wright

S.B. 150 was returned to the House for signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, and it was before the Senate. Senator Buttars explained the bill.

Senator Gladwell proposed the following amendment:

1. Page1, Lines 12 through 14

12 This bill:

13 ▸ clarifies that a chiropractic physician may practice acupuncture without being

14 licensed under the Acupuncture Licensing Act[[.]] ; and
▸ requires a study during the 2004 Interim.

2. Page 1, Lines 19 through 21:

19 Utah Code Sections Affected:

20 AMENDS:

21 58−72−304, as repealed and reenacted by Chapter 26, Laws of Utah 1998
Uncodified Material Affected:
ENACTS UNCODIFIED MATERIAL

3. Page 2, Lines 34 through 35:

34 (3) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice

35 Act.

Section 2. Study of adequacy of acupuncture training for chiropractors.

It is the intent of the Legislature that the Occupational and Professional Licensure Review Committee study the adequacy of acupuncture training for chiropractors during the 2004 Interim.

Senator Gladwell's motion to amend passed on a voice vote. Senators Mayne and Knudson commented. The bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Dmitrich	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hillyard
Jenkins	Killpack	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Arent	Davis	Eastman	Hale
Hickman	Knudson	Mayne	Valentine

Absent or not voting was: Senator
Julander

S.B. 249, as amended, was transmitted to the House.

* * *

S.B. 182, ASSISTANT ADJUTANT GENERAL QUALIFICATIONS, 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
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Julander Thomas

S.B. 182, as amended, was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, U. S. Congressman Jim Matheson spoke in Committee of the Whole. Senators Davis, Buttars, Hillyard, Arent, and Hale commented.

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

THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from **S.B. 162**, INTERSTATE INSURANCE PRODUCT REGULATION − COMPACT, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Davis	Eastman	Julander

S.B. 162, as amended, was transmitted to the House.

* * *

S.B. 200, LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED NATIONAL GUARD MEMBERS, was read the third time and explained by Senator Knudson. Senator James Evans 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
Bramble	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Buttars	Eastman	Hickman	Julander
Thomas			

S.B. 200, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 89, CONTRACTOR LICENSING AMENDMENTS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Davis
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Killpack	Knudson	Mayne
Stephenson	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Allen	Bramble	Buttars	Eastman
Jenkins	Julander	Thomas	Valentine

1st Sub. S.B. 89, as amended, was transmitted to the House.

* * *

S.B. 107, ADVANCED PRACTICE REGISTERED NURSE MODIFICATIONS, 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
Bramble	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Eastman	Hickman	Hillyard	Julander

S.B. 107 was transmitted to the House.

* * *

On motion of Senator Hatch, the circle was removed from **S.B. 185**, PUBLIC EDUCATION AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 185 Public Education Amendments (T. Hatch)

On motion of Senator Hatch, the bill was circled.

* * *

S.B. 245, MEDICAL DISPUTE RESOLUTION AMENDMENTS, was read the third time and explained by Senator Blackham.

Senator Gladwell proposed the following amendment:

1. Page1, Line 13

13 This bill:
► provides a binding arbitration agreement shall provide for one arbitrator unless all parties agree to a panel of three arbitrators;

2. Page 3, Lines 60 through 68:

60 (b) the agreement shall require that:

61 (i) except as provided in Subsection (1)(b)(ii), [[~~a panel of three arbitrators~~]] one arbitrator shall be jointly

62 selected[[~~as follows:~~]] by all persons claiming damages and by the health care provider from a list of individuals approved as arbitrators by the state or federal courts of Utah; or

(ii) if all parties agree, a panel of three arbitrators shall be selected as follows:

63 (A) one arbitrator [~~be~~] collectively selected by all persons claiming damages;

64 [~~(ii)~~] (B) one arbitrator [~~be~~] selected by the health care provider; and

65 [~~(iii)~~] (C) a third arbitrator [~~be~~] jointly selected [[~~by all persons claiming damages and~~

66 ~~the health care provider from a list of individuals approved as arbitrators by the state or federal~~

67 ~~courts of Utah; or~~]] as explained in Subsection (1)(b)(i);

68 [[~~(ii) if both parties agree, a single arbitrator may be selected;~~]]

Senator Gladwell's motion to amend passed on a voice vote. Senators Hellewell, Thomas, Mayne, James Evans, and Hillyard commented.

On motion of Senator Blackham, the bill was circled.

* * *

S.B. 114, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS, was read the third time.

On motion of Senator Knudson, the bill was circled.

SECOND READING CALENDAR

S.B. 180, BROWNFIELD PROPERTIES − AMENDMENTS, was read the second time.

On motion of Senator Wright, the bill was circled.

* * *

S.B. 156, SUBSTITUTE TEACHERS VOLUNTEER PROGRAM, was read the second time. Senator James Evans explained the bill. The bill passed second reading 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
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative was: Senator
B. Evans

Absent or not voting were: Senators
Hatch Julander

* * *

S.B. 157, AUTHORIZATION TO PERFORM MARRIAGES, was read the second time. Senator Walker explained the bill. Senators Hillyard, Mayne, Davis, Knudson, Waddoups, Arent, and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Mayne		

Absent or not voting were: Senators
Hatch Julander

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2004

The House returns **H.B. 60**, PROTECTION OF CHILDREN IN FOSTER CARE, by Representative D. Litvack, to the Senate for reconsideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 60** was placed at the top of the Second Reading Calendar.

* * *

Mr. President: February 23, 2004

The House passed, as substituted, **4th Sub. H.B. 136**, ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 145**, APPROVAL REQUIRED FOR DISPOSAL OF RADIOACTIVE WASTE, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 274**, MUNICIPAL WEED ABATEMENT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 294**, PURCHASE OF FIREARMS AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed **H.B. 295**, ISSUANCE OF CONCEALED FIREARM PERMITS AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 10**, JOINT RESOLUTION REAFFIRMING THE STATE OF UTAH'S COMMITMENT TO THE CONSTITUTION AND THE BILL OF RIGHTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, CLOG AMERICA RESOLUTION, by Representative B. Goodfellow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **4th Sub. H.B. 136, H.B. 145, H.B. 274, H.B. 294, H.B. 295, H.J.R. 10, H.J.R. 13** were read the first time and referred to the Rules Committee.

* * *

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 23, 2004

The House passed **H.B. 129**, CHILD PROTECTION TEAM MEETINGS, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 158**, WATER SHARES IN A MUNICIPAL WATER COMPANY, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 312**, NONPARTICIPATING TOBACCO MANUFACTURER'S FEE, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 129, H.B. 158, 1st Sub. H.B. 312** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2004

The Health and Human Services Committee reports a favorable recommendation on **H.B. 106**, HEALTH INSURANCE ACT AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Line 25:
   After "Pool;" delete "and" and after line 25 insert:
   "▸ amends powers of the board; and"

2. Page 2, Line 30:
   Delete "None" and insert "This bill provides an immediate effective date."

3. Page 2, Line 35:
   After line 35 insert:
   "31A−29−106, as last amended by Chapter 168, Laws of Utah 2003"

4. Page 10, Line 292:
After line 292 insert:
"Section 4. Section 31A−29−106 is amended to read:
31A−29−106. Powers and duties of board.
(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact health care insurance business. In addition, the board shall have the specific authority to:
(a) enter into contracts to carry out the provisions and purposes of this chapter, including, with the approval of the commissioner, contracts with:
(i) similar pools of other states for the joint performance of common administrative functions; or
(ii) persons or other organizations for the performance of administrative functions;
(b) sue or be sued, including taking such legal action necessary to avoid the payment of improper claims against the pool or the coverage provided through the pool;
(c) establish appropriate rates, rate schedules, rate adjustments, expense allowances, agents' referral fees, claim reserve formulas, and any other actuarial function appropriate to the operation of the pool;
(d) issue policies of insurance in accordance with the requirements of this chapter;
(e) retain an executive director and appropriate legal, actuarial, and other personnel as necessary to provide technical assistance in the operations of the pool;
(f) establish rules, conditions, and procedures for reinsuring risks under this chapter;
(g) cause the pool to have an annual audit of its operations by the state auditor;
(h) coordinate with the Department of Health in seeking to obtain from the Centers for Medicare and Medicaid Services, or other appropriate office or agency of government, all appropriate waivers, authority, and permission needed to coordinate the coverage available from the pool with coverage available under Medicaid, either before or after Medicaid coverage, or as a conversion option upon completion of Medicaid eligibility, without the necessity for requalification by the enrollee;
(i) provide for and employ cost containment measures and requirements including preadmission certification, concurrent inpatient review, and individual case management for the purpose of

making the pool more cost−effective;
(j) offer pool coverage through contracts with health maintenance organizations, preferred provider organizations, and other managed care systems that will manage costs while maintaining quality care;
(k) establish annual limits on benefits payable under the pool to or on behalf of any enrollee;
(l) exclude from coverage under the pool specific benefits, medical conditions, and procedures for the purpose of protecting the financial viability of the pool;
(m) administer the Pool Fund;
(n) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to implement this chapter; and
(o) adopt, trademark, and copyright a trade name for the pool for use in marketing and publicizing the pool and its products.
(2) (a) The board shall prepare and submit an annual report to the Legislature which shall include:
(i) the net premiums anticipated;
(ii) actuarial projections of payments required of the pool;
(iii) the expenses of administration; and
(iv) the anticipated reserves or losses of the pool.
(b) The budget for operation of the pool is subject to the approval of the board.
(c) The administrative budget of the board and the commissioner under this chapter shall comply with the requirements of Title 63, Chapter 38, Budgetary Procedures Act, and is subject to review and approval by the Legislature.
(3) (a) The board shall on or before September 1, 2004, require the plan administrator or an independent actuarial consultant retained by the plan administrator to redetermine the reasonable equivalent of the criteria for uninsurability required under Subsection 31A−30−106(j) that is used by the board to determine eligibility for coverage in the pool.
(b) The board shall redetermine the criteria established in Subsection (3)(a) at least every five years thereafter."

5. Page 19, Line 583:
After line 583 insert:
"Section 9. Effective date.
If approved by two−thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of

veto override."
Renumber remaining sections accordingly.

James Evans, Chair

Mr. President: February 23, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 163**, PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 169**, SALES AND USE TAX AGRICULTURAL EXEMPTIONS, by Senator R. Allen; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 190**, SALES AND USE TAX EXEMPTION RELATING TO FILM, TELEVISION, AND VIDEO, by Senator H. Stephenson.

Curtis S. Bramble, Chair

Mr. President: February 20, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 1**, RESOLUTION URGING OPEN SPACE ALONG JORDAN RIVER TRAIL, by Representative T. Kiser, with the following amendments:

1. Page 2, Lines 50 through 56
House Committee Amendments
2−10−2004:

50 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Riverton City,

51 Draper City, the Jordan Valley Water Conservancy District, the Central Utah Water

52 Conservancy District, the Great Salt Lake Audubon Society, the Utah Reclamation Mitigation

53 and Conservation Commission, the South Valley Trails Committee, the Salt Lake County Parks

54 and Recreation Department, Utah Back Country Horsemen, the Natural Resources Forum, Salt

55 Lake County, the Division of Forestry, Fire, and State Lands[[~~, Fire and Forestry~~]], and the Department of

56 Transportation.

Beverly Ann Evans, Chair

Mr. President: February 20, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 210**, MOTOR VEHICLE INSURANCE ENFORCEMENT AMENDMENTS, by Senator L. Blackham; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **2nd Sub. H.B. 128**, AMENDMENTS TO OPERATING UNDER THE INFLUENCE, by Representative D. Love, with the following amendments:

1. Page 12, Line 351:

351 or tests of [~~his~~] [[~~that~~]] the person's breath, blood, [~~or~~] urine, or oral fluids may not select the test or

2. Page 21, Lines 615 through 620:

615 (4) (a) A person is guilty of a class B misdemeanor if:

616 (i) the person's conviction under Subsection (1) is based on the person driving a motor

617 vehicle while the person's driving privilege is suspended, disqualified, or revoked for ;
(A) any

618 violations listed in Subsections (3)(a)(i) through (3)(a)[[~~(viii)~~]] (vi); or
(B) a violation listed in Subsection (3)(a)(vii) if the original revocation or suspension was based on any violations listed in Subsections (3)(a)(i) through (3)(a)(vi) ; and

619 (ii) the person had any alcohol in the person's body at the time of the violation under

620 Subsection (1).

3. Page 21, Lines 621 through 627:

621 (b) A person is guilty of a class B misdemeanor if:

622 (i) the person's conviction under Subsection (1) is based on the person driving a motor

623 vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state,

624 the United States, or any district, possession, or territory of the United States for violations

625 corresponding to ;

(A) the violations listed in[[~~Subsection~~]] Subsections (3)(a)(i) through (3)(a)[[~~(viii)~~]] (vi); or

(B) a violation listed in Subsection (3)(a)(vii) if the original revocation or suspension was based on any violation corresponding to the violations listed in Subsections (3)(a)(i) through (3)(a)(vi) ; and

626 (ii) the person had any alcohol in the person's body at the time of the violation under

627 Subsection (1).

4. Page 24, Lines 734 through 736:

734 The Commission on Criminal and Juvenile Justice shall study child endangerment for

735 driving under the influence violations and report to the Transportation Interim Committee and the Utah Substance Abuse and Anti−violence DUI Subcommittee on or

736 before the November 2004 interim meeting.

Sheldon L Killpack, Chair

Mr. President: February 20, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 196**, COURT FEE ADJUSTMENTS, by Senator D. Gladwell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 197**, LIMIT ON CHILD WELFARE RECOMMENDATIONS AND RULINGS, by Representative M. Thompson.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 106,** as amended, **S.B. 163, S.B. 169, S.B. 190, H.C.R. 1,** as amended, **S.B. 210, 2nd Sub. H.B. 128,** as amended, **S.B. 196,** and **H.B. 197** were placed on Second Reading Calendar.

* * *

Mr. President: February 20, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 234**, SUNSET EXTENSION ON UNAUTHORIZED PRACTICE OF LAW, by Representative S. Urquhart, and recommends it be considered read for the second time and placed on the Consent Calendar.

Greg Bell, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 234** was considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

S.B. 183, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

2nd Sub. S.B. 215, COUNTY POWERS AMENDMENTS, was read the second time. Senator Gladwell explained the bill.

Senator Thomas proposed the following amendment:

1. Page 2, Line 45 to 49:
   Delete lines 45 to 49

Senator Thomas' motion to amend failed on a voice vote. Senators Hillyard, Hickman, Jenkins, and Buttars commented. The bill passed second reading 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	Gladwell	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Thomas	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Blackham	B. Evans	Hale	Hatch
Julander	Stephenson	Valentine	Wright

* * *

S.B. 236, UTAH PUBLIC OFFICERS' AND EMPLOYEES, ETHICS ACT AMENDMENTS was read the second time. Senator Buttars explained the bill. Senators Eastman, Dmitrich, and Jenkins commented. On motion of Senator Buttars, the Senate voted to strike the enacting clause on the bill. **S.B. 236** was returned to Rules.

* * *

1st Sub. S.B. 199, OUTSOURCING STATE JOBS, was read the second time. Senator Blackham explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Thomas	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bell	B. Evans	Hatch	Hickman
Julander	Stephenson	Valentine	Wright

* * *

S.B. 240, MOTION PICTURE TASK FORCE, was read the second time. Senator Allen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Thomas	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bell	Blackham	B. Evans	Julander
Stephenson	Valentine		

* * *

S.J.R. 9, RESOLUTION ON ETHNIC ADVISORY COUNCILS, was read the second time. Senator James Evans explained the bill.

Senator Evans proposed the following amendment:

1. Page 2, Line 33:
   After "Committee" insert "in July"

Senator Evans' motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Blackham	Buttars	Julander

* * *

S.B. 170, PUBLIC TRANSIT DISTRICT AMENDMENTS, was read the second time. Senator James Evans explained the bill.

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

1st Sub. S.B. 170 Public Transit District Amendments (J. Evans)

Senator Waddoups commented. On motion of Senator James Evans, the bill was circled.

* * *

S.B. 223, TRANSPORTATION CONSTRUCTION AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Blackham	Buttars	Gladwell	Hickman
Julander			

* * *

S.B. 232, STANDARD OF CARE FOR EMERGENCY VEHICLE DRIVERS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

S.B. 241, FUTURE FARMERS OF AMERICA SPECIAL LICENSE PLATE, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Gladwell
Hale	Julander		

* * *

S.B. 62, STAY OF EXECUTION AMENDMENTS, was read the second time. Senator Thomas explained the bill. The bill passed second reading 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	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Buttars	Davis	Julander

* * *

S.B. 33, MOBILE HOME PART RESIDENCY ACT, was read the second time. Senator Mayne explained the bill.

Senator Bell proposed the following amendment:

1. Page 1, Line 24:
   Senate Committee Amendments
   2−17−2004
   Delete “mediating and”

Senator Bell withdrew his motion to amend. Senators Bell and Eastman commented. The bill passed second reading 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	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

Voting in the negative was: Senator
Mansell

Absent or not voting were: Senators

Blackham	Hickman	Julander

* * *

S.B. 194, PLUMBING APPRENTICE AMENDMENTS, was read the second time. Senator Hellewell explained the bill. Senators Jenkins, Valentine, Mayne, and Mansell commented. Senator Hellewell declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Blackham	Dmitrich	Julander

* * *

On motion of Senator Hatch, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hatch, the circle was removed from **1st Sub. S.B. 185**, PUBLIC EDUCATION AMENDMENTS, and it was before the Senate. Senator Hatch explained the bill. Senators Hillyard and Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Mayne	

Absent or not voting was: Senator
Julander

1st Sub. S.B. 185 was transmitted to the House.

* * *

On motion of Senator Waddoups, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 216, HEALTH PROVIDER REIMBURSEMENT AMENDMENTS, was read the second time.

On motion of Senator Hellewell, the bill was circled.

* * *

1st Sub. S.B. 214, PROHIBITION OF OBESITY LAWSUITS, was read the second time. Senator Stephenson explained the bill. Senators Hillyard, Valentine, and Allen commented. Senator Hale declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins

Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hillyard			

Absent or not voting were: Senators

Hickman	Julander

* * *

On motion of Senator Waddoups and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 24, 2004.

THIRTY−SEVENTH DAY

MORNING SESSION

The Senate was called to order at 9:30 a.m., with President Al Mansell presiding.

Prayer − Senator Beverly Ann Evans
Pledge of Allegiance − Senator Mike Dmitrich
Roll Call − All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2004

The Speaker of the House has signed **S.B. 150**, JUDICIAL CONFIRMATION PROCESS AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 150 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 23, 2004

The House passed, as amended, **H.B. 126**, TEACHER CLASSIFICATIONS, by Representative R. Bigelow, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 135**, NOTIFICATION OF SCHOOL DISTRICT OF VIOLENT OFFENSE BY A STUDENT, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 142**, AUDIT REQUIREMENTS FOR POLITICAL SUBDIVISIONS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 157**, TRANSPORTATION AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 290**, STATE EMPLOYEE COMPENSATION STUDY TASK FORCE, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 306**, PROPERTY TAX RELIEF, by Representative L. Christensen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 126, 1st Sub. H.B. 135, 1st Sub. H.B. 142, H.B. 157, H.B. 290,** and **H.B. 306** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 235, **Retirement for Airport Police** (R. Allen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 211, RENEWAL OF FISHING LICENSE, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	J. Evans	Gladwell
Hale	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Eastman	B. Evans
Hatch	Hickman	Julander	

1st Sub. H.B. 211 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 235, TURKEY HUNTING PERMITS, 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	J. Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Eastman	B. Evans	Hatch
Hickman	Julander		

H.B. 235 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 161, LAW ENFORCEMENT AMENDMENTS, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Dmitrich	B. Evans	Hatch
Hickman	Julander		

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. 81, CRIMINAL LAW INTENT AMENDMENT, was read the third time, explained by Senator Allen, 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	Eastman	J. Evans
Hale	Hellewell	Hillyard	Jenkins
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Dmitrich	B. Evans	Gladwell
Hatch	Hickman	Julander	Killpack

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. 96, STATUTE OF REPOSE, 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
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Dmitrich	Hickman	Jenkins	Julander

H.B. 96 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. 156, SUBSTITUTE TEACHERS VOLUNTEER PROGRAM, 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	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hickman	Julander

S.B. 156, as amended, was transmitted to the House.

* * *

S.B. 157, AUTHORIZATION TO PERFORM MARRIAGES, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Mayne		

Absent or not voting were: Senators

Hickman	Julander

S.B. 157, as amended, was transmitted to the House.

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 114**, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF

PRESCRIPTION DRUGS, and it was before the Senate. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 24, Lines 727 through 728

727 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located

728 outside the state that is licensed and in good standing in another state, that :

2. Page 56, Lines 1721 through 1723:

1721 (1) Any third party payor for pharmaceutical services within the state , or its agent or contractor may not require

1722 any pharmacy patient to obtain prescription [[~~drugs~~]] drug benefits from a specific out-of-state or a Utah

1723 pharmacy as a condition of obtaining third party payment prescription drug benefit coverage as defined in rule.

Senator Knudson's motion to amend passed on a voice vote. 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
Bramble	Buttars	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Eastman	B. Evans	Julander

S.B. 114, as amended, was transmitted to the House.

* * *

2nd Sub. S.B. 215, COUNTY POWERS 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	Davis	Dmitrich
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Eastman	B. Evans	Julander	Killpack

2nd Sub. S.B. 215 was transmitted to the House.

* * *

1st Sub. S.B. 199, OUTSOURCING STATE JOBS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Julander

1st Sub. S.B. 199 was transmitted to the House.

* * *

S.B. 240, MOTION PICTURE TASK FORCE, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

B. Evans	Julander

S.B. 240, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, and it was before the Senate.

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

1st Sub. S.B. 51 Education Technology Support for Testing Initiative
*(*L. Blackham*)*

On motion of Senator Blackham, the bill was circled.

* * *

S.J.R. 9, RESOLUTION ON ETHNIC ADVISORY COUNCILS, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Hickman	Julander	Wright

S.J.R. 9, as amended, was transmitted to the House.

* * *

S.B. 223, TRANSPORTATION CONSTRUCTION AMENDMENTS, was read the third time and explained by Senator Eastman. Senators Hatch, Hillyard, Mayne, Jenkins, Buttars, Bramble, and Gladwell commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hickman	Killpack	Knudson	Mayne
Waddoups	Walker		

Voting in the negative were: Senators

Bramble	Gladwell	Hellewell	Jenkins
Stephenson	Thomas	Valentine	Mansell

Absent or not voting were: Senators

Hillyard	Julander	Wright

S.B. 223, as amended, was transmitted to the House.

* * *

S.B. 241, FUTURE FARMERS OF AMERICA SPECIAL LICENSE PLATE, was read the third time and explained by Senator Bev Evans. Senators Valentine and Hickman commented and 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	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Mansell		

Voting in the negative was: Senator
Valentine

Absent or not voting were: Senators
Julander Wright

S.B. 241 was transmitted to the House.

* * *

S.B. 62, STAY OF EXECUTION AMENDMENTS, was read the third time, explained by Senator Thomas, 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
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bramble	B. Evans	Julander	Wright

S.B. 62 was transmitted to the House.

* * *

S.B. 33, MOBILE HOME PARK RESIDENCY ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative was: Senator
Hellewell

Absent or not voting were: Senators

Bramble	B. Evans	Jenkins	Julander
Stephenson	Wright		

S.B. 33, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, and it was before the Senate. Senator Blackham explained the bill. Senator Hickman commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	B. Evans	Julander	Wright

1st Sub. S.B. 51 was transmitted to the House.

* * *

S.B. 194, PLUMBING APPRENTICE AMENDMENTS, was read the third time and explained by Senator Hellewell.

Senator Hellewell proposed the following amendment:

1. Page 6, Lines 171 through 177
   Senate Committee Amendments
   2−17−2004

   171 <u>training and plumbing apprentice licensing applications, the shop ratio of apprentice plumbers</u>

172 to journeyman plumbers shall be one journeyman plumber to one apprentice on industrial and

173 commercial work and one journeyman to three apprentices on residential work if the

174 journeyman is working for a new construction plumbing company; and

175 (ii) the shop ratio increases to one journeyman to Ş [~~ten~~] FIVE Ş apprentices on residential

175a and

176 commercial work that does not involve new construction if the journeyman is[[~~working~~]] performing the work of repairing, servicing, or replacing existing plumbing fixtures for a

177 plumbing service company. For purposes of this Subsection (27)(b)(ii), plumbing service

Senator Hellewell's motion to amend passed on a voice vote. Senators Mayne and Jenkins commented and the bill failed on the following roll call:

Yeas, 12; Nays, 12; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Eastman	Hatch
Hellewell	Hickman	Killpack	Knudson
Stephenson	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Gladwell	Hale
Hillyard	Jenkins	Mayne	Thomas

Absent or not voting were: Senators

B. Evans	J. Evans	Julander	Valentine
Wright			

S.B. 194 was returned to the staff for filing.

* * *

1st Sub. S.B. 214, PROHIBITION OF OBESITY LAWSUITS, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 10 through 13

10 This bill:

11 ▸ provides manufacturers, packers, distributors, carriers, holders, sellers, marketers,

12 and advertisers of food with immunity from civil liability for obesity[[~~,~~]] and weight gain[[~~,~~

13 ~~and related health concerns~~]] claims ;

2. Page 2, Lines 35 through 42:

35 78−27d−102. Definitions.

36 As used in this chapter:

37 (1) "Claim" means any assertion by or on behalf of a natural person, as well as any

38 derivative claim arising from it, and asserted by or on behalf of any other person.

39 (2) "Food" [[~~means~~]]:

40 (a) [[~~articles used for internal consumption for man or other animals~~]] means any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption ;

41 (b) [[~~chewing gum; and~~]] does not include:
(i) tobacco products;
(ii) alcohol products;
(iii) vitamins or dietary supplements;
(iv) illegal drugs; or
(v) prescription or over−the−counter drugs.

42 [[~~(c) articles used for components of Subsection (a) or (b).~~]]

3. Page 2, Line 53 through Page 3, Line 60:

53 78−27d−103. Prevention of [[~~frivolous~~]] unfounded lawsuits −− Exemption.

54 (1) Except as provided in Subsection (2), a manufacturer, packer, distributor, carrier,

55 holder, seller, marketer, advertiser of a food, or an association of one or more such entities,

56 may not be subject to civil liability arising under any state statute, rule, public policy, court or

57 administrative decision, municipal ordinance, or other action having the effect of law, for any

58 claim [[~~for a condition~~]] of obesity or weight gain resulting from [[~~long term~~]] the consumption of food.

59 (2) Subsection (1) may not apply where the claim of [[~~conditions~~]] obesity or weight gain [[~~resulting from~~

60 ~~long-term consumption of food~~]] is based on:

Senator Stephenson's motion to amend passed on a voice vote.

# # #

Senator Buttars proposed the following amendment:

1. Page 2, Lines 35 through 51

35 78-27d-102. Definitions.

36 As used in this chapter:

* * * *Some lines not shown* * * *

39 (2) (a) "Food" means:

40 [[~~(a)~~]] (i) articles used for internal consumption for man or other animals;

41 [[~~(b)~~]] (ii) chewing gum; and

42 [[~~(c)~~]] (iii) articles used for components of Subsection [[~~(a)~~]] (i) or [[~~(b)~~]] (ii) .

(b) "Food," for the purposes of this chapter, does not include food, the nutritional, caloric, and fat content of which are not disclosed to the consumer upon request, after notification, at the point of consumption or sale.

* * * *Some lines not shown* * * *

(5) "Notification" means a notice to the consumer that nutritional, caloric, and fat information is available upon request, which notice is conspicuously posted or printed in menus.

Senator Buttars' motion to amend failed on a voice vote. Senator Valentine commented. Senator Hale declared a conflict of interest and the bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Hillyard	Mayne	

Absent or not voting were: Senators

B. Evans	Hickman	Julander

1st Sub. S.B. 214, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 230, PERFORMANCE PLUS − READING ACHIEVEMENT, was read the second time. Senator James Evans explained the bill.

Senator Wright proposed the following amendment:

1. Page 1, Lines 23 through 24

23 ▸ [[~~authorizes~~]] requires the State Board of Education to make rules[[~~, as necessary,~~]] to implement

24 the program.

2. Page 2, Lines 45 through 51:

45 (3) (a) To qualify for program monies, a school district or charter school shall submit a

46 plan for reading proficiency improvement that incorporates the following components:

47 (i) assessment;

48 (ii) intervention strategies;

49 (iii) professional development;

50 (iv) reading performance standards; and

51 (v) specific measurable goals based upon gain scores .

3. Page 3, Lines 77 through 78:

77 (8) (a) The State Board of Education [[~~may~~]] shall make rules[[~~, as necessary,~~]] to implement the

78 program.

(b) The rules under subsection (8)(a) shall require that to continue to qualify for program monies, a school district or charter school shall demonstrate that its program for reading proficiency improvement has resulted in improved student reading proficiency, as measured by gain scores.

Senator Wright's motion to amend passed on a voice vote. Senators Hatch, Valentine, Bell, and Blackham commented. The bill passed second reading 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	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

B. Evans	Hellewell	Julander	Wright

* * *

On motion of Senator James Evans, the circle was removed from **1st Sub. S.B. 170**, PUBLIC TRANSIT DISTRICT AMENDMENTS, and it was before the Senate. Senator James Evans explained the bill. Senator Allen commented. The bill passed second reading 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	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

B. Evans	Hellewell	Julander	Wright

* * *

A citation was read by Sandy Tenney honoring former State Senator Francis Farley. Senators Dmitrich, Arent, and Hillyard commented.

COMMITTEE OF THE WHOLE

On motion of Senator Hale, W. Kit Farley spoke in Committee of the Whole.

On motion of Senator Dmitrich, the committee of the Whole was dissolved.

* * *

S.B. 204, REDEVELOPMENT AGENCY CHANGES, was read the second time. Senator Thomas explained the bill. Senators Stephenson, Valentine, and Hickman commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

Blackham	Eastman	Hellewell	Julander
Mayne	Wright		

* * *

S.B. 233, AIRPORT SECURITY AMENDMENTS, was read the second time. Senator James Evans explained the bill.

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

2nd Sub. S.B. 233 Airport Security Amendments (J. Evans)

On motion of Senator James Evans, the bill was circled.

* * *

1st Sub. S.B. 26, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, was read the second time. Senator Buttars explained the bill. Senators Hickman, Hillyard, Blackham, Valentine, Mayne, and Dmitrich commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Julander	Stephenson

* * *

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 24, 2004

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 198**, CHILD WELFARE COURT REPORTS, by Representative M. Thompson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 206**, CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS, by Representative M. Noel, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. H.B. 198 and **2nd Sub. H.B. 206** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

Mr. President: February 24, 2004

The House passed, as amended, **H.B. 138**, TRESPASSING ON STATE PARK LANDS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 146**, COUNTY COOPERATIVE AGREEMENTS WITH STATE FOR FIRE PROTECTION, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 230**, PROPERTY TAX LEVY FOR EDUCATION, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 260**, TOBACCO FUND ALLOCATION AMENDMENTS, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 262**, PENALTIES FOR PROVIDING FALSE OR MISLEADING INFORMATION IN COURT, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 263**, STATE RETIREMENT SYSTEM AMENDMENTS, by Representative B. King, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 138, H.B. 146, H.B. 230, H.B. 260, 1st Sub. H.B. 262,** and **H.B. 263** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 24, 2004

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

Judiciary, Law Enforcement, and Criminal Justice

1st Sub. H.B. 61	Child Welfare Investigations (Rep. M. Thompson) (Sen. C. Bramble)
H.B. 121	Code of Criminal Procedure Amendments (Rep. J. Seitz) (Sen. L. Hillyard)
4th Sub. H.B. 136	Electronic Filing of Preliminary Lien Documents (Rep. M. Morley) (Sen. T. Hatch)

Natural Resources, Agriculture and Environment

H.B. 126	Teacher Classifications (Rep. R. Bigelow) (Sen. T. Hatch)
1st Sub. H.B. 22	Civic and Character Education in Schools (Rep. L. Christensen) (Sen. H. Stephenson)
1st Sub. H.B. 100	School Professional Development Days (Rep. B. Last) (Sen. T. Hatch)
H.B. 113	Nonresident Tuition Waiver for Job Corps Students (Rep. L. Shurtliff) (Sen. D. Gladwell)

Transportation and Public Utilities and Technology

S.B. 235	Retirement for Airport Police (Sen. R. Allen)
1st Sub. H.B. 105	Continuing Education for Contractors (Rep. J. S. Adams) (Sen. C. Bramble)
H.B. 244	Amendments to Asset Testing for Medicaid (Rep. D. Hogue) (Sen. P. Knudson)

Lyle Hillyard
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2004

The Business and Labor Committee recommends **S.B. 239**, UNFAIR COMPETITION ACT, by Senator M. Dmitrich, et al, be replaced and favorably recommends **2nd Sub. S.B. 239**, UNFAIR BUSINESS PRACTICES with the following amendments and recommends that the bill be considered read for the first time:

1. Page 2, Line 31:

31 (b) leads to a material diminution in value of [[~~intangible~~]] intellectual property.

2. Page 2, Line 34:

34 value of [[~~intangible~~]] intellectual property that is less than or equal to $20,000; or

3. Page 2, Line 36:

36 value of [[~~intangible~~]] intellectual property that is greater than $20,000.

4. Page 2, Lines 28 through 31:

28 (1) (a) As used in this section and except as provided in Subsection (1)(b) , "unfair business practice" means a business act or practice

29 that:

30 [[~~(a)~~]] (i) is unlawful, unfair, or fraudulent; and

31 [[~~(b)~~]] (ii) leads to a material diminution in value of intangible property.

(b) Notwithstanding Subsection (1)(a), "unfair business practice" does not include the departure and hiring of an employee by a competitor.; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 59**, LIEN FOR HOMEOWNER ASSOCIATION CHARGES, by Representative S. Mascaro, with the following amendments:

1. Page 1, Line 20:

20 [[~~None~~]] This bill provides a coordination clause.

2. Page 3, Line 74
House Floor Amendments
2−10−2004:

74 (ii) a mailing address of the homeowner association.

Section 4. Coordinating S.B. 129 with H.B. 59.

If this H.B. 59 and S.B. 129, Community Associations, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication, shall coordinate the enactment of H.B. 59 with S.B. 129 so that:

(1) Sections 57−24−1, 57−24−2, and 57−24−3 from H.B. 59 will not be enacted; and

(2) Section 57−8a−203, enacted in S.B. 129, shall be modified so that:

(a) Subsection 57−8a−203(1)(b)(ii) shall be deleted and replaced with the following:

"(ii) encumbrances on the interest of the lot owner recorded prior to the date of the recording of notice of lien described in Subsection (1)(b).": and

(b) Subsection 57−24−3(3), enacted in H.B. 59, shall be renumbered as Subsection 57−8a−203(5) in S.B. 129 and modified as follows:

"(5) A lien described in this section is valid only if:

(a) the association maintains current records for its officers, directors, and trustees with the Division of Corporations and Commercial Code; and

(b) the recording of notice of lien contains:

(i) a day time telephone number of the association; and

(ii) a mailing address of the association."; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 182**, CONSTRUCTION LIEN AMENDMENTS, by Representative S. Clark; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 215**, BUILDING STANDARDS AMENDMENTS, by Representative J. S. Adams; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 219**, CONSTRUCTION BOND AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 37 through 37a
House Floor Amendments
2−10−2004:

37 (iii) an improvement upon land Ĥ THAT IS NOT ASSOCIATED WITH A SINGLE FAMILY

37a DETACHED HOUSING [[~~OR A RESIDENTIAL SUBDIVISION~~]] Ĥ .

2. Page 2, Lines 47 through 50a
House Floor Amendments
2−10−2004:

47 (d) (i) "Residential construction" means the construction, alteration, or repair of:

48 (A) single family detached housing; or

49 (B) multifamily attached housing up to and including a Ĥ [[{]]duplex[[}]] [[~~FOURPLEX~~]] Ĥ .

50 (ii) "Residential construction" includes rental housing Ĥ [[~~AND RESIDENTIAL~~

50a ~~SUBDIVISIONS~~]] Ĥ .; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 238**, WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS, by Representative J. Alexander.

Parley Hellewell, Chair

Mr. President: February 23, 2004

The Health and Human Services Committee reports a favorable recommendation on **S.B. 221**, MATERNITY HEALTH CARE, by Senator E. Mayne; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 54**, VIDEOTAPE OF MINORS, by Representative W. Harper, with the following amendments:

1. Page 1, Lines 14c through 14d:
House Floor Amendments
2−10−2004

14c ▸ENCOURAGES A WORKER TO AUDIOTAPE ALL[[~~INVESTIGATIVE INTERVIEWS~~]] INTERACTIONS WITH A

14d CHILD; AND

2. Page 1, Lines 17 through 18
House Floor Amendments
2−10−2004

17 Other Special Clauses:

18 [[~~None~~]] This bill provides an effective date.

3. Page 2, Lines 32 through 34k:
House Floor Amendments
2−10−2004

32 Ĥ [~~(3)~~] (c) Ĥ the time and date of the interview shall be continuously and clearly visible to

32a any

33 subsequent viewer of the recording [[Ĥ ~~OR CLEARLY STATED AT THE BEGINNING OF ANY AUDIO~~

33a ~~TAPING SESSION~~ Ĥ]] ; and

34 Ĥ [~~(4)~~] (d) Ĥ the recording equipment shall run continuously for the duration of the interview.

34a [[Ĥ ~~(2) IF REASONABLY AVAILABLE, INTERVIEWS CONDUCTED IN ACCORDANCE WITH THIS~~

34b ~~SECTION SHALL BE CARRIED OUT IN AN EXISTING CHILDREN'S JUSTICE CENTER OR IN OTHER~~

34c ~~INTERVIEW ROOMS. IF CIRCUMSTANCES REQUIRE THAT AN INTERVIEW TAKE PLACE OUTSIDE OF~~

34d ~~A PREPARED FACILITY, THE INTERVIEWER SHALL USE THE BEST EQUIPMENT AND THE BEST~~

34e ~~SETTING AVAILABLE UNDER THE CIRCUMSTANCES.~~

34f ~~(3) A WORKER WHO MEETS WITH A CHILD FOR THE PURPOSES OF AN INVESTIGATIVE~~

34g ~~INTERVIEW SHALL BE ENCOURAGED TO RECORD THE INTERVIEW SESSION BY MEANS OF~~

34h ~~AUDIOTAPE.~~]]

(2) Interviews conducted in accordance with Subsection (1) shall be carried out in an existing Children's Justice Center or in a soft interview room, when available.

(a) If the Children's Justice Center or a soft interview room is not available, the interviewer shall use the best setting available under the circumstances.

(b) If the equipment required under Subsection (1) is not available, the interview shall be audiotaped, provided that the interviewer shall clearly state on the tape:

(i) the time, date, and place of the interview;

(ii) the full name and age of the child being interviewed; and

(iii) that the equipment required under Subsection (1) is not available and why.

(3) A worker who meets with a child subsequent to the initial

investigative interview shall be encouraged to record any interaction by means of an audiotape. At the beginning of the tape, the worker shall state clearly the time, date, and place of the meeting, and the full name and age of the child in attendance.

34i [[~~(4) A PARENT OR GUARDIAN WHO ACCOMPANIES A CHILD WHILE MEETING WITH A~~

34j ~~WORKER MAY NOT BE PROHIBITED FROM AUDIOTAPING THE INTERACTION BETWEEN THE CHILD~~

34k ~~AND WORKER.~~]] Ĥ
Section 2. Effective Date.
This act takes effect July 1, 2004.; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 16**, RESOLUTION AMENDING RULES OF CIVIL PROCEDURE − JUDGMENT, by Representative G. Curtis; and

James Evans, Chair

Mr. President: February 23, 2004

The Education Committee reports a favorable recommendation on **S.B. 205**, CERTIFICATION OF CRANE OPERATORS, by Senator G. Davis; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 199**, DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING, by Representative C. Moss.

Bill Wright, Chair

Mr. President: February 24, 2004

The Natural Resources, Agriculture, and Environment Committee recommends **S.C.R. 2**, RESOLUTION REGARDING CONSTRUCTION OF WASTE FACILITY, by Senator B. Wright, be replaced and favorably recommends **1st Sub. S.C.R. 2,** RESOLUTION REGARDING CONSTRUCTION OF WASTE FACILITY.

Beverly Ann Evans, Chair

Mr. President: February 24, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 250**, PROHIBITION OF CLASS ACTIONS

RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, by Senator J. Valentine.

Greg Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **2nd Sub. S.B. 239**as amended, **H.B. 59,** as amended, **1st Sub. H.B. 182, 1st Sub. H.B. 215, H.B. 219,** as amended, **H.B. 238, S.B. 221, 1st Sub. H.B. 54,** as amended, **H.J.R. 16, S.B. 205, 1st Sub. H.B. 199, S.C.R. 2,**and **S.B. 250** were placed on Second Reading Calendar.

* * *

Mr. President: February 23, 2004

The Business and Labor Committee reports a favorable recommendation on **H.B. 213**, CHANGES TO INVESTMENT ADVISORY COMMITTEE, by Representative D. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Parley Hellewell, Chair

Mr. President: February 23, 2004

The Education Committee recommends **S.B. 207**, OFFICE OF MUSEUM SERVICES AMENDMENTS, by Senator R. Allen , be replaced and favorably recommends **1st Sub. S.B. 207**, OFFICE OF MUSEUM SERVICES AMENDMENTS and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.

1. Page 1, Line 9:
   After “Arts” insert “as”

2. Page 2, Line 35:
   After “(b)” delete “the only” and insert “a”; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 164**, RESIDENT TUITION STATUS FOR NATIONAL GUARD MEMBERS, by Representative B. King, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 39−40:
   Delete “under a call by the governor”; and

The Education Committee reports a favorable recommendation on **H.B. 237**, DEPARTMENT OF CORRECTIONS − THERAPY PROVIDER

QUALIFICATIONS, by Representative D. Bourdeaux, and recommends it be considered read for the second time and placed on the Consent Calendar.

Bill Wright, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 213, 1st Sub. S.B. 207** as amended, **1st Sub. H.B. 164,** as amended, and **H.B. 237** were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 24, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee has tabled **1st Sub. H.B. 42**, INTEREST RATES ON JUDGMENTS, by Representative J. Dunnigan, and has returned it to the Rules Committee for filing.

Greg Bell, Chair

On motion of Senator Waddoups, the committee report was adopted. **1st Sub. H.B. 42** was returned to the Rules Committee for filing.

* * *

President Mansell notified the Senate that **1st Sub. H.B. 195** and **H.B. 256**, currently on Consent Calendar, have each received objections by at least three members of the body; therefore, **1st Sub. H.B. 195** and **H.B.256** are removed from the Consent Calendar and placed at the bottom of the Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. S.B. 55, GOVERNMENTAL IMMUNITY ACT OF UTAH, was read the second time. Senator Blackham explained the bill. Senators Thomas, Jenkins, Stephenson, and Arent commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 3; 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	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Jenkins	Stephenson	Wright

Absent or not voting was: Senator
Julander

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 232**, STANDARD OF CARE FOR EMERGENCY VEHICLE DRIVERS, and it was before the Senate. Senator Blackham explained the bill. Senator Thomas commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator
Julander

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On motion of Senator James Evans, the circle was removed from **2nd Sub. S.B. 233**, AIRPORT SECURITY AMENDMENTS, and it was before the Senate. Senator James Evans explained the bill. Senators Hillyard and Mansell commented. The bill passed second reading 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

Voting in the negative was: Senator
Mansell

Absent or not voting were: Senators
Bramble Hickman Julander Mayne

* * *

On motion of Senator Buttars, the Senate voted to reconsider its action on **S.B. 194** and placed it at the top of the Third Reading Calendar.

* * *

1st Sub. S.B. 60, SPORTS DEVELOPMENT AND TOURISM, RECREATION, CULTURAL, CONVENTION, AND SPORTS FACILITIES TAX AMENDMENTS, was read the second time.

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

2nd Sub. S.B. 60 Sports Development and Tourism, Recreation, Cultural, Convention, and Sports Facilities Tax Amendments (M. Waddoups)

Senator Waddoups proposed the following amendment:

1. Page 18, Line 534:
   Delete "July 1, 2004" and insert "January 1, 2005"

Senator Waddoups' motion to amend passed on a voice vote.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 208, FUNDING FOR TOURISM, was read the second time. Senator Knudson explained the bill. Senators Bell and Evans commented.

Senator Bev Evans proposed the following amendment:

1. Page 3, Line 74:
   Delete "Daggett"

2. Page 3, Line 75:
   Delete "Duchesne, or Uintah"
   Insert "or" before "Wasatch"

3. Page 3, Line 80:
Reinstate "[~~Duchesne, Daggett, or Uintah~~]"

Senator Bev Evans' motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Allen	Blackham	Buttars	Davis
Dmitrich	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Killpack	Knudson	Mayne	Valentine
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Arent	Bell	Hillyard	Jenkins
Stephenson	Thomas	Wright	

Absent or not voting were: Senators

Bramble	J. Evans	Julander

* * *

On motion of Senator Waddoups, the circle was removed from **2nd Sub. S.B. 60**, SPORTS DEVELOPMENT AND TOURISM, RECREATION, CULTURAL, CONVENTION, AND SPORTS FACILITIES TAX AMENDMENTS, and it was before the Senate. Senator Waddoups explained the bill. Senators Jenkins, Killpack, and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	J. Evans
Hale	Hatch	Hellewell	Hickman
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Bramble	B. Evans	Gladwell	Hillyard
Jenkins	Killpack	Stephenson	Wright

Absent or not voting were: Senators
Buttars Julander

* * *

On motion of Senator Hellewell, the circle was removed from **S.B. 216**, HEALTH PROVIDER REIMBURSEMENT AMENDMENTS, and it was before the Senate.

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

2nd Sub. S.B. 216 Health Provider Reimbursement Amendments
(P. Hellewell)

On motion of Senator Hellewell, the bill was circled.

* * *

On motion of Senator Hellewell, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

S.B. 194, PLUMBING APPRENTICE AMENDMENTS, was before the Senate upon reconsideration, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Mayne	

Absent or not voting was: Senator
Julander

S.B. 194 was transmitted to the House.

* * *

On motion of Senator Blackham, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 181, FEDERAL RESEARCH COMMITTEE, was read the second time. Senator Davis explained the bill. The bill failed second reading on the following roll call:

Yeas, 9; Nays, 17; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Jenkins	Thomas
Waddoups			

Voting in the negative were: Senators

Bell	Blackham	Buttars	Eastman
B. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Killpack	Knudson
Stephenson	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bramble	Julander	Mayne

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 183**, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 12 through 17

12 This bill:

13 ▸ adds <u>certain</u> design−build projects as a type of building improvement or public works

14 project that is subject to certain requirements relating to plans and specifications,

15 cost estimates, and bid procedures; and

16 ▸ allows a local government entity, with respect to [[~~a~~]] certain design−build [[~~project~~]] projects , to award a

17 bid to a responsible bidder that offers design−build services rather than to the lowest

2. Page 4, Lines 101 through 104a
Senate Committee Amendments
2−16−2004:

101 (b) except as provided in Subsection (3), enter into a contract for the completion of the

102 building improvement or public works project with:

103 (i) the lowest responsive responsible bidder[~~.~~]; or

104 (ii) for a design−build project that the local entity began formulating before March 1, 2004 and with respect to which a contract is entered into before September 1, 2004 , a responsible bidder that Ş :

104a (A) Ş offers design−build services Ş ; AND

Senator Stephenson's motion to amend passed on a voice vote. Senator Jenkins commented. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Hale	Julander

* * *

S.B. 237, PIONEER AND COMMUNITY HERITAGE AMENDMENTS, was read the second time. Senator Blackham explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Julander

* * *

On motion of Senator Knudson and at 4:05 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 25, 2004.

THIRTY−EIGHTH DAY

MORNING SESSION

The Senate was called to order at 9:30 a.m., with President Al Mansell presiding.

Prayer − Lacee A. Harris, Native American
Pledge of Allegiance − Senator Bill Wright
Roll Call − All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2004

The House passed, as substituted, **1st Sub. H.B. 70**, GERIATRIC CARE MANAGERS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 119**, FENCING RESPONSIBILITIES WITH GREENBELT OR CONSERVATION EASEMENT, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 152**, CHARTER SCHOOL GOVERNANCE, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.B. 153**, COMMERCIAL DRIVER LICENSE AMENDMENTS, by Representative C. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 251**, RADIO FREQUENCY IDENTIFICATION − RIGHT TO KNOW ACT, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 270**, RESIDENCE REQUIREMENTS FOR DRIVER LICENSE, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted,**1st Sub. H.B. 275**, ADOPTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 341**, CHILDREN'S INTERNET PROTECTION ACT, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 343**, PRACTICE PERMIT REQUIREMENT AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.J.R. 25**, JOINT RESOLUTION ON MARRIAGE, by Representative L. Christensen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 70, 1st Sub. H.B. 119, H.B. 152, H.B. 153, H.B. 251, H.B. 270, 1st Sub. H.B. 275, H.B. 341, H.B. 343,** and **H.J.R. 25** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 25, 2004

The House requests the return of **H.B. 230**, PROPERTY TAX LEVY FOR EDUCATION, by Representative M. Styler, for reconsideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, **H.B. 230** was returned to the House.

INTRODUCTION OF BILLS

S.B. 225, **Uninsured and Underinsured Motorist Coverage** (D. Eastman), read the first time by short title and referred to the Rules Committee.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 225** was placed at the bottom of the Second Reading Calendar.

CONSENT CALENDAR

H.C.R. 2, INDIVIDUALS WITH DISABILITIES ACT RESOLUTION, 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	Blackham	Davis
Dmitrich	Eastman	B. Evans	J. Evans

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bell	Bramble	Buttars	Gladwell
Julander	Killpack		

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. 222, ROBBERY 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

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

Absent or not voting were: Senators

Bramble	Buttars	Gladwell	Julander
Wright			

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. 78, SCHOOL LAND TRUST PROGRAM RESTRICTED ACCOUNT, 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	Blackham
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Buttars	Gladwell	Hale
Julander	Wright		

H.B. 78 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 184, VOYEURISM AMENDMENTS, 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Hale	Julander
Wright			

H.B. 184 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. 202, MAIL ORDER TOBACCO SALES AMENDMENTS, 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	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bramble	Hale	Julander	Knudson
Wright			

1st Sub. H.B. 202 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 242, FUNDS CONSOLIDATION ACT − DEPOSIT AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Jenkins	Julander	Knudson
Wright			

H.B. 242 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. 230, PERFORMANCE PLUS − READING ACHIEVEMENT, was read the third time.

On motion of Senator James Evans, the bill was circled.

* * *

1st Sub. S.B. 170, PUBLIC TRANSIT DISTRICT AMENDMENTS, was read the third time and explained by Senator James Evans.

Senator Evans proposed the following amendment:

1. Page 2, Line 32

32 [[~~None~~]] This bill provides a coordination clause.

2. Page 9, Line 270:

270 by the constituent entity as defined under Section 17A−2−501.
Section 6. Coordinating 1st Sub. S.B. 170 with H.B. 157.
If this 1st Sub. S.B. 170 and H.B. 157, Transportation 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 rewrite Subsection 17A−2−1038(6) in 1st Sub. S. B. 170 to read as follows:
"(6)(a) Except the initial members of the board, the terms of office of the voting members of the board shall be two years or until a successor is appointed, qualified, seated, and has taken the oath of office.
(b) At the first meeting of the initial members of the board held after July 1, 2004, voting members of the board shall designate by the drawing of lots for 1/2 of their number to serve for one−year terms and 1/2 for two−year terms."

Senator Evans' 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	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Jenkins	Julander	Knudson
Wright	Mansell		

1st Sub. S.B. 170, as amended, was transmitted to the House.

* * *

S.B. 204, REDEVELOPMENT AGENCY CHANGES, was read the third time, explained by Senator Thomas, and 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Mayne	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

Bramble	Julander	Knudson	Wright

S.B. 204 was transmitted to the House.

* * *

1st Sub. S.B. 26, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, was read the third time and explained by Senator Buttars. Senator Arent commented and the bill passed on the following roll call:

Yeas, 24; Nays, 2; 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	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker

Voting in the negative were: Senators

Stephenson	Wright

Absent or not voting were: Senators

Hickman	Julander	Mansell

1st Sub. S.B. 26 was transmitted to the House.

* * *

1st Sub. S.B. 55, GOVERNMENTAL IMMUNITY ACT OF UTAH, was read the third time.

On motion of Senator Blackham, the bill was circled.

* * *

S.B. 232, STANDARD OF CARE FOR EMERGENCY VEHICLE DRIVERS, 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

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

Absent or not voting were: Senators

Hickman	Julander	Mansell

S.B. 232 was transmitted to the House.

* * *

2nd Sub. S.B. 233, AIRPORT SECURITY AMENDMENTS, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hickman	Hillyard	Julander

2nd Sub. S.B. 233 was transmitted to the House.

* * *

S.B. 208, FUNDING FOR TOURISM, was read the third time and explained by Senator Knudson.

Senator Stephenson proposed the following amendment:

1. Page 1, line 13:
   Senate Committee Amendments
   dated 2−17−2004
   After "for a" delete "statewide restaurant sales tax on prepared foods and beverages and a"

2. Page 2, line 34:
   Delete line 34

3. Page 7, line 205
   Senate Committee Amendments
   dated 2−17−2004
   Delete line 205 and renumber subsequent subsections accordingly

4. Pages 9−10, lines 256−286:
   Delete lines 256−286 and renumber subsequent sections accordingly

Senator Stephenson's motion to amend failed on a voice vote. The bill passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Killpack
Knudson	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Arent	Bramble	Hellewell	Hickman
Hillyard	Jenkins	Stephenson	Thomas
Valentine	Wright		

Absent or not voting were: Senators

Gladwell	Julander	Mayne

S.B. 208, as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, the circle was removed from**1st Sub. S.B. 55**, GOVERNMENTAL IMMUNITY ACT OF UTAH, and it was before the Senate. Senator Blackham explained the bill. Senators Stephenson, Thomas, Hickman, Jenkins, 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	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Jenkins	Stephenson

Absent or not voting were: Senators

Julander	Wright

1st Sub. S.B. 55 was transmitted to the House.

On motion of Senator Blackham, the following summary of standing committee and Senate Third Reading discussion materials was placed in the Senate journal.

S.B. 55 (along with S.B. 232) is the result of a “Task Force” (working group) effort to completely repeal, rethink, reorganize and then enact a new Governmental Immunity Act. The Task Force was composed of 27 lawyers and two non−lawyers who, together, represented virtually all stakeholders in the governmental immunity arena. The Task Force had trial lawyers, city attorneys, county attorneys, locally−elected officials, assistant Attorneys General, representatives from the state Risk Management Office, and others. The committee met on over ten occasions over the interim and devoted literally scores of hours in meetings and hundreds of hours in drafting, negotiating and redrafting this compromise bill.

S.B. 55 is the first time that the concept of governmental immunity has received a comprehensive review in over twenty years. In truth, the current law,

which was originally drafted in 1965, has been eclipsed by modern governmental practices, by too many confusing amendments and by unpredictable changes in Supreme Court interpretations. We needed a new approach.

S.B. 55 unanimously passed out of the Senate Government and Operations Committee on Tuesday after members of the Task Force, as well as other interested citizens, testified in support of the bill for an excess of an hour and a half. No one spoke in opposition to the bill. All were complementary of the process and the substance.

I would like to briefly summarize some of the comments:

Ed Havas of the Utah Trial Lawyers Association testified from the claimants' perspective, that the bill offers several improvements over the current Governmental Immunity Act. Among them:

• It clarifies the notice of claims provision, making clear that the notice must be sent to the "office" of the relevant governmental representative, and that such notice may be conveyed by mail in accordance with existing statutory provision for submissions to government;

• It calls for the creation of a database of the proper recipient of notices of claim, along with the address to which the notice of claim must be sent, for each governmental entity. This database will be accessible through the Department of Commerce, both electronically and in hard copy, helping claimants avoid misdirected notices;

• It codifies the "discovery" rule with regard to when a cause of action arises against a governmental entity, and thereby clarifies when the statute of limitations begins to run;

• It shortens the time for a governmental entity to respond to a claim (or be deemed to have denied it) from 90 days to 60 days, permitting the action to go forward sooner; and

• It generally simplifies the language, removes surplusage and arcane language, and reorders the provisions into a more understandable, more easily accessible statute.

He characterized the bill as "a good first step" and represented that the group would like to continue during the 2004 interim, to explore the possibility of enacting a measure to deal with catastrophic injuries such as in a case where there are multiple claimants whose injuries exceed the maximum award allowed by the Governmental Immunity damage caps. I would like to see the Task Force explore this issue, as well as others that they determine, over the interim.

Jodi Hoffman of the Utah League of Cities and Towns and David Church of the Utah Local Governments Trust testified that:

• S.B. 55 will make it more likely that injured plaintiffs will receive redress.

• It protects truly discretionary (and by that I mean broad policy and budgetary) decisions of government. Should a small community construct flood control measures for a twenty year storm, a fifty year storm, or a hundred year storm, or should it stay out of the flood control business altogether?

• S.B. 55 reaffirms the state's interest in a comprehensive approach to Governmental Immunity; clear and rational waivers thereof; and clear notice, reporting and discovery rule provisions.

• While everyone on the Task Force had their own interests, the group was able to achieve a broad mix of compromises and trade−offs to arrive at a bill that represents a legitimate effort to produce a broad policy objective through its individual provisions. It is a complex bill.

• S.B. 55 is sound policy regarding claims against government that will produce broad justice while guarding government's ability to act for the public good without fear of unexpected and potentially crippling taxpayer burdens.

Assistant Attorney General Brent Burnett offered an historical overview of Governmental Immunity in Utah. He offered his experiences with the development of the law and his insights into the current confusion in the law. Andrew Morse of Snow, Christensen offered a law review article which summarized and a chart which detailed the history of Governmental Immunity in Utah and how injured parties have more rights to sue under SB55 than they did before the Governmental Immunity Act was passed in 1965. Further Andrew Morse testified that since the Laney v. Fairview City was decided, the insurance market has responded to court−injected uncertainty in the Governmental Immunity realm by increasing premiums 230% for 70% of the prior coverage.

Joe Johnson, Mayor of Bountiful (a Power city) as well as Reed Searle, Executive Director of the IPA testified about the historical development of the IPA, the current need for municipal power and the fact that the IPA board is hesitant to serve at all without SB55. IPA is an Interlocal Cooperative Agency that has issued over $16,000,000,000 in municipal bonds. While everyone had assumed that bodies such as IPA had been covered by the prior Governmental Immunity Act, there was increasing uncertainty in recent years. SB55 embodies our desire to have one comprehensive Governmental Immunity Act that covers all claims against government.

In sum, S.B. 55 has been well negotiated, debated by experts in the field and drafted as consensus legislation. It is a good bill that serves a broad public policy. We need this bill; and we need to support a process like the Governmental Immunity Task Force that has worked well for the citizens of Utah. I ask for your support for S.B. 55.

* * *

On motion of Senator Bramble, the following intent language was placed in the Senate journal. Senators Blackham, Valentine, and Hillyard commented.

INTENT LANGUAGE TO 1ST SUB. S.B. 55

It is the intent of the Legislature that an act of "privatization", under Utah's Independent Entities Act, is one of the governmental functions anticipated by S.B. 55 to be protected from law suit by the principle of governmental immunity.

COMMITTEE OF THE WHOLE

Senator Mayne presented a commendation to the members of the Hunter High School football team, state 5A football champions.

On motion of Senator Mayne, Maile Loo, principal of Hunter High School and Mike Fraser, former principal of Hunter High School, spoke in Committee of the Whole. Senators Waddoups, Hale, Allen, James Evans, Hillyard, and Hickman commented.

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

TIME CERTAIN CALENDAR

On motion of Senator Hatch, under suspension of the rules, **H.C.R. 13**, WESTERN LEGENDS ROUNDUP RESOLUTION, 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

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

Absent or not voting were: Senators

Arent	Blackham	Jenkins	Julander
Mayne			

H.C.R. 13 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. S.B. 60, SPORTS DEVELOPMENT AND TOURISM, RECREATION, CULTURAL, CONVENTION, AND SPORTS FACILITIES TAX AMENDMENTS, was read the third time and explained by Senator Waddoups. Senator Stephenson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
Hale	Hatch	Hickman	Knudson
Mayne	Thomas	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Bramble	Gladwell	Hellewell	Hillyard
Killpack	Stephenson	Valentine	Wright

Absent or not voting were: Senators

Blackham	J. Evans	Jenkins	Julander

2nd Sub. S.B. 60, as amended, was transmitted to the House.

* * *

S.B. 183, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 21 through 22
   Senate 2nd Reading Amendments
   2−24−2004

21 Other Special Clauses:

22 [[~~None~~]] This bill provides an immediate effective date.

2. Page 1, Line 26
Senate 2nd Reading Amendments
2−24−2004:

26 11−39−103, as enacted by Chapter 259, Laws of Utah 2003
Uncodified material affected:
ENACTS UNCODIFIED MATERIAL

3. Page 5, Line 122:

122 appropriate.
Section 3. Interim study.
It is the intent of the Legislature that during the 2004 interim the Political Subdivisions Interim Committee study the issue of design−build projects by local government and whether the provisions of this bill relating to design−build projects should be extended to future projects, modified, or eliminated.
Section 4. Effective date.
If approved by two−thirds of all members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or, in the case of a veto, the date of the veto override.

Senator Stephenson's motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

J. Evans	Gladwell	Jenkins	Julander
Wright			

S.B. 183, as amended, was transmitted to the House.

* * *

S.B. 237, PIONEER AND COMMUNITY HERITAGE AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	J. Evans	Gladwell	Jenkins
Julander	Wright		

S.B. 237 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2004

The House passed, **S.B. 38**, ARSON OFFENSE 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, **1st Sub. S.B. 44**, CHILD CARE CENTERS REGULATIONS, 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. 63**, WITNESS TAMPERING 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. 123**, COURT REPORTER 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. 133**, BULK DELIVERY OF MOTOR FUEL, 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, **1st Sub. S.B. 138**, FISHING AND HUNTING LICENSE 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. 143**, CRIMINAL OFFENSE ATTEMPT AMENDMENTS, by Senator D. Gladwell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 38, 1st Sub. S.B.44, S.B. 63, S.B. 123, S.B. 133, 1st Sub. S.B. 138, S.B. 143 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 25, 2004

The House passed **H.B. 139**, EVIDENCE AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed **H.B. 347**, STATE HIGHWAY DESIGNATION CHANGES, by Representative M. Styler, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 139** and **H.B. 347** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 25, 2004

The House substituted and passed, **2nd Sub. S.B. 124**, PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A COUNTY OR MUNICIPALITY, by Senator S. Killpack, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 134**, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, by Senator C. Walker, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 124 and **1st Sub. S.B. 134** were placed on the Concurrence Calendar.

* * *

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 25, 2004

The House passed, **S.B. 113**, ADMINISTRATIVE PROCEDURES ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 147**, CONDOMINIUM 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. 149**, PETE SUAZO UTAH ATHLETIC COMMISSION ACT AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 113, S.B. 147, and **S.B. 149** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 25, 2004

The House passed **H.B. 108**, INSURANCE AND RETIREMENT FOR CHARTER SCHOOL EMPLOYEES, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 325**, MOTOR VEHICLE INSURANCE AMENDMENT, by Representative C. Bennion, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 336**, CLAIMS ON REAL PROPERTY, by Representative G. Hughes, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 108, H.B. 325, H.B. 336** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 25, 2004

The House passed, as amended, **S.B. 144**, CORPORATIONS SOLE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **S.B. 144** was placed on the Concurrence Calendar.

* * *

Mr. President: February 25, 2004

The House passed upon reconsideration, as amended, **H.B. 189**, TOBACCO COMPLIANCE AMENDMENTS, by Representative D. Hogue, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to place **H.B. 189** at the top of the Second Reading Calendar and circle the bill.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2004

The Education Committee reports a favorable recommendation of **1st Sub. H.B. 43**, NO CHILD LEFT BEHIND OPTIONS, by Representative M. Dayton.

Bill Wright, Chair

Mr. President: February 24, 2004

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 218**, LAW ENFORCEMENT OVERTIME FUND, by Senator J. Evans.

Carlene Walker, Chair

Mr. President: February 24, 2004

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 191**, OIL AND GAS RELATED TAXES AND FEES, by Senator B. Evans; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 192**, LOAN TRANSACTIONS AMENDMENTS, by Senator M. Waddoups, with the following amendments:

1. Page 1, Lines 7 through 9:

7 General Description:

8 This bill creates the Pawnshop Transaction Information Act within the Department of

9[[Financial Institutions]] Commerce . The bill establishes record keeping and reporting requirements

2. Page 2, Line 44:

44 ▸ creates a Pawnshop Advisory Board within the Department of[[~~Financial Institutions~~]] Commerce ;

3. Page 2, Lines 56 through 57:

56 Other Special Clauses:

57 This bill provides an effective date and a repeal date .

4. Page 6, Lines 180 through 181:

180 account.

(4)(a) Any entity submitting a bid to create, maintain, and operate the database pursuant to the request for proposal conducted by the Division of Purchasing and General Services a\may not hold any financial or operating interest in any pawnshop in any state.

(b) The division of Purchasing and General Services, in conjunction with the Pawnshop Advisory Board, shall verify before a bid is awarded that the selected entity meets the requirements of Subsection (4)(a).

(c) If any entity is awarded a bid under this Subsection (4) and is later found to hold any interest in violation of Subsection (4)(a), the award is subject to being opened again for request for proposal.

181 Section 6. Section 13−32a−106 is enacted to read:

5. Page 8, Lines 215 through 216:

215 (8) All civil penalty payments under Subsection (7) shall be remitted to the Department

216 of [[~~Financial Institutions~~]] Commerce , which shall deposit the fees in the account.

6. Page 8, Line 225:

225 penalty of $50 a day to the Department of [[~~Financial Institutions~~]] Commerce for each daily report required

7. Page 11, Lines 314 through 317:

314 (1) On and after January 1, 2005, each pawnshop in operation shall annually pay $250

315 to the Department of [[~~Financial Institutions~~]] Commerce , to be deposited in the account.

* * * Some lines not shown * * *

317 use of the database shall annually pay to the Department of [[~~Financial Institutions~~]] Commerce a fee of $2

8. Page 11, Line 325:

325 (1) There is created within the Department of [[~~Financial Institutions~~]] Commerce the Pawnshop

9. Page 12, Line 346:

346 (4) (a) Each[[~~pawnshop~~]] pawnbroker in operation as of January 1 shall ensure

10. Page 12, Lines 365 through 366:

365 shall be paid to the Department of [[~~Financial Institutions~~]] Commerce , which shall deposit them in the

366 account.

11. Page 12, Line 367 through Page 13, Line 369:

367 (b) The Legislature may appropriate the funds in this account ; (i) to the board for the costs

368 of providing training required under this chapter, costs of the central database created in

369 Section 13−32a−105, and for costs of operation of the board ; and (ii) to the Department of Commerce for management of fees and penalties paid under this chapter .

12. Page 13, Lines 370 through 371:

370 (c) The board shall account to the Department of [[~~Financial Institutions~~]] Commerce for

371 expenditures.

13. Page 21, Lines 633 through 634:

633 This bill takes effect on January 1, 2005, except that Section 13−32a−105 takes effect on

634 December 1, 2004.
Section 18. Repeal date.
This bill is repealed on May 2, 2005. ; and

The Revenue and Taxation Committee recommends **1st Sub. H.B. 36**, MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM, by Representative B. Dee, be replaced and favorably recommends **2nd Sub. H.B. 36,** MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM with the following amendments:

1. Page 2, Line 39:

39 ▸ $[[~~3.2~~]] 3.9 million from the Statewide Unified E−911 Emergency Service Fund to the Utah

2. Page 4, Line 103:

103 Subsection (2)[[~~(c)~~]] (b)(i) , that association shall select the person to represent it on the commission;

3. Page 8, Lines 223 through 224:

223 (A) the reimbursement under this Subsection (1)(b) does not exceed the [[~~percentage~~

224 ~~established by the Utah 911 Committee in accordance with~~]] amount allowed by Subsection 53−10−602(3);

Page 8, Line 227:

227 the committee; and

Page 10, Line 298:

298 Subsection [[~~53−1−604(2)(b)~~]] 53−10−604(2)(b) , shall be deposited monthly in the statewide unified E−911

Page 15, Line 458:

458 (1) $[[~~3.2~~]] 3.9 million from the Statewide Unified E−911 Emergency Service Fund for fiscal

Page 16, Line 477:

477 charge in Subsection 69−2−5.6(1) from [[~~14~~]] 13 cents per month to 8 cents per month.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. H.B. 43, S.B. 218, S.B. 191, S.B. 192,** as amended, and **2nd Sub. H.B. 36**, as amended, were placed on Second Reading Calendar.

* * *

Mr. President: February 25, 2004

The Business and Labor Committee has returned **S.B. 57**, CORPORATE ACCOUNTABILITY, by Senator E. Mayne, to the Rules Committee with the following amendments:

1. Page 2, Line 54

54 59−12−104[[~~(1),~~]] (3), (4), (5), (6), (7), [[~~(8),~~]](9), (10), (11), [[~~(12),~~]](15), (16), (17), [[~~(19), (20), (21),~~]]

2. 2. Page2, Line 58

58 59−12−104[[~~(1),~~]] (4), (5), (6), (11), (15), [[~~(19), (20),~~]](30), (49), (51), or (59).

3. Page 4, Line 90

90 reasonable attorney fees.

(6) This section does not apply to:

(a) an organization described in Section 501, Internal Revenue Code; or

(b) an entity, more than 50% of the value of the outstanding ownership interests of which is owned, directly or indirectly, by one or more organizations described in Section 501, Internal Revenue Code.; and

After having failed, the Business and Labor Committee has returned **H.B. 227**, MIDWIFE CERTIFICATION ACT, by Representative J. Biskupski, et al, to the Rules Committee.

Parley Hellewell, Chair

Mr. President: February 25, 2004

The Government Operations and Political Subdivisions Committee has deleted **1st Sub. H.B. 111**, MUNICIPAL GOVERNMENT AMENDMENTS, by Representative W. Harper, and replaced it with **2nd Sub. H.B. 111**, LOCAL GOVERNMENT AMENDMENTS, with the following amendments, and has tabled and returned it to the Rules Committee.

1. Page 12, Line 349
   After "less than" restore the bracketed language ~~"[80% of]~~"

2. Page 14, Line 414
   After "less than" restore the bracketed language "~~[80% of]"~~; and

Carlene Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 57, H.B. 227,** and **2nd Sub. H.B. 111** were returned to the Rules Committee.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to place **2nd Sub. H.B.111** at the bottom of the Second Reading Calendar.

* * *

On motion of Senator Bev Evans, the Senate voted to place **S.B. 191** at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 191, OIL AND GAS RELATED TAXES AND FEES, was read the second time.

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

1st Sub. S.B. 191 Oil and Gas Related Taxes and Fees (B. Evans)

On motion of Senator Evans, the bill was circled.

* * *

On motion of Senator Blackham, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Blackham, the circle was removed from **S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 245 Medical Dispute Resolution Amendments (L. Blackham)

Senator Blackham explained the bill. Senator Dmitrich commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Thomas	Valentine	Walker
Wright	Mansell		

Voting in the negative were: Senators

Gladwell	Hillyard	Mayne	Stephenson
Waddoups			

Absent or not voting were: Senators

Hatch	Julander

1st Sub. S.B. 245 was transmitted to the House.

* * *

On motion of Senator Valentine, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

H.B. 189, TOBACCO COMPLIANCE AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

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H.B. 60, PROTECTION OF CHILDREN IN FOSTER CARE, was before the Senate for reconsideration. Senator Davis explained the bill. Senators Thomas, Stephenson, Buttars, Bell, and Eastman commented. The bill passed second reading 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	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Julander	Mayne	Walker

* * *

H.B. 11, UNUSED SICK LEAVE FOR STATE EMPLOYEE PROVISIONS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 83, STATE RETIREMENT − FUNDED RATIO, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Hickman	Hillyard	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Eastman	Jenkins	Julander
Mayne			

* * *

H.B. 253, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Bramble	Jenkins	Julander
Mayne			

* * *

H.C.R. 4, RESOLUTION ENCOURAGING LIFETIME AND RETIREMENT SAVINGS ACCOUNTS, was read the second time. Senator Stephenson explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Hickman	Knudson

Absent or not voting were: Senators

Arent	Blackham	Bramble	Julander

* * *

H.B. 79, RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE, was read the second time. Senator Allen explained the bill. Senators Hellewell and Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

Voting in the negative were: Senators

Bell	Buttars

Absent or not voting were: Senators

Arent	Blackham	Bramble	J. Evans
Julander	Mansell		

* * *

2nd Sub. H.B. 51, NONRESIDENT USER FEE FOR OFF−HIGHWAY VEHICLE USERS, was read the second time. Senator Hickman explained the bill. Senator Dmitrich commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Gladwell
Julander	Thomas	Mansell	

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H.B. 88, STATE LAND USE MANAGEMENT PLANS, was read the second time. Senator Hatch explained the bill.

Senator Bev Evans proposed the following amendment:

1. Page 3, Line 61
   Senate Committee Amendments
   2−17−2004:
   After "and" insert "shall"

2. Page 3, Line 80
   Senate Committee Amendments
   2−17−2004:
   After "process for state" insert "and local"

3. Page 3, Line 82
   Senate Committee Amendments
   2−17−2004:
   After line 82 insert:
   "(e) Before the state submits any comments on draft environmental impact statements or environmental assessments for a proposed land management plan of any federal land management agency, the governor shall make those documents available to the county executive, county council members, or county commissioner of the county that is covered by the proposed land management plan.
   (f) Local government officials receiving the documents shall have five business days to submit recommendations to the governor or the governor's designee concerning changes to the documents before they are submitted to the federal land management agency."

4. Page 3, Line 87
   Senate Committee Amendments
   2−17−2004:
   After "in" delete "consultation" and reinstate "conjunction"

Senator Bev Evans' motion to amend passed on a voice vote.

# # #

Senator Hickman proposed the following substitute amendment:

1. Page 3, Line 90:
   Senate Floor Amendments

Delete "five business" and insert "fourteen"

Senator Hickman's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright		

Absent or not voting were: Senators

Allen	Blackham	Bramble	Buttars
Julander	Thomas	Mansell	

* * *

1st Sub. H.B. 220, OFF−HIGHWAY VEHICLE AMENDMENTS, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Allen	Blackham	Bramble	Buttars
Julander	Valentine	Wright	

* * *

H.B. 229, PUBLIC UTILITY EASEMENTS, was read the second time. Senator Hatch explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Blackham	Buttars	Julander
Valentine	Waddoups		

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1st Sub. H.B. 232, WATER WELL AMENDMENTS, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Davis
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Walker
Wright	Mansell		

Absent or not voting were: Senators

Allen	Blackham	Buttars	Eastman
Julander	Valentine	Waddoups	

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1st Sub. H.B. 71, WATER CONSERVATION PLANS, was read the second time. Senator Gladwell explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 2; Absent, 7.

Voting in the affirmative were: Senators

Arent	Bell	Buttars	Davis
Eastman	J. Evans	Gladwell	Hale

Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Walker	Wright

Voting in the negative were: Senators

B. Evans	Mansell

Absent or not voting were: Senators

Allen	Blackham	Bramble	Dmitrich
Julander	Valentine	Waddoups	

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1st Sub. H.B. 92, BRUCELLOSIS VACCINATION AMENDMENTS, was read the second time. Senator Wright explained the bill.

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

2nd Sub. H.B. 92 Brucellosis Vaccination Amendments (B. Johnson)

Senator Wright proposed the following amendment:

1. Page 2, Line 31:
   After "governing" delete "noneligible" and insert "non−legible"

Senator Wright's motion to amend passed on a voice vote. Senators Valentine and Dmitrich commented. Senator Valentine declared a conflict of interest. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	B. Evans	Julander

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H.B. 247, TASK FORCE STUDYING WATER ISSUES, was read the second time. Senator Hatch explained the bill. Senator Thomas commented. The bill passed second reading 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	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Julander	Knudson

On motion of Senator Hickman, **H.B. 247** was placed on Third Reading Table due to fiscal impact.

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H.B. 255, WILDLIFE RESTITUTION AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senators Thomas and Hillyard commented. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Buttars	Julander

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On motion of Senator Valentine, the circle was removed from **H.B. 11**, UNUSED SICK LEAVE FOR STATE EMPLOYEE PROVISIONS, and it was

before the Senate. Senator Valentine explained the bill. Senator Knudson commented. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Julander	Thomas

* * *

On motion of Senator Gladwell, the circle was removed from **H.B. 189**, TOBACCO COMPLIANCE AMENDMENTS, and it was before the Senate.

On motion of Senator Gladwell, under suspension of the rules, **H.B. 189**, TOBACCO COMPLIANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Dmitrich	B. Evans	Julander

H.B. 189 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 179, VULNERABLE ADULT ABUSE AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	B. Evans	Julander

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H.B. 94, HEALTH INSURANCE POOL, was read the second time.

On motion of Senator Walker, the bill was circled.

* * *

H.B. 171, INSURANCE FRAUD AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senator Mansell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Gladwell	Julander	Knudson
Wright			

* * *

H.B. 172, INSURANCE LIQUIDATION LAW AMENDMENTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading 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	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Gladwell	Julander	Knudson	Wright

* * *

On motion of Senator Walker, the circle was removed from **H.B. 94**, HEALTH INSURANCE POOL, and it was before the Senate. Senator Walker explained the bill. Senators Davis and Bramble commented. The bill passed second reading 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	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Julander	Wright

* * *

On motion of Senator Waddoups and at 4:30 p.m., the Senate adjourned until 9:00 a.m., Thursday, February 26, 2004.

THIRTY−NINTH DAY

MORNING SESSION

The Senate was called to order at 9:20 a.m., with President Al Mansell presiding.

Prayer − Mayor Shannon Allen, Mayor of Antimony, Utah
Pledge of Allegiance − Senator Tom Hatch
Roll Call − All Senators present except Senators Julander and Wright, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

On motion of Senator Waddoups, the Senate voted to move **1st Sub. H.B. 43** to the top of the Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. H.B. 43, NO CHILD LEFT BEHIND OPTIONS, was read the second time.

On motion of Senator Gladwell, the bill was returned to the Rules Committee for interim study.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2004

The House passed, as substituted and amended, **1st Sub. H.B. 137**, CAMPAIGN FINANCE DISCLOSURE IN MUNICIPAL ELECTIONS, by Representative J. Dougall, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 273**, TAX AND CHARGE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 279**, COUNTERFEIT TOBACCO PRODUCTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 283**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed **H.B. 289**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 292**, VEHICLE FRANCHISE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 302**, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, by Representative M. Styler, and it is transmitted for consideration; and

The House passed **H.B. 308**, VEHICLE RESTRAINT SYSTEM AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed **H.B. 314**, CONSUMER PROTECTION REVISIONS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 357**, CONTINUING EDUCATION FOR REAL ESTATE PROFESSIONALS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed **H.B. 364**, PROFITS FROM SALE OF CRIME MEMORABILIA, by Representative S. Daniels, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 10**, RESOLUTION RECOGNIZING NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL MEETING IN SALT LAKE CITY, by Representative D. Hogue, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 137, H.B. 273, H.B. 279, 1st Sub. H.B. 283, H.B. 289, H.B. 292, H.B. 302, H.B. 308, H.B. 314, H.B. 357, H.B. 364,** and **H.C.R. 10** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2004

The Senate Business and Labor Standing Committee held its last scheduled meeting and returns the following bills to the Rules Committee without action:

S.B. 37 Deferred Deposit Lending Amendments (Ron Allen)

S.B. 127 Safeguarding Personal Information
(M. G. Waddoups) and;

The Business and Labor Committee has returned **S.B. 95,** Issuing a Bad Check or Draft, to the Rules Committee with the following amendments:

1. Page 1, Lines 11 through 14:

11 This bill:

12 ▸ [[~~removes language that exempted a person from the offense of issuing a bad check if~~

13 ~~the person makes good on the amount of the check within 14 days of his or her~~

14 ~~receipt of notice that the check did not clear.~~]] provides an affirmative defense if the writer of the check does not know that the check will not clear, does not have funds to make good on the check, and returns to the payee any property or money obtained by the dishonored check.

2. Page 2, Lines 34 through 41:

34 [[~~{~~]](2) Any person who issues or passes a check or draft for the payment of money, for

35 the purpose of obtaining from any person, firm, partnership, or corporation, any money,

36 property, or other thing of value or paying for any services, wages, salary, labor, or rent,

37 payment of which check or draft is legally refused by the drawee, is guilty of issuing a bad

38 check or draft if he fails to make good and actual payment to the payee in the amount of the

39 refused check or draft within 14 days of his receiving actual notice of the check or draft's

40 nonpayment.[[~~}~~]]
(3) It is an affirmative defense to prosecution for issuing a bad check or draft that:
(a) the person issuing the check or draft did not know or have reason to know that the check or draft would not be honored by the drawee;

(b) the check or draft was dishonored because of a third party's actions that were not authorized by the person issuing the check or draft;
(c) the person issuing the check or draft has returned to the payee any money, goods, property, or other item of value the person received in exchange for the dishonored check or draft, and:
(i) the goods, property, or other item of value are in substantially the same condition as when obtained by the person; and
(ii) the person returns to the payee the money, goods, property, or other item of value within 14 days of receiving actual notice the check or draft was dishonored; and
(d) the person issuing the check or draft lacked funds sufficient to make full payment to the payee in the amount of the dishonored check or draft within 14 days of the person's receiving actual notice the check or draft was dishonored.

41 [~~(3)~~][[~~(2)~~]] (4) An offense of issuing a bad check or draft shall be punished as follows: ; and

The Business and Labor Committee has returned **S.B. 102**, JOURNAL OF NOTARY PUBLIC ACTS, by Senator P. Knudson, to the Rules Committee with the following amendments:

1. Page 2, Lines 51 through 53:

51 (e) the evidence of identity of each person for whom a notarial act is performed, in the

52 form of [~~either~~]:

53 (i) except as provided in Subsection (4)(b), a statement that the person is "personally known" to the notary; [~~or~~]

2. Page 3, Lines 67 through 74:

67 (4) Notwithstanding the other provisions of this section and Sections 46−1−13 and

68 46−1−15, a notary is not required to [[~~enter~~]] make an entry in a journal [[~~the information described in Subsection~~

69 ~~(1) or (2)~~]] for a notarial act if:

70 (a) (i) (A) the notary is an employee of the Department of Public Safety; or

71 [[~~(ii)~~]] (B) the document notarized by the notarial act is used in the ordinary course of services

72 performed by the Department of Public Safety; and

73 [[~~(b)~~]] (ii) the Department of Public Safety maintains a copy of the document that is notarized

74 for the time period prescribed by law ; or
(b) the person for whom a notarial act is performed is personally known to the notary .

Parley Hellewell, Chair

Mr. President: February 24, 2004

The Senate Health and Human Services Standing Committee has held its last scheduled meeting and reports the following bills to the Secretary of the Senate without action:

S.B. 35	Pharmacist Technician Exemption (Sen. D. Eastman)
S.B. 64	Rural Health Care Initiative (Sen. J. Hickman)
S. J. R. 3	Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion (Sen. R. Allen)

James Evans, Chair

Mr. President: February 25, 2004

The Education Committee has returned **S.B. 61**, ACCEPTANCE OF FEDERALLY FUNDED BREAKFAST PROGRAM FOR CHILDREN, by Senator P. Julander, to the Rules Committee with the following amendments:

1. Page 1, Lines 13 through 14:

13 ▸ requires each local school board to require each school in its district that participates in the National School Lunch Program to participate in

14 the School Breakfast Program ; and
▸ provides an exemption from the participation requirement.

2. Page 1, Line 26 through Page 2, Line 28:

26 (1) [~~(a)~~] Each local school board shall[~~, at least once every three years, review~~] require

27 each [~~elementary~~] school in its district that participates in the National School Lunch Program [~~that does not~~] to participate in the School Breakfast

28 Program [~~as to the school's reasons for nonparticipation~~].

3. Page 2, Line 40:

40 entitlement status of the School Breakfast Program by the federal government.
(3) A local school board may, by majority vote, exempt an individual school from the requirements under this section if the board finds that:
(a) there is insufficient student participation in the School Breakfast Program at the school to justify its continuation; or
(b) the school is not open during the breakfast hour. ; and

The Education Committee held its last scheduled meeting and returns the following bills to the Secretary of the Senate without action:

S.B. 101 Use of Education Revenues (T. Hatch)
H.B. 7 Marriage Preparation Education (R. McGee)

Bill Wright, Chair

Mr. President: February 24, 2004

The Senate Revenue and Taxation Standing Committee has held its last scheduled meeting and reports the following bills to the Secretary of the Senate without action:

S.B. 78 Exemptions To Residential Property Tax (Sen. Mayne)
S.B.197 Health Insurance − Contraceptive Equity Amendments (Sen. Julander)
H.B. 125 County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (Rep. T. Kiser)
H.B. 240 Revenue And Taxation − Offenses and Penalties (Rep. R. Bigelow)
H.C.R. 5 Resolution Urging Federal Tax Cuts to be Made Permanent (Rep. C. Bennion)
H.C.R. 6 Resolution Opposing Internet Access Taxes (Rep. C. Bennion)
H.J.R. 4 Joint Rules Resolution − Appropriation Process Revisions (Rep. W. Harper)

H.J.R. 11 Resolution Urging a Study on Statewide Uniform Fees Imposed on Motor Homes (Rep. L. Shurtliff)

Curtis S. Bramble, Chair

Mr. President: February 25, 2004

The Transportation and Public Safety Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate without action:

S.B. 7 Rail Corridor Provisions (G. S. Bell); and

The Transportation and Public Utilities and Technology Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate after a hearing and without action:

S.B. 242 Undocumented Workers Driver License Revisions (J. W. Hickman)

Sheldon Killpack, Chair

Mr. President: February 25, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee has held its last scheduled meeting and reports the following bills to the Secretary of the Senate without action:

S.B. 99 Child and Family Services − Standard of Review (P. Hellewell)
S.B. 100 Adoption Responsibilities − State Oversight (P. Hellewell)
S.B. 41 Hate Crime Amendments (J. Evans)
S.B. 25 Death Penalty Amendments (R. Allen); and

The Judiciary, Law Enforcement, and Criminal Justice Committee deleted **1st Sub. S.B. 54**, RESTRUCTURING DIVISION OF CHILD AND FAMILY SERVICES, by Senator P. Hellewell, and replaced it with **2nd Sub. S.B. 54,** RESTRUCTURING DIVISION OF CHILD AND FAMILY SERVICES, with the following amendments and has returned it to the Rules Committee.

1. Page 4, Lines 102 through 103:

102 [~~(vii)~~] (viii) making recommendations based on the findings and results of

103 recommendations; and

2. Page 4, Lines 104 through 106:

104 [[~~(ix) the time in which the division shall reply to the ombudsman's inquiries; and~~

105 ~~(x)~~]] (ix) the time in which the departments, agencies, or entities shall respond to the record

106 requests;

3. Page 5, Line 147 through Page 6, Line 153

(b) The ombudsman shall have [[~~[access to all of the department's written and electronic records and databases, including those regarding individual cases~~]]] access to all of the department's written and electronic records and databases, including those regarding individual cases, and may [[~~the power to~~]] subpoena all records from any entity related to the individual cases, and may rely on the Child Welfare Legislative Oversight Panel's subpoena powers for necessary access to testimony. In accordance with Title 63, Chapter 2, Government Records Access and Management Act, all documents and information received by the ombudsman shall maintain the same classification that was designated by the department; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 105**, ABUSE, NEGLECT, AND DEPENDENCY AMENDMENTS, by Senator P. Hellewell, to the Rules Committee with the following amendments:

1. Page 5, Lines 131 through 136:

(d) For purposes of this section, "relative" means an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother−in−law, sister−in−law, stepparent, first cousin, [[~~[or]~~]] or sibling of the child [[~~, or has otherwise established a significant relationship with the child~~]]. In the case of a child defined as an "Indian" under the Indian Child Welfare Act, 25 U.S.C. Section 1903,

"relative" also means an "extended family member" as defined by that statute.

Greg Bell, Chair,

Mr. President: February 25, 2004

The Retirement and Independent Entities Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate without action:

H.B. 53 Additional State Retirement Benefit (L. Shurtliff)

John L. Valentine. Chair

* * *

On motion of Senator Valentine, the committee reports were adopted. The bills were returned to the Rules Committee. On motion of Senator Hillyard, any bills remaining in Senate Standing Committees will be returned to Rules.

* * *

Mr. President: February 23, 2004

The Business and Labor Committee has held its last scheduled meeting and reports the following bills to the Secretary of the Senate after a hearing and without action:

S.B. 28 Home Inspection − Action Against Inspector (Paula F. Julander)

S.B. 75 Consumer Credit Contracts (G. S. Bell)

Parley Hellewell, Chair

Mr. President: February 25, 2004

The Senate Revenue and Taxation Standing Committee has held its last scheduled meeting and reports the following bills to the Secretary of the Senate after a hearing and without action:

S.B. 31 Sales and Use Tax Amendments (Sen. E. Mayne)

Curtis Bramble, Chair

Mr. President: February 25, 2004

The Government Operations and Political Subdivisions Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate after a hearing and without action:

H.B. 175 Process for Filling Midterm Vacancies in the Legislature (W. Harper)

Carlene Walker, Chair

Mr. President: February 25, 2004

The Judiciary, Law Enforcement and Criminal Justice Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate after a hearing and without action:

S.B. 36 Prevention of Child Access to Firearms (P. Julander)

Greg Bell, Chair

Mr. President: February 12, 2004

After having failed, the Business and Labor Committee has returned **S.B. 117,** MEDICAL ARBITRATION AGREEMENT AMENDMENTS, by Senator P. Hellewell, to the Rules Committee

Parley Hellewell, Chair,

Mr. President: February 25, 2004

The Education Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate after a hearing and being tabled in committee:

H.B. 223 State School Board Candidate Selection Committees.

Bill Wright, Chair

Mr. President: February 25, 2004

The Government Operations and Political Subdivisions Committee has returned **H.J.R. 3**, RESOLUTION URGING CONGRESS TO CONSIDER

WITHDRAWING THE UNITED STATES FROM THE UNITED NATIONS, by Representative D. Bush, to the Rules Committee after having failed in committee.

Carlene Walker, Chair

Mr. President: February 25, 2004

The Judiciary, Law Enforcement and Criminal Justice Committee has held its last scheduled meeting and reports the following bill to the Secretary of the Senate after a hearing and failing to pass:

S.B. 130 Restrictions on Use of Unmarked Police Vehicles (J. Hickman)

On motion of Senator Valentine, the Committee reports were adopted.

INTRODUCTION OF BILLS

S.J.R. 11, **Resolution Honoring O. William Asplund** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Hillyard, **S.J.R. 11** was lifted from Rules and placed at the top of the Second Reading Calendar

SECOND READING CALENDAR

S.J.R. 11, RESOLUTION HONORING O. WILLIAM ASPLUND, was read the second time.

On motion of Senator Hillyard, the bill was circled.

CONCURRENCE CALENDAR

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 124** , PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A COUNTY OR MUNICIPALITY. 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	Blackham
Bramble	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Buttars	B. Evans	Hickman	Julander
Knudson	Walker	Wright	

2nd Sub. S.B. 124 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 134**, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES. 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	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Bramble	Buttars	Hickman	Julander
Knudson	Walker	Wright	

1st Sub. S.B. 134 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 144**, CORPORATIONS SOLE 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
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Mansell	

Absent or not voting were: Senators

Bramble	Buttars	Julander	Knudson
Walker	Wright		

S.B. 144 was returned to the House for the signature of the Speaker.

CONSENT CALENDAR

H.B. 234, SUNSET EXTENSION ON UNAUTHORIZED PRACTICE OF LAW, was read the third time.

On motion of Senator Bell, the bill was circled.

THIRD READING CALENDAR

H.B. 8, UNEMPLOYMENT INSURANCE BENEFITS − SOCIAL SECURITY BENEFITS OFFSET, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 60, PROTECTION OF CHILDREN IN FOSTER CARE, was read the third time and explained by Senator Davis. Senator Bell 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
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Mansell

Absent or not voting were: Senators

Buttars	Julander	Knudson	Walker
Wright			

H.B. 60, as amended, was returned to the House for further consideration.

* * *

H.B. 83, STATE RETIREMENT − FUNDED RATIO, 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Mansell

Absent or not voting were: Senators

Buttars	Julander	Knudson	Walker
Wright			

H.B. 83 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 253, RETIREMENT OFFICE 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Valentine	Waddoups	Mansell	

Absent or not voting were: Senators

Buttars	Julander	Knudson	Thomas
Walker	Wright		

H.B. 253 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.C.R. 4, RESOLUTION ENCOURAGING LIFETIME AND RETIREMENT SAVINGS ACCOUNTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Stephenson	Valentine	Waddoups
Mansell			

Voting in the negative were: Senators

Hale	Mayne

Absent or not voting were: Senators

Arent	Buttars	Julander	Thomas
Walker	Wright		

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. 79, RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE, was read the third time, explained by Senator Allen, and passed on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Allen	Blackham	Bramble	Davis
Dmitrich	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Killpack	Mayne	Valentine
Waddoups	Mansell		

Voting in the negative were: Senators

Bell	Eastman	Hillyard	Knudson
Stephenson			

Absent or not voting were: Senators

Arent	Buttars	Julander	Thomas
Walker	Wright		

H.B. 79 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. 51, − NONRESIDENT USER FEE FOR OFF−HIGHWAY VEHICLE USERS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Mansell		

Voting in the negative was: Senator
Dmitrich

Absent or not voting were: Senators

Buttars	Davis	Julander	Thomas
Walker	Wright		

2nd Sub. H.B. 51 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 88, STATE LAND USE MANAGEMENT PLANS, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Valentine	Waddoups	Mansell

Absent or not voting were: Senators

Buttars	Julander	Thomas	Walker
Wright			

H.B. 88, as amended was returned to the House for further consideration.

* * *

1st Sub. H.B. 220, OFF−HIGHWAY VEHICLE 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Mansell			

Absent or not voting were: Senators

Buttars	Julander	Walker	Wright

1st Sub. H.B. 220 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 229, PUBLIC UTILITY EASEMENTS, was read the third time and explained by Senator Hatch.

Senator Davis proposed the following amendment:

1. Page 1, Line 20:
   After line 20 insert:
   "AMENDS:
   10−8−14.5, as enacted by Chapter 106, Laws of Utah 1995"

2. Page 1, line 24:
   After line 24 insert:
   "Section 1. Section 10−8−14.5 is amended to read:
   10−8−14.5. Utility easements −− Use for water or sewerage service.
   (1) If a municipality grants a general utility easement for the provision of electric, gas, or telephone service, the grant may also provide that the easement can be used by the corporation or other entity that provides

water or sewerage service to the municipality's residents.
(2) A general utility easement described in Subsection (1) is subject to the provisions imposed on a public utility easement under Section 54−3−27."
Renumber remaining sections accordingly.

Senator Davis' 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Waddoups	Mansell

Absent or not voting were: Senators

Buttars	Julander	Valentine	Walker
Wright			

H.B. 229, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 232, WATER WELL AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Waddoups	Mansell		

Absent or not voting were: Senators

Bell	Buttars	Julander	Mayne
Valentine	Walker	Wright	

1st Sub. H.B. 232 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. 71, WATER CONSERVATION PLANS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Mansell			

Absent or not voting were: Senators

Bramble	Buttars	Dmitrich	B. Evans
Julander	Valentine	Walker	Wright

1st Sub. H.B. 71 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. 92, BRUCELLOSIS VACCINATION AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Waddoups	Mansell	

Absent or not voting were: Senators

Bramble	Buttars	Dmitrich	B. Evans
Hickman	Julander	Knudson	Valentine
Walker	Wright		

2nd Sub. H.B. 92, as amended, was returned to the House for further consideration.

* * *

H.B. 255, WILDLIFE RESTITUTION AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Eastman	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Waddoups	Mansell	

Absent or not voting were: Senators

Bramble	Buttars	Davis	Dmitrich
B. Evans	Julander	Knudson	Valentine
Walker	Wright		

H.B. 255, as amended, was returned to the House for further consideration.

* * *

H.B. 11, UNUSED SICK LEAVE FOR STATE EMPLOYEE PROVISIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Mansell			

Absent or not voting were: Senators

Bramble	Buttars	Dmitrich	B. Evans
Julander	Mayne	Walker	Wright

H.B. 11 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 179, VULNERABLE ADULT ABUSE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Davis
Eastman	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Thomas	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Bell	Bramble	Buttars	Dmitrich
B. Evans	J. Evans	Julander	Mayne
Stephenson	Walker	Wright	

H.B. 179 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 171, INSURANCE FRAUD AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 17; Nays, 0; Absent, 12.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Eastman
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Mansell			

Absent or not voting were: Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	B. Evans	Gladwell	Hickman
Julander	Valentine	Walker	Wright

H.B. 171, as amended, was returned to the House for further consideration.

* * *

H.B. 172, INSURANCE LIQUIDATION LAW AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Bell	Davis	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Mansell	

Absent or not voting were: Senators

Arent	Blackham	Bramble	Buttars
Dmitrich	B. Evans	Julander	Valentine
Walker	Wright		

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. 94, HEALTH INSURANCE POOL, was read the third time.

On motion of Senator Thomas, the bill was circled.

* * *

On motion of Senator Waddoups, and at 10:25 a.m., the Senate sauntered.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2004

The House passed, as substituted, **1st Sub. H.J.R. 17**, RESOLUTION URGING ACTION FOR APPARENT BREACHES OF UTAH'S ENABLING ACT AND FEDERAL CONSTITUTION, by Representative M. Noel, et al, and it is transmitted for consideration; and

The House passed **H.B. 150**, WORKERS' COMPENSATION − FIRE DEPARTMENT EMPLOYEES, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 345**, EARNED INCOME TAX CREDIT, by Representative J. Biskupski, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.J.R. 17, H.B. 150,** and **H.B. 345** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2004

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 22**, CIVIC AND CHARACTER EDUCATION IN SCHOOLS, by Representative L. Christensen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 100**, SCHOOL PROFESSIONAL DEVELOPMENT DAYS, by Representative B. Last, with the following amendments:

1. Page 2, Lines 41 through 42
House Floor Amendments
2−18−2004:

41 (2) To participate in the pilot program, a local school board shall submit a plan[[Ĥ ~~, AFTER~~

41a ~~PARENTAL APPROVAL~~ Ĥ]] to a community council for approval before submission to the

42 State Board of Education that includes the following information:
; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 126**, TEACHER CLASSIFICATIONS, by Representative R. Bigelow, et al.

Beverly Ann Evans, Chair

Mr. President: February 25, 2004

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 235**, RETIREMENT FOR AIRPORT POLICE, by Senator R. Allen; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 105**, CONTINUING EDUCATION FOR CONTRACTORS, by Representative J. S. Adams; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 244**, AMENDMENTS TO ASSET TESTING FOR MEDICAID, by Representative D. Hogue, with the following amendments:

1. Page 1, Line 1:
   After "TO" insert "AND FUNDING FOR"

2. Page 1, Line 11:
   After "guidelines" insert "and funds the removal of the asset test"

3. Page 1, Line 16:
   After "eligibility" delete "." and insert "; and
   ▸ increases the cigarette tax by 4 cents a pack."

4. Page 1, Line 21:
   After line 21 insert:
   "AMENDS:
   59−14−204, as last amended by Chapter 248, Laws of Utah 2002"

5. Page 2, Line 33:
   After line 33 insert:
   "Section 2. Section 59−14−204 is amended to read:
   59−14−204. Tax basis −− Rate −− Future increase −− Restricted account −− Use of revenues.
   (1) Except for cigarettes described under Section 59−14−210, there is levied a tax upon the sale, use, or storage of cigarettes in the state.
   (2) The rates of the tax levied under Subsection (1) are:
   (a) [~~3.475~~] 3.675 cents on each cigarette, for all cigarettes weighing not more than three pounds per thousand cigarettes; and
   (b) [~~4.075~~] 4.275 cents on each cigarette, for all cigarettes weighing in excess of three pounds per thousand cigarettes.
   (3) The tax levied under Subsection (1) shall be paid by the manufacturer, jobber, distributor, wholesaler, retailer, user, or consumer.
   (4) The tax rates specified in this section shall be increased by the commission by the same amount as any future reduction in the federal excise tax on cigarettes.
   (5) (a) There is created within the General Fund a restricted account known as the "Cigarette Tax Restricted Account."

(b) Beginning on July 1, 1998, $250,000 of the revenues generated by the increase in the cigarette tax under this section enacted during the 1997 Annual General Session shall be annually deposited into the account.
(c) The Department of Health shall expend the funds deposited in the account under Subsection (5)(b) for a tobacco prevention and control media campaign targeted towards children.
(d) The following revenue generated from the tax increase imposed under Subsection (1) during the 2002 General Session shall be deposited in the Cigarette Tax Restricted Account:
(i) 22% of the revenue to be annually appropriated to the Department of Health for tobacco prevention, reduction, cessation, and control programs;
(ii) 15% of the revenue to be annually appropriated to the University of Utah Health Sciences Center for the Huntsman Cancer Institute for cancer research; and
(iii) 21% of the revenue to be annually appropriated to the University of Utah Health Sciences Center for medical education at the University of Utah School of Medicine.
(e) Any balance remaining in the Cigarette Tax Restricted Account at the end of the fiscal year shall be appropriated during the next fiscal year for the purposes set forth in Subsections (5)(d)(i) through (5)(d)(iii) in proportion to the amount of revenue deposited into the account for each purpose.
(f) The Legislature shall give particular consideration to appropriating any revenues resulting from the change in tax rates under Subsection (2) adopted during the 2002 Annual General Session and not otherwise appropriated pursuant to Subsection (5)(d) to enhance Medicaid provider reimbursement rates and medical coverage for the uninsured.
(g) Any program or entity that receives funding under Subsection (5)(d) shall provide an annual report to the Health and Human Services Interim Committee no later that September 1 of each year. The report shall include:
(i) the amount funded;
(ii) the amount expended;
(iii) a description of the effectiveness of the program; and
(iv) if the program is a tobacco cessation program, the report required in Section 63−97−401.
(h) The revenue generated from the tax increase imposed under Subsection (1) during the 2004 General Session shall be deposited into the Cigarette Tax Restricted Account and shall be annually

appropriated to the Department of Health for the purpose of eliminating the Medicaid asset test in compliance with Section 26−18−3.2."

Sheldon L Killpack, Chair

Mr. President: February 25, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 61**, CHILD WELFARE INVESTIGATIONS, by Representative M. Thompson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **4th Sub. H.B. 136**, ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS, by Representative M. Morley.

Greg Bell, Chair

On motion of Senator Knudson, the committee reports were adopted. **1st Sub. H.B. 22, 1st Sub. H.B. 100,** as amended, **H.B. 126, S.B. 235, 1st Sub. H.B. 105, H.B. 244,** as amended, and **1st Sub. H.B. 61** were placed on Second Reading Calendar.

* * *

Mr. President: February 25, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 121**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative J. Seitz, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 81 through 84:

81 (5) The [~~court may upon acceptance~~] terms of a plea in abeyance agreement [~~and~~

82 ~~pursuant to the terms of the agreement~~] may include:

83 (a) an order that the defendant [~~to~~] pay a nonrefundable plea in abeyance fee, with a

84 surcharge based on the amount of the plea in abeyance fee , both of which shall be allocated in the same manner as if [~~it had been~~] paid as a fine

Greg Bell, Chair

On motion of Senator Knudson, the committee report was adopted. **H.B. 121** was considered read the second time and placed on the Consent Calendar.

* * *

Mr. President: February 25, 2004

The Natural Resources, Agriculture, and Environment Committee has returned **H.B. 113**, NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS, by Representative L. Shurtliff, to the Rules Committee.

Beverly Ann Evans, Chair

On motion of Senator Knudson, the committee report was adopted. **H.B. 113** was returned to the Rules Committee.

SECOND READING CALENDAR

H.B. 218, PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

1st Sub. H.B. 245, INSURANCE LAW REVISIONS, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 2, Lines 29 through 30

29 ▸ enacts the Federal Health Care Tax Credit Program Act; [[~~and~~]]

▸ provides a repeal date for the Federal Health Care Tax Credit Program Act; and

30 ▸ makes technical changes.

2. Page 79, Lines 2437 through 2439:

2437 (ii) If the Department of Workforce Services elects to operate the state program

2438 through a [[~~self-insurance~~]] self-insurance program, before issuance of certification by the commissioner, the

2439 executive director of the Department of Workforce Services shall certify to the commissioner that:

3. Page 80, Lines 2447 through 2450:

2447 (4) Qualified participants enrolled in the bridge program prior to and after the effective

2448 date of this chapter shall be enrolled in the state program provided for in this chapter

2449 retroactive to [[~~which ever~~]] whichever of the following dates ensures the continuance of health insurance

2450 coverage:

4. Page 80, Lines 2469 through 2470:

2469 (iii) a [[~~self-insurance~~]] self-insurance program through a third party administrator as provided in

2470 Subsection 31A-38-103(3)(b)(ii);

5. Page 81, Lines 2477 through 2479:

2477 (2) The monies in the fund created under Subsection (1)(b) are :

2478 (a) [[~~are~~]] nonlapsing; and

2479 (b) restricted to the purposes of the state program established under this chapter.

6. Page 81, Lines 2497 through 2498:

2497 If approved by two-thirds of all the members elected to each house, Title 31 A , Chapter

2498 38, Federal Health Care Tax Credit Program Act, and the amendments in this bill to Section

Senator Hatch's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	B. Evans
Julander	Wright		

* * *

H.B. 86, PRIMARY CARE NETWORK AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	B. Evans
Julander	Wright		

On motion of Senator Hickman, **H.B. 86** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 93, DNA REIMBURSEMENT COSTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Eastman	J. Evans	Gladwell

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	B. Evans
Julander	Wright		

* * *

H.B. 97, PROTECTIVE ORDER AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator James Evans commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Dmitrich	Eastman	B. Evans
Julander	Wright		

On motion of Senator Hickman, **H.B. 97** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 169, MAIL THEFT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Dmitrich	Eastman	B. Evans
Julander	Wright		

* * *

2nd Sub. H.B. 207, HEALTH INSURANCE AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Buttars	Dmitrich	Eastman	B. Evans
Julander	Walker	Wright	

* * *

1st Sub. H.B. 236, FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER AMENDMENTS, was read the second time. Senator Arent explained the bill. Senator Hickman commented.

On motion of Senator Hickman, the bill was circled.

* * *

H.J.R. 9, RESOLUTION SUPPORTING EFFORTS TO END HOMELESSNESS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Mansell	

Absent or not voting were: Senators

Buttars	Dmitrich	B. Evans	Julander
Walker	Wright		

* * *

H.B. 205, STATE SETTLEMENT AGREEMENTS AMENDMENTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 217, CHANGES TO DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT CONTRACT PROCEDURES AND REQUIREMENTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 226, LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 38, SALES AND USE TAX − REPEAL OF CABLE AND SATELLITE SERVICE, was read the second time. Senator Waddoups explained the bill. Senators Bramble, Valentine, and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	J. Evans

Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Voting in the negative was: Senator
Hatch

Absent or not voting were: Senators

Buttars	Dmitrich	B. Evans	Julander
Wright			

On motion of Senator Hickman, **H.B. 38** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Blackham, the circle was removed from **H.B. 218**, PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION, and it was before the Senate. Senator Blackham explained the bill.

Senator Blackham proposed the following amendment:

1. Page 4, Lines 90 through 91:

90 (G) allergies; [[~~and~~]]
(H) bleeding disorders and conditions related to a bleeding disorder; and

91 [[~~(H)~~]] (I) any specific or class of prescription drugs.

Senator Blackham's motion to amend passed on a voice vote. 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	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Dmitrich	Hatch	Julander
Thomas	Wright		

* * *

1st Sub. H.B. 66, STATE SPENDING LIMITATIONS AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 74, EXTENSION OF SALES AND USE TAX EXEMPTION FOR STEEL INDUSTRY, was read the second time. Senator Knudson explained the bill. Senators Bramble, Mayne, Bell, Valentine, Arent, Stephenson, Hickman, and Davis commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Hale
Mayne			

Absent or not voting were: Senators

Dmitrich	J. Evans	Julander	Wright

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 66**, STATE SPENDING LIMITATIONS AMENDMENTS, and it was before the Senate.

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

3rd Sub. H.B. 66 State Spending Limitations Amendments (G. Hughes)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bev Evans, the circle was removed from **1st Sub. H.B. 226**, LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS, and it was before

the Senate. Senator Bev Evans explained the bill. Senator Gladwell 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
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Knudson	Mayne	Stephenson
Valentine	Waddoups	Walker	Mansell

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

Dmitrich	Julander	Killpack	Wright

* * *

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 26, 2004

The House passed, **1st Sub. S.B. 20**, DRIVING UNDER THE INFLUENCE AMENDMENTS, 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, **1st Sub. S.B. 166**, OFF−HIGHWAY VEHICLE REGISTRATION PROVISIONS, 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. 168**, DRIVER LICENSE RELATED AMENDMENTS, 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. 171**, PROPERTY TAX TREATMENT OF TRANSPORTABLE FACTORY−BUILT HOUSING UNITS, by Senator C.

Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 20, 1st Sub. S.B. 166, S.B. 168, and **S.B. 171** 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, 2004

The House passed, as amended, **H.B. 2**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 328**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative L. Pace, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 2** and **H.B. 328** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 26, 2004

The House passed, as amended, **S.B. 48**, UNIFORM FIREARM LAWS, by Senator M. Waddoups, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 161**, JUDICIAL CONDUCT COMMISSION, by Senator M. Waddoups, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 219**, AMENDMENTS TO JUSTICE COURT OPERATIONS, by Senator E. Mayne, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2004

The Government Operations and Political Subdivisions Committee has tabled **H.B. 91**, UTAH ADMINISTRATIVE RULEMAKING ACT

AMENDMENTS, by Representative W. Harper, with the following amendments and has returned it to the Rules Committee for filing.

1. Page 5, Lines 136 through 146

136 (b) The proposed rule shall be sent to the sponsor of cited legislation if the legislation:

137 (i) creates an express, implied, or perceived obligation on the part of any agency to

138 draft a rule;

139 (ii) is cited by the agency as authority for the rule; and

140 (iii) was enacted no more than two years prior to the date that the rule is submitted to

141 the division.

(c) The notifications required under Subsections (3) and (8) are intended to assist the sponsoring legislator in reviewing proposed administrative rules.

(4)(a) An agency's lack of compliance with the notification requirements of

Subsections (3) and (8) does not constitute grounds for contesting any rule.

(b) Any concerns regarding an administrative rule may be addressed as provided in Sections 63−46a−5, 63−46a−11, 63−46a−12, and 63−46a−12.1.

142 [(3)] [[~~(4)~~]](5) (a) Each agency shall file its proposed rule and rule analysis with the division.

143 (b) Rule amendments shall be marked with new language underlined and deleted

144 language struck out.

145 (c) (i) The division shall publish the information required under this Subsection [(3)]

146 [[~~(4)~~]](5) on the rule analysis and the text of the proposed rule in the next issue of the bulletin.

renumber remaining subsections accordingly

Carlene Walker, Chair

Mr. President: February 26, 2004

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 212**, TRAFFIC ACCIDENT RESPONSE, by Representative E. Hutchings, to the Rules Committee with the following amendments:

1. Page 1, Lines 14 through 16:

14 and will result in significant delays to the traveling public; [[~~and~~]]

15 ▸ requires the Department of Public Safety to make rules to implement these

16 provisions ;

▸ requires the Department of Transportation to make an annual report to a committee or task force designated by the Legislative Management Committee on the implementation of these provisions and the rules made under these provisions; and

▸ makes technical changes .

2. Page 2, Lines 42 through 48:

42 (4) (a) If a peace officer determines that a vehicle must be removed either as a result of

43 a crash or otherwise in accordance with this chapter, the peace officer shall remove or cause the

44 vehicle to be removed by the quickest available safe means if:

45 (i) the incident is causing a safety hazard;

46 (ii) the incident is causing traffic delays; and

47 (iii) the traffic volume adjacent to the incident would result in significant delays to the

48 traveling public if the vehicle is not removed by the quickest available safe means.

3. Page 2, Lines 55 through 56:

55 conflict with this Subsection (4); [[~~and~~]]

56 (iii) allow a qualified tow truck in the proximity of the incident to respond if necessary ; (iv) require the peace officer to make a record of the reasons for the quickest available removal under this Subsection (4) and the tow truck motor carrier used for the removal; and

(v) provide that if a tow truck motor carrier is used:

(A) the peace officer shall make the request for the tow truck motor carrier through a public safety dispatcher; and

(B) any rules for the rotation of tow truck motor carriers shall require that the use of a tow truck motor carrier under this Subsection (4) is considered a turn for purposes of any rotation of tow truck motor carriers .

(5) The Department of Transportation shall make an annual report prior to the November meeting to a committee or task force designated by the Legislative Management Committee on the implementation of these provisions and on the rules made under Subsection (4) including statistical information on the use of a tow truck motor carrier out of rotation and the number of removals ordered under the provisions of Subsection (4). ; and

Greg Bell, Chair

Mr. President: February 26, 2004

The Natural Resources, Agriculture, and Environment Committee has held its last meeting and has returned **1st Sub. H.B. 254**, SOLID WASTE LANDFILL AMENDMENTS, by Representative D. G. Buxton, to the Rules Committee.

Beverly Ann Evans, Chair

The bills were returned to Rules.

* * *

On motion of Senator Valentine, the Senate voted to move to Second Reading Calendar to consider Senate bills.

SECOND READING CALENDAR

2nd Sub. S.B. 151, WASTE WATER AMENDMENTS, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 2, Line 26:
   Delete: "EXCLUDING A MUNICIPALITY"

Senator Thomas' motion to amend passed on a voice vote. Senators Hickman, Bell, and Valentine commented. The bill failed second reading on the following roll call:

Yeas, 10; Nays, 13; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	J. Evans	Hellewell
Hillyard	Jenkins	Killpack	Thomas
Valentine	Walker		

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Eastman	B. Evans	Hale	Hatch
Hickman	Knudson	Mayne	Stephenson
Waddoups			

Absent or not voting were: Senators

Blackham	Buttars	Gladwell	Julander
Wright	Mansell		

The bill will be returned to the staff for filing.

* * *

S.B. 159, ANNEXATION OF PUBLIC LAND TO SPECIAL AND LOCAL DISTRICTS, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Walker		

Absent or not voting were: Senators

Blackham	Buttars	Hickman	Julander
Waddoups	Wright	Mansell	

* * *

S.B. 158, CRIMINAL OFFENSE AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading 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	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Walker	

Absent or not voting were: Senators

Blackham	Hickman	Julander	Waddoups
Wright	Mansell		

* * *

S.B. 174, ADOPTION OF UNIFORM JUVENILE COMPACT, was read the second time. Senator Gladwell explained the bill. The bill passed second reading 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	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Blackham	Hickman	Julander	Wright
Mansell			

* * *

On motion of Senator Hellewell, the circle was removed from **2nd Sub. S.B. 216**, HEALTH PROVIDER REIMBURSEMENT AMENDMENTS, and it was before the Senate.

On motion of Senator Hellewell, **2nd Sub. S.B. 216**, HEALTH PROVIDER REIMBURSEMENT AMENDMENTS, will be considered Friday, February 27, 2004 at 9:30 a.m.

* * *

S.C.R. 6, UTAH ATHLETIC FOUNDATION RESOLUTION, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Blackham	Julander	Wright	Mansell

* * *

S.B. 229, TASK FORCE STUDY OF WILDFIRE IN UTAH, was read the second time. Senator Bev Evans explained the bill. The bill passed second reading 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	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Blackham	Hale	Julander	Wright
Mansell			

* * *

S.B. 213, MOTOR VEHICLES − CLEAN AIR DISCOUNTS, was read the second time. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 9, Line 273 through Page 10, Line 276

273 (6) "Hybrid electric vehicle" means a vehicle:

274 (a) in which an engine and an electric motor is installed; [[~~and~~]]

275 (b) in which both the engine[[~~described in Subsection (6)(a) assists~~]] and the electric motor assist in providing

276 propulsion ; and

(c) that meets or exceeds the vehicle emissions standards in 80 C.F.R. Parts 80, 85, and 86, Control of Air Pollution From New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements .

Senator Davis' motion to amend passed on a voice vote.

# # #

Senator Davis proposed the following amendment:

1. Page 1, Line 22

22 the clean fuel vehicle and the vehicle is a hybrid electric vehicle;

▸ provides that a clean fuel grant may not exceed $3,000 per vehicle; and

2. Page 11, Lines 315 through 325:

315 (c) The amount of a grant for any vehicle may not exceed:

316 (i) 50% of the actual cost of the vehicle conversion minus the amount of any tax credit

317 claimed under Section 59−7−605 or 59−10−127 for the vehicle for which a grant is requested , up to a maximum grant of $3,000 per vehicle ; or

318 (ii) 50% of the incremental cost of purchasing an OEM vehicle minus the amount of

319 any tax credit claimed under Section 59−7−605 or 59−10−127 for the vehicle for which a grant is

320 requested , up to a maximum grant of $3,000 per vehicle [.]; or

321 (iii) 10% of the manufacturer's suggested retail price of the OEM vehicle minus the

322 amount of any tax credit claimed under Section 59−7−605 or 59−10−127 for the vehicle for

323 which a grant is requested , up to a maximum grant of $3,000 per vehicle, if:

324 (A) there is no documented incremental cost; and

325 (B) the vehicle is a hybrid electric vehicle.

Senator Davis' motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; 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	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker

Voting in the negative was: Senator
Mayne

Absent or not voting were: Senators

Blackham	Julander	Wright	Mansell

* * *

S.B. 126, AMENDMENTS TO WARRANTS, was read the second time.

On motion of Senator Hellewell, the Senate voted to strike the enacting clause on **S.B. 126**.

* * *

S.B. 167, VICTIM RESTITUTION AMENDMENTS, was read the second time. Senator Bell explained the bill. Senators Hellewell and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Buttars
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Arent	Blackham	Dmitrich	Julander
Thomas	Wright	Mansell	

* * *

1st Sub. S.B. 53, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, was read the second time. Senator Waddoups explained the bill. Senator Valentine commented and declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 2; Absent, 7.

Voting in the affirmative were: Senators

Allen	Bell	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Voting in the negative were: Senators

Arent	Hale

Absent or not voting were: Senators

Blackham	Bramble	Hatch	Hickman
Julander	Wright	Mansell	

* * *

1st Sub. S.B. 176, FINANCIAL INSTITUTIONS AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading 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	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Eastman	Hatch	Julander
Wright	Mansell		

* * *

1st Sub. S.B. 178, MORTGAGE BROKER AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senator Hickman commented. Senators Allen and Hickman declared a conflict of interest. The bill passed second reading 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
J. Evans	Gladwell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Blackham	Bramble	Hale	Hatch
Hellewell	Julander	Wright	Mansell

* * *

1st Sub. S.B. 164, AMENDMENTS TO THE UTAH COMPREHENSIVE HEALTH INSURANCE POOL, was read the second time. Senator Davis explained the bill.

On motion of Senator Davis, the bill was circled.

* * *

On motion of Senator Walker, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Walker, the circle was removed from **H.B. 94**, HEALTH INSURANCE POOL, and it was before the Senate. Senator Walker explained the bill. Senator Davis commented. The bill failed on the following roll call:

Yeas, 14; Nays, 8; Absent, 7.

Voting in the affirmative were: Senators

Bell	Eastman	J. Evans	Gladwell
Hatch	Hillyard	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker		

Voting in the negative were: Senators

Allen	Blackham	Davis	Dmitrich
B. Evans	Hale	Hickman	Mayne

Absent or not voting were: Senators

Arent	Bramble	Buttars	Hellewell
Julander	Wright	Mansell	

H.B. 94 was returned to the staff for filing.

* * *

On motion of Senator Davis, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Davis, the circle was removed from **1st Sub. S.B. 164**, AMENDMENTS TO THE UTAH COMPREHENSIVE HEALTH INSURANCE POOL, and it was before the Senate. Senator Davis explained the bill. The bill failed on the following roll call:

Yeas, 11; Nays, 13; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Davis
Dmitrich	Hale	Hickman	Knudson
Mayne	Waddoups	Walker	

Voting in the negative were: Senators

Bell	Bramble	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hillyard
Jenkins	Killpack	Stephenson	Thomas
Valentine			

Absent or not voting were: Senators

Buttars	Hellewell	Julander	Wright
Mansell			

1st Sub. S.B. 164 was returned to the staff for filing.

* * *

On motion of Senator Davis, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Davis, the Senate voted to reconsider its action on **H.B. 94**.

H.B. 94, HEALTH INSURANCE POOL, was before the Senate, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Davis
Eastman	B. Evans	J. Evans	Hale
Hatch	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Voting in the negative were: Senators

Allen	Blackham	Dmitrich	Gladwell

Absent or not voting were: Senators

Buttars	Hellewell	Julander	Wright
Mansell			

H.B. 94, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Blackham, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. S.B. 29, ACCESS TO RURAL HEALTH CARE PROVIDERS, was read the second time. Senator Blackham explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Arent	B. Evans	Hellewell	Julander
Wright	Mansell		

* * *

S.B. 224, HOMELESS COORDINATING COMMITTEE, was read the second time. Senator Hale explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	

Absent or not voting were: Senators

Arent	Hellewell	Julander	Knudson
Wright	Mansell		

* * *

S.B. 172, EDUCATION ARTICULATION LEGISLATIVE TASK FORCE, was read the second time. Senator Jenkins explained the bill. Senator Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Buttars	Hellewell	Julander	Killpack
Knudson	Wright	Mansell	

INTRODUCTION OF BILLS

S.B. 248, **Transportation General Obligation Bond** (D. Eastman), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, the Senate voted to lift **H.B. 2, H.B. 328,** and **S.B. 248** from Rules and place them at the top of the Second Reading Calendar.

SECOND READING CALENDAR

H.B. 2, GENERAL OBLIGATION BONDS AUTHORIZATIONS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

H.B. 328, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 248, TRANSPORTATION GENERAL OBLIGATION BOND, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 201, PUNITIVE DAMAGES AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hickman	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Buttars	Hellewell	Julander
Knudson	Wright	Mansell	

* * *

On motion of Senator Arent, and at 4:15 p.m., the Senate sauntered.

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

* * *

On motion of Senator Waddoups and at 5:00 p.m., the Senate adjourned until 9:00 a.m., Friday, February 27, 2004.

FORTIETH DAY

MORNING SESSION

The Senate was called to order at 9:20 a.m., with President Al Mansell presiding.

Prayer − President Michael Thomas, President of the Centerville Utah Stake and Director of Administration for the LDS Church

Pledge of Allegiance − Senator James Evans

Roll Call − All Senators present except Senators Julander and Wright, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2004

The House passed, **1st Sub. S.B. 50**, RURAL PLANNING AND DEVELOPMENT, by Senator T. Hatch, 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. 124**, PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A COUNTY OR MUNICIPALITY, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 134**, GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 144**, CORPORATIONS SOLE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 50, 2nd Sub. S.B. 124, 1st Sub. S.B. 134, and **S.B. 144** 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, 2004

The House passed **H.B. 133**, PROPERTY TAX − VETERAN'S EXEMPTION, by Representative D. Bush, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 147**, MUNICIPAL CODE CONDEMNATION AMENDMENTS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 148**, OPTOMETRY AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 261**, GIFT CERTIFICATES − ELIMINATING EXPIRATION DATE, by Representative T. McCartney, and it is transmitted for consideration; and

The House passed **H.B. 332**, VETERANS SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed **H.B. 370**, TOURISM TAX ADVISORY BOARD, by Representative T. Kiser, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 133, H.B. 147, H.B. 148, 1st Sub. H.B. 261, H.B. 332,** and **H.B. 370** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, and at 9:25 a.m., the Senate recessed.

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

CONSENT CALENDAR

H.B. 213, CHANGES TO INVESTMENT ADVISORY COMMITTEE, 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Buttars	Julander	Knudson	Wright

H.B. 213 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 234**, SUNSET EXTENSION ON UNAUTHORIZED PRACTICE OF LAW, 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
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

B. Evans	Hatch	Hickman	Julander
Knudson	Thomas	Wright	

H.B. 234 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B. 207, OFFICE OF MUSEUM SERVICES AMENDMENTS, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

B. Evans	Hatch	Hickman	Julander
Knudson	Thomas	Wright	

1st Sub. S.B. 207 was transferred to the House.

* * *

1st Sub. H.B. 164, RESIDENT TUITION STATUS FOR NATIONAL GUARD MEMBERS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hellewell	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Bramble	B. Evans	Hatch
Hickman	Julander	Knudson	Thomas
Wright			

1st Sub. H.B. 164, as amended, was returned to the House for further consideration.

* * *

H.B. 237, DEPARTMENT OF CORRECTIONS − THERAPY PROVIDER QUALIFICATIONS, was read the third time, explained by Senator Davis, 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Hatch	Hickman	Julander	Wright

H.B. 237 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hillyard, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.J.R. 11**, RESOLUTION HONORING O. WILLIAM ASPLUND, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **S.J.R. 11**, RESOLUTION HONORING O. WILLIAM ASPLUND, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Julander Wright

S.J.R. 11 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, O. William Asplund spoke in Committee of the Whole. Senators Dmitrich, Arent, Valentine, Stephenson, Killpack, Hillyard, and Mansell commented.

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

TIME CERTAIN CALENDAR

2nd Sub. S.B. 216, HEALTH PROVIDER REIMBURSEMENT AMENDMENTS, was before the Senate and explained by Senator Hellewell.

Senator Knudson made the motion to return the bill to the Rules Committee for further interim study. Senators Knudson, Bramble, and Allen commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Jenkins	Killpack
Knudson	Mayne	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Hellewell	Hillyard	Stephenson	Thomas

Absent or not voting were: Senators

Blackham	Julander	Wright

2nd Sub. S.B. 216 was returned to the Rules Committee for interim study.

CONCURRENCE CALENDAR

On motion of Senator Waddoups, the Senate refused to concur in the House amendments to **S.B. 48,** UNIFORM FIREARM LAWS. The Senate requests that the House recede from its amendments. **S.B. 48** was returned to the House.

* * *

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 161**, JUDICIAL CONDUCT COMMISSION. Senators Thomas and Davis commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Stephenson	Thomas

Absent or not voting were: Senators

Blackham	B. Evans	Hickman	Julander
Valentine	Wright		

S.B. 161 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.B. 219**, AMENDMENTS TO JUSTICE COURT OPERATIONS. Senator Thomas commented. 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	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators
Blackham Hickman Julander Valentine
Wright

S.B. 219 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Waddoups, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bev Evans, the circle was removed from **H.B. 2**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, and it was before the Senate.

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

2nd Sub. H.B. 2 General Obligations Bonds Authorizations (L. Pace)

Senator Dmitrich proposed the following amendment:

1. 2, Line 32:

32 (1) The total amount of bonds issued under this section may not exceed [[~~$85,000,000~~]] $87,400,000 .

2. Page 3, Line 58:

58	Readiness Center	$42,500	$2,719,000
	College of Eastern Utah		
	San Juan Library	$127,200	$2,400,000

3. Page 3, Lines 60 through 65:

60	TOTAL CAPITAL		
61	DEVELOPMENT		
62	PROJECTS	[[~~$84,088,000~~]]	$86,488,000
63	----------		
64	TOTAL GENERAL OBLIGATION BOND AUTHORIZATION		

65 FOR CAPITAL DEVELOPMENT PROJECTS
[[~~$84,088,000~~]] $86,488,000

Senator Dmitrich's motion to amend passed on a voice vote.

# # #

Senator Hale motioned to amend the bill to include funding for retrofitting and renovating the University of Utah Marriott Library. On a voice vote of the body, the motion failed.

# # #

Senator Jenkins made a motion to reconsider the vote on Senator Dmitrich's amendment. The motion failed on a voice vote.

Senator Bev Evans explained the bill. Senators Buttars, Thomas, Dmitrich, Hale, and Arent commented.

On motion of Senator Bev Evans, under suspension of the rules, **2nd Sub. H.B. 2**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, 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

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	Hickman
Hillyard	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Arent	B. Evans	J. Evans	Gladwell
Hale	Hatch	Jenkins	Stephenson

Absent or not voting were: Senators

Blackham	Hellewell	Julander	Wright

2nd Sub. H.B. 2, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Eastman, the circle was removed from **S.B. 248**, TRANSPORTATION GENERAL OBLIGATION BOND, and it was before the Senate.

Senator Eastman proposed the following amendment:

1. Page 3, Line 121:
   Delete "$48,500,000" and insert "$50,000,000"

Senator Eastman's motion to amend passed on a voice vote.

On motion of Senator Eastman, under suspension of the rules, **S.B. 248**, TRANSPORTATION GENERAL OBLIGATION BOND, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Blackham	Julander	Wright

S.B. 248, as amended, was transmitted to the House.

* * *

On motion of Senator Bev Evans, the circle was removed from **H.B. 328**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, and it was before the Senate.

On motion of Senator Bev Evans, under suspension of the rules, **H.B. 328**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, 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

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

Voting in the negative were: Senators
Hickman Stephenson

Absent or not voting were: Senators
Allen Blackham Julander Wright

H.B. 328 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2004

The House passed, **S.J.R. 11**, RESOLUTION HONORING O. WILLIAM ASPLUND, 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.J.R. 11 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 27, 2004

The House passed, as substituted, **3rd Sub. H.B. 56**, LOCAL GOVERNMENT COLLECTION FOR SERVICE CHARGES, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 259**, SPECIAL NEEDS ADOPTION − PREPLACEMENT EVALUATIONS, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 266**, REVISIONS TO CHILD WELFARE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 310**, CHILD SUPPORT AMENDMENTS, by Representative K. Bryson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **3rd Sub. H.B. 56, 1st Sub. H.B. 259, 1st Sub. H.B. 266,** and **H.B. 310** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. H.B. 245, INSURANCE LAW REVISIONS, 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

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

Absent or not voting were: Senators

Allen	Blackham	Julander	Valentine
Wright			

1st Sub. H.B. 245, as substituted by the Senate, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the Senate voted to reconsider its action on **H.B. 328**. The bill was placed at the top of the Second Reading Calendar.

* * *

H.B. 93, DNA REIMBURSEMENT COSTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, **H.B. 328** was placed at the top of the Second Reading Calendar.

H.B. 328, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was before the Senate.

Senator Hickman proposed the following amendment:

1. Page 3, Line 74−87:
House Floor Amendments
Delete lines 74−87

Senator Bell commented.

Senator Hickman's motion to amend passed on the following roll call:

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

Voting in the affirmative were: Senators

Blackham	Buttars	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Allen	Arent	Bell	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Mayne		

Absent or not voting were: Senators

Bramble	Davis	Julander	Wright

On motion of Senator Bev Evans, under suspension of the rules, **H.B. 328**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Voting in the negative were: Senators

Arent	Buttars	Hale

Absent or not voting were: Senators

Bramble	Julander	Wright	Mansell

H.B. 328, as amended, was returned to the House for further consideration.

* * *

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 27, 2004

The House passed, as substituted and amended, **1st Sub. H.B. 268**, CHILD WELFARE PROCESSES, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 358**, AMENDMENTS TO ACCESS TO HEALTH CARE PROVIDERS, by Representative B. Dee, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 268** and **H.B. 358** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 203, **Benefits Amendments for Part−time State Employees** (L. Blackham), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Killpack, the circle was removed from **H.B. 93**, DNA REIMBURSEMENT COSTS. 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	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	J. Evans	Julander	Knudson
Wright			

H.B. 93 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 169, MAIL THEFT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker			

Absent or not voting were: Senators

Bramble	Eastman	Hellewell	Hickman
Julander	Waddoups	Wright	Mansell

H.B. 169 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hillyard, **H.B. 97** was lifted from the Third Reading Table and placed at the top of the Third Reading Calendar.

H.B. 97, PROTECTIVE ORDER 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	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Walker	Mansell

Absent or not voting were: Senators

Dmitrich	Hellewell	Julander	Waddoups
Wright			

H.B. 97 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. 207, HEALTH INSURANCE AMENDMENTS, was read the third time and explained by Senator Bell. Senator Mayne 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	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Dmitrich	Hickman	Julander
Waddoups	Wright		

2nd Sub. H.B. 207 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.J.R. 9, RESOLUTION SUPPORTING EFFORTS TO END HOMELESSNESS, was read the third time, explained by Senator Bell, 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	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Dmitrich	Hickman	Julander
Valentine	Wright		

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 of the House.

* * *

H.B. 218, PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION, was read the third time and explained by Senator Blackham.

Senator Blackham proposed the following amendment:

1. Page 4, Lines 90 through 91

90 (G) allergies: Ş [[~~{~~]]and[[~~}~~]]

90a[[(H) BLEEDING DISORDERS AND CONDITIONS RELATED TO A BLEEDING DISORDER; AND]]

91 [[~~{~~]](H)[[~~}~~]][] [[~~(I)~~]] Ş any specific or class of prescription drugs.

Senator Blackham's motion to amend passed on a voice vote. 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
Buttars	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	Dmitrich	Hickman	Julander
Valentine	Wright		

H.B. 218, as amended, was returned to the House for further consideration.

* * *

H.B. 74, EXTENSION OF SALES AND USE TAX EXEMPTION FOR STEEL INDUSTRY, was read the third time and explained by Senator Knudson.

Senator Mayne proposed the following amendment:

1. Page1, Lines 25 through 28

25 This bill:

26 ▸ [[~~extends the sunset date by ten years for the sales and use tax exemption for sales or~~

27 ~~leases of rolls, rollers, refractory brick, electric motors, or other replacement parts~~

28 ~~used in the furnaces, mills, or ovens of certain steel mills.~~]]

▸ provides intent language that recommends to the Executive Appropriations Committee that the additional sales and use tax generated by the sunset of the sales and use tax exemption for sales or leases of rolls, rollers, refractory brick, electric motors, or other replacements parts used in the furnaces, mills, or ovens of certain steel mills be used for certain purposes.

2. Page 9, Lines 267 through 271:

267 (30) (a) beginning on July 1, 1999, through June 30, [[~~[~~]]2004[[~~]~~]] [[~~2014~~]], sales or leases of rolls,

268 rollers, refractory brick, electric motors, or other replacement parts used in the furnaces, mills,

269 or ovens of a steel mill described in SIC Code 3312 of the 1987 Standard Industrial

270 Classification Manual of the federal Executive Office of the President, Office of Management

271 and Budget; and

(b) it is the intent of the Legislature to recommend to the Executive Appropriations Committee that the additional sales and use tax generated by the sunset of the exemption in Subsection (30)(i) be used to fund the waiting list for persons with disabilities;

Senator Mayne's motion to amend failed on the following roll call:

Yeas, 7; Nays, 17; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Mayne	

Voting in the negative were: Senators

Bell	Bramble	Buttars	Eastman
B. Evans	Gladwell	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Thomas	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Blackham	Hickman	Julander	Valentine
Wright			

Senator Bramble commented. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Stephenson
Thomas	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Mayne		

Absent or not voting were: Senators

Julander	Valentine	Wright

H.B. 74 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 226, LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS, was read the third time, explained by Senator Bev Evans, and 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	J. Evans	Gladwell

Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Waddoups	Walker
Mansell			

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

Julander	Valentine	Wright

1st Sub. H.B. 226, as amended, was returned to the House for further consideration.

* * *

S.B. 159, ANNEXATION OF PUBLIC LAND TO SPECIAL AND LOCAL DISTRICTS, 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
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bramble	Buttars	Julander	Valentine
Wright			

S.B. 159 was transmitted to the House.

* * *

S.B. 158, CRIMINAL OFFENSE AMENDMENTS, 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	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans

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

Absent or not voting were: Senators

Arent	Buttars	Julander	Wright

S.B. 158 was transmitted to the House.

* * *

S.B. 174, ADOPTION OF UNIFORM JUVENILE COMPACT, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Buttars	Julander	Wright

S.B. 174 was transmitted to the House.

* * *

S.C.R. 6, UTAH ATHLETIC FOUNDATION RESOLUTION, 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

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

Absent or not voting were: Senators

Allen	Buttars	Hatch	Julander
Wright			

S.C.R. 6 was transmitted to the House.

* * *

S.B. 229, TASK FORCE STUDY OF WILDFIRES IN UTAH, was read the third time, explained by Senator Bev Evans, 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	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Hatch	Julander	Wright

S.B. 229 was transmitted to the House.

* * *

On motion of Senator Blackham, the Senate voted to request the return of **1st Sub. S.B. 26** from the House for the purpose of amendments.

* * *

S.B. 213, MOTOR VEHICLES − CLEAN AIR DISCOUNTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Valentine	Walker		

Voting in the negative were: Senators
Thomas Waddoups Mansell

Absent or not voting were: Senators
Buttars Eastman Julander Wright

S.B. 213, as amended, was transmitted to the House.

* * *

S.B. 167, VICTIM RESTITUTION AMENDMENTS, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page2, Lines 31 through 36

31 (1) At the time a criminal information, indictment charging a violation, or a petition

32 alleging delinquency is filed, or at any time during the prosecution of the case, a prosecutor may petition the court to enter a restraining order or

33 injunction, require the execution of a satisfactory performance bond, or take any other action to

34 preserve the availability of property which may be necessary to satisfy an anticipated restitution

35 order if, in the prosecutor's best judgement, there is a substantial likelihood that a conviction

36 will be obtained and restitution will be ordered.

2. Page 2, Lines 37 through 40:

37 (a) Upon receiving a petition from a prosecutor under this Subsection (1), and after notice and a hearing, the court

38 may enter a restraining order or injunction, require the execution of a satisfactory performance

39 bond, or take any action necessary to preserve the availability of property which may be

40 necessary to satisfy an anticipated restitution order.

3. Page 2, Lines 55 through 58:

55 (i) there is [[~~a substantial likelihood that the state will prevail on the underlying criminal~~

56 ~~charges or allegation of delinquency~~]] probable cause to believe that a crime has been committed and that the defendant committed it, and that failure to enter the order will result in the

57 property being sold, distributed, exhibited, destroyed, or removed from the jurisdiction of the

58 court, or otherwise be made unavailable for restitution; and

Senator Bell'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	Bell	Blackham	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Arent	Buttars	Davis	Hickman
Julander	Wright		

S.B. 167, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 53, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 57 through 65

57 municipality prevents a billboard [[~~company~~]] owner from:

* * * *Some lines not shown* * * *

60 (ii) except as provided in Subsection [[~~(4)~~]] (3) (b), relocating or rebuilding a billboard

61 structure, or taking other measures, to correct a mistake in the placement or erection of a

62 billboard for which the municipality has issued a permit , if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit .

63 (b) A municipality's [[~~preventing~~]] denial of a billboard [[~~company from relocating or rebuilding~~]] owner's request to relocate or rebuild a

64 billboard structure, or [[~~taking~~]] to take other measures, in order to correct a mistake in the placement or erection

65 of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection (3)(a) if the mistake

2. Page 3, Line 70 through Page 4, Line 90:

70 (4) Notwithstanding Subsections (2) and (3), a [[~~legislative body~~]] municipality may remove a billboard

71 without providing compensation if[~~,~~]:

72 (a) the [[~~legislative body~~]] municipality determines:

** * * Some lines not shown * * **

80 (b) the [[~~legislative body~~]] municipality notifies the owner in writing that the owner's billboard meets one or more

** * * Some lines not shown * * **

83 (i) except as provided in Subsection (4)(c)(ii), 90 days following the billboard owner's receipt of written notice under

84 Subsection (4)(b); or

85 (ii) if the condition forming the basis of the municipality's intention to remove the

86 billboard is that it is structurally unsafe, [[~~seven~~]] ten business days , or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (4)(b);

87 and

88 (d) following the expiration of the applicable period under Subsection (4)(c) and after

89 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,

90 the [[~~legislative body~~]] municipality finds:

3. Page 4, Lines 97 through 100:

97 (5)[[~~If a~~]] A municipality [[~~allows~~]] may not allow a nonconforming billboard to be rebuilt for a reason other

98 than :
(a) those specified in Subsections (3) and (4) [[~~or for a reason other than~~]] ;
(b) those provided in Title

99 72, Chapter 7, Part 5, Utah Outdoor Advertising Act[[~~, the municipality shall allow billboards to~~

100 ~~be relocated~~]] ; and
(c) those specified in the municipality's ordinance requiring or allowing a billboard owner to relocate and rebuild an existing nonconforming billboard to an area within the municipality [[~~to an area~~]] where outdoor advertising is otherwise allowed

4. Page 5, Lines 134 through 142:

134 billboard [[~~company~~]] owner from:

** * * Some lines not shown * * **

137 (ii) except as provided in Subsection (3)(b), relocating or rebuilding a billboard

138 structure, or taking other measures, to correct a mistake in the placement or erection of a

139 billboard for which the county has issued a permit , if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit .

140 (b) A county's [[~~preventing~~]] denial of a billboard [[~~company from relocating or rebuilding~~]] owner's request to relocate or rebuild a billboard

141 structure, or [[~~taking~~]] to take other measures, in order to correct a mistake in the placement or erection of a

142 billboard does not constitute the initiation of acquisition by eminent domain under Subsection (3)(a) if the mistake in

5. Page 5, Line 147 through Page 6, Line 170:

147 (4) Notwithstanding Subsections (2) and (3), a [[~~legislative body~~]] county may remove a billboard

148 without providing compensation if[~~,~~]:

149 (a) the [[~~legislative body~~]] county determines:

* * * *Some lines not shown* * * *

157 (b) the [[~~legislative body~~]] county notifies the owner in writing that the owner's billboard meets one or more

* * * *Some lines not shown* * * *

160 (i) except as provided in Subsection (4)(c)(ii), 90 days following the billboard owner's receipt of written notice under

161 Subsection (4)(b); or

162 (ii) if the condition forming the basis of the county's intention to remove the billboard

163 is that it is structurally unsafe, [[~~seven~~]] ten business days , or a longer period if necessary because of a natural disaster, following the billboard owner's receipt of written notice under Subsection (4)(b); and

164 (d) following the expiration of the applicable period under Subsection (4)(c) and after

165 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,

166 the [[~~legislative body~~]] county finds:

* * * *Some lines not shown* * * *

170 (ii) by substantial evidence that the billboard is structurally unsafe[~~; (c) the billboard~~], is in an

6. Page 6, Lines 173 through 176:

173 (5)[[~~If a~~]] A county [[~~allows~~]] may not allow a nonconforming billboard to be rebuilt for a reason other than :

(a)

174 those specified in Subsections (3) and (4) [[~~or for a reason other than~~]] ;

(b) those provided in Title 72,

175 Chapter 7, Part 5, Utah Outdoor Advertising Act[[~~, the county shall allow billboards to be~~

176 ~~relocated~~]] ; and

(c) those specified in the county's ordinance requiring or allowing a billboard owner to relocate and rebuild an existing nonconforming billboard to an area within the [[~~municipality to an area~~]] county where outdoor advertising is otherwise allowed

Senator Waddoups' motion to amend passed on a voice vote. Senator Bev Evans commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	Gladwell
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Arent	B. Evans	Hale

Absent or not voting were: Senators

Buttars	J. Evans	Julander	Wright

1st Sub. S.B. 53, as amended, was transmitted to the House.

* * *

1st Sub. S.B. 176, FINANCIAL INSTITUTIONS 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Buttars	Julander	Wright

1st Sub. S.B. 176 was transmitted to the House.

INTENT LANGUAGE FOR 1ST SUB. S.B. 176

In passing 1st Sub. S.B. 176, Financial Institutions Amendments, it is the intent of the Legislature that the renaming of "industrial loan corporations" as "industrial banks" under this bill is not to have substantive legal effect on industrial loan corporations chartered under Utah law that are depository institutions as of the effective date of the bill. Under this bill an industrial bank is required to be a depository institution. Industrial loan corporations that are not depository institutions as of the effective date of the bill are grandfathered under this bill as "industrial loan companies" and would be subject to Title 7, Chapter 8, Industrial Banks, to the same extent as industrial banks except for provisions related to receiving and holding deposits.

It is the intent of the Legislature that all state and federal laws that before enactment of this bill, reference or apply to a Utah industrial loan corporation that is a depository institution as of the effective date of the bill, continue to reference or apply after passage of this bill, without any substantive legal change.

* * *

1st Sub. S.B. 178, MORTGAGE BROKER 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker			

Absent or not voting were: Senators

Buttars	Julander	Wright	Mansell

1st Sub. S.B. 178, as amended, was transmitted to the House.

* * *

1st Sub. S.B 29, ACCESS TO RURAL HEALTH CARE PROVIDERS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Buttars	Dmitrich	Hickman	Julander
Stephenson	Wright		

1st Sub. S.B. 29 was transmitted to the House.

* * *

S.B. 224, HOMELESS COORDINATING COMMITTEE, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Blackham	Buttars	Hickman	Julander
Stephenson	Wright	Mansell	

S.B. 224 was transmitted to the House.

* * *

S.B. 172, EDUCATION ARTICULATION LEGISLATIVE TASK FORCE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker		

Absent or not voting were: Senators

Blackham	Buttars	B. Evans	Hickman
Julander	Wright	Mansell	

S.B. 172 was transmitted to the House.

* * *

S.B. 201, PUNITIVE DAMAGES AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	B. Evans	Hickman	Julander
Wright	Mansell		

S.B. 201, as amended, was transmitted to the House.

SECOND READING CALENDAR

S.B. 222, LOCAL GOVERNMENT FEASIBILITY AND ECONOMIC IMPACT STUDIES, was read the second time.

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

1st Sub. S.B. 222 Local Government Feasibility and Economic Impact Studies (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Valentine, the Senate voted to move **S.B. 190** to the top of the Second Reading Calendar.

* * *

S.B. 190, SALES AND USE TAX EXEMPTION RELATING TO FILM, TELEVISION, AND VIDEO, was read the second time.

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

1st Sub. S.B. 190 Sales and Use Tax Exemption Relating to Film, Television, and Video (H. Stephenson)

On motion of Senator Valentine, under suspension of the rules, **1st Sub. S.B. 190**, SALES AND USE TAX EXEMPTION RELATING TO FILM, TELEVISION, AND VIDEO, was considered read the second and third times. Senator Valentine explained the bill. Senators Mayne and Arent 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	Eastman
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bramble	B. Evans	Gladwell	Hickman
Julander	Wright		

1st Sub. S.B. 190 was transmitted to the House.

* * *

On motion of Senator James Evans, under suspension of the rules, **S.B. 234**, STATE FAIR PARK LEASING AGREEMENTS, was considered read the second

and third times. Senator James 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
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Hale	Hickman	Julander	Wright

S.B. 234, as amended, was transmitted to the House.

* * *

S.B. 206, PROPERTY TAX AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Thomas commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bramble	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker

Absent or not voting were: Senators

Arent	Bell	Blackham	Buttars
Gladwell	Hickman	Julander	Wright
Mansell			

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives S. Urquhart, C. Webb, and T. McCarty to meet with a like

committee from the Senate to consider or amend **S.B. 48**, UNIFORM FIREARM LAWS, by Senator M. Waddoups.

Carole E. Peterson, Chief Clerk

Communications filed. A Conference Committee consisting of Senators Waddoups, Bell, and Mayne was appointed to meet with a like Committee from the House.

* * *

Mr. President: February 27, 2004

The House refused to concur with the Senate Amendments to **H.B. 328**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative L. Pace, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Bev Evans, the Senate voted to recede from their amendments to **H.B. 328**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS. Senators Stephenson, Allen, Valentine, and Thomas commented. The bill, with the Senate amendment removed, 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	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Killpack	Knudson	Mayne
Stephenson	Valentine	Waddoups	Walker
Mansell			

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

Hickman	Julander	Wright

H.B. 328 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

S.B. 202, UNEMPLOYMENT INSURANCE AMENDMENTS, was read the second time.

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

1st Sub. S.B. 202 Unemployment Insurance Amendments (H. Stephenson)

Senator Stephenson explained the bill. Senators Mayne and Jenkins commented. The bill passed second reading 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	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bramble	Hellewell	Hickman	Julander
Wright			

* * *

On motion of Senator Waddoups, under suspension of the rules, the following bills were lifted from Rules and placed at the top of the Second Reading Calendar: **H.B. 273, H.B. 260, 1st Sub. H.B. 283, H.B. 152, H.B. 165, 1st Sub. H.B. 283,** and **H.B. 168.**

On motion of Senator Waddoups, under suspension of the rules, **2nd Sub. H.B. 36** was placed below **H.B. 168** on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2004

The Speaker of the House has signed **S.B. 219**, AMENDMENTS TO JUSTICE COURT OPERATIONS, by Senator E. Mayne, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 219 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: February 27

The House concurred in the Senate amendments and passed **H.B. 60**, PROTECTION OF CHILDREN IN FOSTER CARE, by Representative D. Litvack, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 92**, BRUCELLOSIS VACCINATION AMENDMENTS, by Representative B. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 171**, INSURANCE FRAUD AMENDMENTS, by Representative J. Ferrin, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 229**, PUBLIC UTILITY EASEMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 60, 2nd Sub. H.B. 92, H.B. 171, H.B. 229 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

H.B. 273, TAX AND CHARGE AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Blackham, under suspension of the rules, **H.B. 260**, TOBACCO FUND ALLOCATION AMENDMENTS, was considered read the second and third times. 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

Arent	Bell	Blackham	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Allen	Bramble	Buttars	Hickman
Julander	Wright		

H.B. 260 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

* * *

On motion of Senator Blackham, under suspension of the rules, **1st Sub. H.B. 283**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was considered read the second and third times. 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

Arent	Bell	Blackham	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Allen	Bramble	Buttars	Hickman
Julander	Wright		

1st Sub. H.B. 283 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 152**, CHARTER SCHOOL GOVERNANCE, was considered read the second and third times. Senator Mayne commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Eastman
B. Evans	J. Evans	Gladwell	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Arent	Davis	Dmitrich	Hale
Mayne			

Absent or not voting were: Senators

Allen	Bramble	Hatch	Hickman
Julander	Wright		

H.B. 152 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

* * *

H.B. 165, CHILD PROTECTION REGISTRY, was read the second time. Senator Valentine explained the bill. Senators Waddoups and Buttars commented. The bill passed second reading, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 18; Nays, 1; Absent, 10.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hillyard	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative was: Senator
Hellewell

Absent or not voting were: Senators

Allen	Arent	Blackham	Bramble
Eastman	Hatch	Hickman	Julander
Mayne	Wright		

* * *

On motion of Senator Valentine, under suspension of the rules, **H.B. 168**, INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX TASK FORCE, was considered read the second and third times.

Senator Valentine proposed the following amendment:

1. Page 2, Line 28:
   Delete “$39,500” and insert “<u>$14,500</u>”

2. Page 4, Lines 101 and 102:
Delete Lines 101 and 102

Senator Valentine'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

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

Absent or not voting were: Senators

Allen	Hatch	Hickman	Julander
Wright			

H.B. 168, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Gladwell, under suspension of the rules, **2nd Sub. H.B. 36**, MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM, was considered read the second and third times. Senator Stephenson commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Dmitrich
Eastman	J. Evans	Gladwell	Hatch
Hellewell	Hillyard	Killpack	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Arent	Bramble	Davis	Hale
Jenkins	Knudson	Mayne	Stephenson

Absent or not voting were: Senators

Allen	B. Evans	Hickman	Julander
Wright			

2nd Sub. H.B. 36, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 273**, TAX AND CHARGE AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. Senator Thomas commented. The bill passed second reading, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Allen	Dmitrich	B. Evans	Hickman
Julander	Knudson	Wright	

* * *

On motion of Senator Waddoups, the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar: **H.B. 13, H.B. 247,** and **H.B. 28.**

* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 222**, LOCAL GOVERNMENT FEASIBILITY AND ECONOMIC IMPACT STUDIES, and it was before the Senate.

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

1st Sub. S.B. 222 Local Government Feasibility and Economic Impact Studies (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

H.B. 13, HAZARDOUS WASTE AND NONHAZARDOUS SOLID WASTE FEE AND TAX AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Mayne
Stephenson	Valentine	Waddoups	Walker
Mansell			

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

Allen	Dmitrich	B. Evans	Hickman
Julander	Knudson	Wright	

H.B. 13 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 247, TASK FORCE STUDYING WATER ISSUES, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Allen	B. Evans	Hickman	Julander
Knudson	Wright		

H.B. 247 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 28, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, 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

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Allen	B. Evans	Hickman	Julander
Knudson	Wright		

H.B. 28, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, the Senate voted to reconsider its action on **H.B. 152** for the purpose of substituting. The bill was placed at the top of the Second Reading Calendar.

* * *

H.B. 152, CHARTER SCHOOL GOVERNANCE, was before the Senate.

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

1st Sub. H.B. 152 Charter School Governance (M. Dillree)

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 152**, CHARTER SCHOOL GOVERNANCE, was considered read the second and third times and passed on the following roll call:

Yeas, 16; Nays, 4; Absent, 9.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Eastman
J. Evans	Gladwell	Hatch	Hellewell
Jenkins	Killpack	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Davis	Dmitrich	Hale	Mayne

Absent or not voting were: Senators

Allen	Arent	Buttars	B. Evans
Hickman	Hillyard	Julander	Knudson
Wright			

1st Sub. H.B. 152, as substituted, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2004

The House passed, as amended, **S.B. 248**, TRANSPORTATION GENERAL OBLIGATION BOND, by Senator D. Eastman, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Eastman, under suspension of the rules, the Senate voted to not concur with the House amendments to **S.B. 248** and requests the House recede from its amendments.

* * *

Mr. President: February 27, 2004

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 2**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, by Representative L. Pace, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 255**, WILDLIFE RESTITUTION AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. H.B. 2 and **H.B. 255** 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, 2004

The House passed **H.B. 324**, SAFE DRINKING WATER ACT AMENDMENT, by Representative B. Last, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 324** was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 27, 2004

The House refused to concur with the Senate Amendments to **H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Hatch, the Senate voted to refuse to recede from its amendments to **H.B. 88**. President Mansell appointed a conference committee consisting of Senators Hatch, Bev Evans, and Davis to meet with a like committee from the House.

* * *

On motion of Senator Valentine, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 163, PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION, was read the second time.

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

1st Sub. S.B. 163 Property Tax − Confidentiality of Certain Information (H. Stephenson)

Senator Stephenson explained the bill. Senators Thomas, Mayne, and Hatch commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Blackham	Hickman	Julander
Knudson	Wright		

* * *

S.B. 169, SALES AND USE TAX AGRICULTURAL EXEMPTIONS, was read the second time. Senator Gladwell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hillyard
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Allen	Blackham	Eastman	Hale
Hickman	Julander	Knudson	Wright

* * *

S.B. 210, MOTOR VEHICLE INSURANCE ENFORCEMENT AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 196, COURT FEE AMENDMENTS, was read the second time.

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

1st Sub. S.B. 196 Court Fee Amendments (D. Gladwell)

Senator Gladwell explained the bill. Senators Thomas, Hillyard, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Arent	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hatch	Hellewell	Killpack
Mayne	Thomas	Valentine	Waddoups
Walker			

Voting in the negative were: Senators

Bell	B. Evans	Hillyard	Jenkins
Stephenson	Mansell		

Absent or not voting were: Senators

Allen	Hale	Hickman	Julander
Knudson	Wright		

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2004

The House transmits **1st Sub. S.B. 26**, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, by Senator D. C. Buttars, for further consideration; and

Carole E. Peterson, Chief Clerk

On motion of Senator Blackham, **1st Sub. S.B. 26** was placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 26, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, was before the Senate.

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

2nd Sub. S.B. 26 Retirement and Firefighter Funding Amendments (D. C. Buttars)

The bill was explained by Senator Blackham. Senators Mayne, Davis, Buttars, Waddoups, Bramble, Dmitrich, and Arent commented.

On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator James Evans, the circle was removed from **S.B. 230**, PERFORMANCE PLUS − READING ACHIEVEMENT, and it was before the Senate.

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

1st Sub. S.B. 230 Performance Plus − Reading Achievement (J. Evans)

Senator James Evans proposed the following amendment:

1. Page 3, Lines 75 through 79 (8)(a) A school district that does not meet or exceed measurable goals stated in the district's or school's plan shall prepare a new plan which corrects deficiencies.
(b) The new plan shall be approved by the State Board of Education before the school district or charter school may use program monies in the next year.

75 [[~~(8)~~]] (9) (a) The State Board of Education shall make rules to implement the program.

76 (b) The rules under Subsection [[~~(8)~~]] (9) (a) shall require that to continue to qualify to use

77 program monies, a school district or charter school shall demonstrate that its program for

78 reading proficiency improvement has resulted in improved student reading proficiency, as

79 measured by gain scores.

Senator James Evans' motion to amend passed on a voice vote. Senator Evans explained the bill. Senators Arent, Waddoups, Gladwell, and Blackham commented. The bill passed on the following roll call:

Yeas, 20; Nays, 3; Absent, 6.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hillyard	Killpack	Mayne	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative were: Senators

B. Evans	Jenkins	Stephenson

Absent or not voting were: Senators

Allen	Dmitrich	Hickman	Julander
Knudson	Wright		

1st Sub. S.B. 230, as amended, was transmitted to the House.

* * *

On motion of Senator Bev Evans, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bev Evans, the circle was removed from **1st Sub. S.B. 191**, OIL AND GAS RELATED TAXES AND FEES, and it was before the Senate.

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

4th Sub. S.B. 191 Oil and Gas Related Taxes and Fees (B. Evans)

On motion of Senator Bev Evans, under suspension of the rules, **4th Sub. S.B. 191**, OIL AND GAS RELATED TAXES AND FEES, was considered read the second and third times. Senator Bev Evans explained the bill. Senators Blackham, Valentine, and Eastman commented. 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	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hatch

Hellewell	Hillyard	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Allen	J. Evans	Hickman	Julander
Knudson	Wright		

4th Sub. S.B. 191 was transmitted to the House.

* * *

On motion of Senator Blackham, 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. 26**, PUBLIC SAFETY RETIREMENT AND FIREFIGHTER FUNDING AMENDMENTS, and it was before the Senate.

Senator Blackham proposed the following amendment:

1. Page 4, Lines 114−120:
   Delete lines 114−120

Senator Blackham's motion to amend passed on a voice vote.

On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator Waddoups, and at 6:50 p.m., the Senate sauntered.

The Senate was called to order at 8:55 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2004

The House passed, **4th Sub. S.B. 191**, OIL AND GAS RELATED TAXES AND FEES, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House receded from its amendments and passed, **S.B. 248**, TRANSPORTATION GENERAL OBLIGATION BOND, 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. 16**, IDENTITY THEFT AMENDMENTS, 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

4th Sub. S.B. 191, S.B. 248 and **S.B. 16** 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, 2004

The House concurred in the Senate amendments and passed **1st Sub. H.B. 36**, MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 168**, INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX TASK FORCE, 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. 152**, CHARTER SCHOOL GOVERNANCE, by Representative M. Dillree, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. H.B. 36, H.B. 168, and **1st Sub. H.B. 152** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: February 27, 2004

The House passed, as amended, **H.C.R. 11**, RESOLUTION ON HIGHER EDUCATION REMEDIAL CLASSES, by Representative M. Dillree, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 11** was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 27, 2004

The House passed, as amended, **1st Sub. S.B. 199**, OUTSOURCING STATE JOBS, by Senator L. Blackham, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 135**, CENTER FOR MULTICULTURAL HEALTH, by Senator J. Evans, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 114**, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 72**, DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS, by Senator J. Hickman, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, by Senator L. Blackham, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 6**, RESOLUTION ON IMPEACHMENT AUTHORITY, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 230**, PERFORMANCE PLUS − READING ACHIEVEMENT, by Senator J. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: February 27, 2004

The House refused to concur with the Senate Amendments to **H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, by Representative R. Lockhart, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Walker, the Senate voted to refuse to recede from its amendments to **H.B. 28**. President Mansell appointed a conference committee

consisting of Senators Walker, Killpack, and Hale to meet with a like committee from the House.

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **2nd Sub. S.B. 26**, PUBLIC SAFETY RETIREMENT AND FIREFIGHTER FUNDING AMENDMENTS, and it was before the Senate.

On motion of Senator Buttars, the Senate voted to return the bill to the Rules Committee.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift from Rules and place the following bills at the top of the Second Reading Calendar: **H.B. 240, H.B. 293, H.B. 146.**

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **2nd Sub. H.B. 238** and **1st Sub. H.B. 195** from the Second Reading Calendar and move to the top of the Second Reading Calendar under **H.B. 146**.

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move **H.B. 239** to the top of the Second Reading Calendar.

* * *

On motion of Senator Waddoups and at 9:00 p.m., the Senate adjourned until 8:00 a.m., Monday, March 1, 2004.

FORTY−THIRD DAY

MORNING SESSION

The Senate was called to order at 9:00 a.m., with President Al Mansell presiding.

Prayer − Senator Peter Knudson
Pledge of Allegiance − Senator Sheldon Killpack
Roll Call − All Senators present except Senators Julander and Hillyard, excused

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

CONCURRENCE CALENDAR

1st Sub. S.B. 199, OUTSOURCING STATE JOBS, was before the Senate.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator James Evans, the Senate voted to concur in the House amendments to **S.B. 135**, CENTER FOR MULTICULTURAL HEALTH. 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	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Dmitrich	Eastman	Hillyard
Julander			

S.B. 135 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 114**, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS. 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	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Eastman	Hillyard	Julander

S.B. 114 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **S.B. 72**, DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS. 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	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Eastman	Hillyard	Julander
Stephenson			

S.B. 72 was returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B 51, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, was before the Senate.

On motion of Senator Valentine, the bill was circled.

* * *

S.J.R. 6, RESOLUTION ON IMPEACHMENT AUTHORITY, was before the Senate.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. SB. 230, PERFORMANCE PLUS − READING ACHIEVEMENT, was before the Senate.

On motion of Senator James Evans, the Senate refused to concur in the House amendments to **1st Sub. S.B. 230.** The Senate requests the House recede from its amendments. **1st Sub. S.B. 230** was returned to the House.

* * *

On motion of Senator Valentine, the circle was removed from **S.J.R. 6**, RESOLUTION ON IMPEACHMENT AUTHORITY, and it was before the Senate.

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.J.R. 6**, RESOLUTION ON IMPEACHMENT AUTHORITY. 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	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Hillyard	Julander

S.J.R. 6 was returned to the House for the signature of the Speaker of the House.

THIRD READING CALENDAR

S.B. 206, PROPERTY TAX AMENDMENTS, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Hillyard	Julander

S.B. 206 was transmitted to the House.

* * *

1st Sub. S.B. 202, UNEMPLOYMENT INSURANCE AMENDMENTS, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 3, Line 69:
   After "Subsection" delete "35" and insert "35A"

2. Page 3, Line 72:
   After "Subsection (2)(d)" delete "(iii)" and insert "(ii)"

3. Page 11, Line 315
   After line 315 insert "Section 3. Uncodified material.
   The Department of Workforce Services shall report to the Workforce Services and Community and Economic Development Interim

Committee in April, July, and October, 2004, on the implementation of Subsections 35A−4−303(2)(d), 35A−4−303(3)(c)(vii), 35A−4−303(4)(d), and 35A−4−401(2)(b)(iv) enacted in this Senate Bill 202."
and renumber subsequent Sections accordingly

Senator Stephenson'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
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Buttars	Hillyard	Julander

1st Sub. S.B. 202, as amended, was transmitted to the House.

* * *

H.B. 165, CHILD PROTECTION REGISTRY, was read the third time.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 273, TAX AND CHARGE AMENDMENTS, was read the third time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. S.B. 163, PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION, 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	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Arent	Hatch	Hillyard	Julander

1st Sub. S.B. 163 was transmitted to the House.

* * *

S.B. 169, SALES AND USE TAX AGRICULTURAL EXEMPTIONS, was read the third time, explained by Senator Allen, 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hatch	Hillyard	Julander

S.B. 169 was transmitted to the House.

* * *

1st Sub. S.B. 196, COURT FEE ADJUSTMENTS, was read the third time, explained by Senator Gladwell, and passed on the following roll call:

Yeas, 20; Nays, 6; 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	Killpack
Knudson	Mayne	Thomas	Walker

Voting in the negative were: Senators

Hellewell	Jenkins	Stephenson	Valentine
Waddoups	Mansell		

Absent or not voting were: Senators

Hillyard	Julander	Wright

1st Sub. S.B. 196 was transmitted to the House.

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 8**, UNEMPLOYMENT INSURANCE BENEFITS − SOCIAL SECURITY BENEFITS OFFSET. Senators Bramble, Stephenson, Mayne, and Hale commented and the bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	J. Evans	Hale
Jenkins	Killpack	Knudson	Mayne
Thomas	Walker	Mansell	

Voting in the negative were: Senators

Blackham	Bramble	Eastman	B. Evans
Gladwell	Hatch	Hellewell	Hickman
Stephenson	Valentine	Waddoups	Wright

Absent or not voting were: Senators

Hillyard	Julander

H.B. 8 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

* * *

On motion of Senator Blackham, the Senate voted to move to the Concurrence Reading Calendar.

CONCURRENCE CALENDAR

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 199**, OUTSOURCING STATE JOBS, and it was before the Senate.

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **1st Sub. S.B. 199**, OUTSOURCING STATE JOBS. 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
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Hillyard	Julander	Wright

1st Sub. S.B. 199 was returned to the House for signature of the Speaker of the House.

* * *

On motion of Senator Blackham, the circle was removed from **1st Sub. S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, and it was before the Senate.

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **1st Sub. S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE. 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	Hickman
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Hillyard	Julander	Knudson	Wright

1st Sub. S.B. 51 was returned to the House for signature of the Speaker of the House.

INTRODUCTION OF BILLS

S.B. 1, **Appropriations Act** (L. Blackham), read the first time by short title and referred to the Rules Committee.

S.B. 3, **Minimum School Program Act Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Bev Evans, the circle was removed from **H.B. 205**, STATE SETTLEMENT AGREEMENTS AMENDMENTS, and it was before the Senate. Senator Bev Evans explained the bill. The bill passed second reading 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Buttars	Hillyard	Julander	Wright

* * *

On motion of Senator Bev Evans, the circle was removed from **1st Sub. H.B. 217**, CHANGES TO DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT CONTRACT PROCEDURES AND REQUIREMENTS, and it was before the Senate. Senator Bev Evans explained the bill. The bill passed second reading 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	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Hillyard	Julander

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 222**, LOCAL GOVERNMENT FEASIBILITY AND ECONOMIC IMPACT STUDIES, and it was before the Senate. Senator Jenkins explained the bill. Senators Hellewell, Eastman, Thomas, Bramble, and Knudson commented. The bill passed second reading 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	Jenkins	Killpack
Knudson	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Mayne	Thomas	

Absent or not voting were: Senators

Blackham	Hillyard	Julander

* * *

H.B. 239, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Eastman, the Senate voted to allow Senator Eastman to open a bill file concerning state voting equipment acquisition.

* * *

H.B. 240, REVENUE AND TAXATION − OFFENSES AND PENALTIES, was read the second time. Senator Stephenson explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hillyard	Julander

* * *

H.B. 293, REPEAL OF NATIONAL GUARD EFFICIENCY BOARDS, was read the second time. Senator Hickman explained the bill. Senator Waddoups commented. The bill passed second reading, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Eastman	J. Evans	Hillyard	Julander
Killpack			

* * *

H.B. 146, COUNT COOPERATION AGREEMENTS WITH STATE FOR FIRE PROTECTION, was read the second time. Senator Bev Evans explained the

bill. The bill passed second reading, 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

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

Absent or not voting were: Senators

Hickman	Hillyard	Julander	Killpack

* * *

H.B. 238, WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS, was read the second time. Senator Mayne explained the bill. The bill passed second reading 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Hillyard	Julander

* * *

1st Sub. H.B. 195, CONSUMER PROTECTION AMENDMENTS, was read the second time. Senator Arent explained the bill. The bill passed second reading 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	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	J. Evans	Hillyard	Julander

* * *

3rd Sub. H.B. 231, REVIEW AND APPROVAL OF FEDERAL MONIES RECEIVED BY THE STATE, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.C.R. 3, RESOLUTION URGING PROTECTION OF UNITED STATES FROM WEAPONS OF MASS DESTRUCTION, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 106, HEALTH INSURANCE ACT AMENDMENTS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **H.C.R. 3**, RESOLUTION URGING PROTECTION OF UNITED STATES FROM WEAPONS OF MASS DESTRUCTION, and it was before the Senate. Senator Bramble explained the bill. Senator Arent commented.

On motion of Senator Bramble, under suspension of the rules, **H.C.R. 3**, RESOLUTION URGING PROTECTION OF UNITED STATES FROM WEAPONS OF MASS DESTRUCTION, 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

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Arent	Hale	Mayne

Absent or not voting were: Senators

Blackham	J. Evans	Hillyard	Julander
Wright			

H.C.R. 3 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

* * *

On motion of Senator Bramble, the circle was removed from **3rd Sub. H.B. 66**, STATE SPENDING AND DEBT LIMITATIONS AMENDMENTS, and it was before the Senate. On motion of Senator Bramble, under suspension of the rules, **3rd Sub. H.B. 66** was considered read the first and second times. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Davis	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Allen	Arent	Dmitrich

Absent or not voting were: Senators

J. Evans	Hillyard	Julander	Wright

* * *

H.C.R. 1, RESOLUTION URGING OPEN SPACE ALONG JORDAN RIVER TRAIL, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Dmitrich	Eastman
B. Evans	Gladwell	Hale	Hellewell
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Davis	J. Evans	Hatch	Hickman
Hillyard	Julander	Wright	

* * *

2nd Sub. H.B. 128, AMENDMENTS TO OPERATING UNDER THE INFLUENCE, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 11, Lines 331 through 333

331 (1) (a) A person operating a motor vehicle in this state is considered to have given [~~his~~]

332 [[~~that~~]] the person's consent to a chemical test or tests of [~~his~~] the person's breath, blood, [~~or~~] urine, or

333 oral fluids for the purpose of determining whether [~~he~~] the person was operating or in actual

Senator Waddoups' motion to amend passed on a voice vote. Senator Eastman commented. The bill passed second reading 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	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Hickman	Hillyard	Julander
Wright			

* * *

On motion of Senator Waddoups, and at 10:50 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2004

The House passed, **S.B. 40**, CESAR CHAVEZ SCHOLARSHIP 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. 146**, OLYMPIC LAW REVISIONS AND CLEANUP, 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. 154**, SCHOOL BUILDING LEGISLATIVE TASK FORCE, 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 **S.B. 161**, JUDICIAL CONDUCT COMMISSION, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, **S.B. 182**, ASSISTANT ADJUTANT GENERAL QUALIFICATIONS, 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. 184**, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 187**, WATER CONSERVANCY DISTRICTS TRUSTEES, 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.C.R. 4**, RESOLUTION RECOGNIZING 50TH ANNIVERSARY OF LANDMARK CASE OF BROWN V. BOARD OF EDUCATION, 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. 40, S.B. 146, S.B. 154, S.B. 161, S.B. 182, S.B. 184, S.B. 187 and **S.C.R. 4** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 1, 2004

The House concurred in the Senate amendments and passed **H.B. 94**, HEALTH INSURANCE POOL, 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. 164**, RESIDENT TUITION STATUS FOR NATIONAL GUARD MEMBERS, by Representative B. King, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 94 and **1st Sub. H.B. 164** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

Mr. President: March 1, 2004

The House passed **H.B. 335**, PENALTY FOR USING FAKE IDENTIFICATION, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed **H.C.R. 15**, RESOLUTION RECOGNIZING MILITARY APPRECIATION WEEK, by Representative J. S. Adams, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 335** and **H.C.R. 15** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 1, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives Lockhart, Dougall, and Hansen to meet with a like committee

from the Senate to consider or amend **H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, by Representative R. Lockhart; and

The Speaker of the House has appointed a Conference Committee consisting of Representatives Johnson, Noel, and Gowans to meet with a like committee from the Senate to consider or amend **H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson.

Carole E. Peterson, Chief Clerk

SECOND READING CALENDAR

H.B. 197, LIMIT ON CHILD WELFARE RECOMMENDATIONS AND RULINGS, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 59, LIEN FOR HOMEOWNER ASSOCIATION CHARGES, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 197**, LIMIT ON CHILD WELFARE RECOMMENDATIONS AND RULINGS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Dmitrich	Eastman	B. Evans
Gladwell	Hellewell	Jenkins	Killpack
Knudson	Mayne	Thomas	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Davis	J. Evans	Hale
Hatch	Hickman	Hillyard	Julander
Stephenson	Valentine	Wright	

* * *

2nd Sub. S.B. 239, UNFAIR BUSINESS PRACTICES, was read the second time.

On motion of Senator Dmitrich, the bill was circled.

* * *

1st Sub. H.B. 182, CONSTRUCTION LIEN AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

1st Sub. H.B. 215, BUILDING STANDARDS AMENDMENTS, was read the second time. Senator Wright explained the bill.

Senator Wright proposed the following amendment:

1. Page 2, Line 41:
   After "domestic animals" insert a period and delete the remainder of line 41

Senator Wright's motion to amend passed on a voice vote. The bill passed second reading 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	Hickman
Jenkins	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	J. Evans	Hale
Hillyard	Julander	Stephenson	

* * *

H.B. 219 , CONSTRUCTION BOND AMENDMENTS, was read the second time.

On motion of Senator Wright, the bill was circled.

* * *

On motion of Senator Dmitrich, the circle was removed from **2nd Sub. S.B. 239**, UNFAIR BUSINESS PRACTICES, and it was before the Senate.

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

3rd Sub. S.B. 239 Unfair Business Practices (M. Dmitrich)

Senator Dmitrich explained the bill. Senators Thomas, Bramble, and Bell commented.

Senator Bramble proposed an amendment that was not acted on.

On motion of Senator Dmitrich, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 182**, CONSTRUCTION LIEN AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page2, Lines 29 through 30

29 (1) [[{]]A[[}]] [[~~After a lien claimant provides a written notice pursuant to Section 38−1−30, a~~]]

30 lien claimant shall file an action to enforce the lien filed under this chapter within:

2. Page 3, Lines 71 through 74b
House Floor Amendments
2−6−2004:

71 (1) Before filing a mechanics lien pursuant to Section [[~~38−1−11~~]] 38−1−7 , the person or entity

72 claiming a lien shall give Ĥ NOT LESS THAN Ĥ 15 business days written notice by signature

72a confirmation mail to the

73 person or entity to whom the lien claimant supplied labor, materials, equipment, or services for

74 the improvement of real property, stating the amount of any claim and from whom it is due.

74a Ĥ (2) FAILURE TO GIVE NOTICE AS PROVIDED IN THIS SECTION DOES NOT IMPAIR THE

74b RIGHT OF THE LIEN CLAIMANT TO FILE A LIEN. Ĥ

Senator Jenkins' motion to amend passed on a voice vote. Senator Mayne 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	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	

Absent or not voting were: Senators

Buttars	Hickman	Hillyard	Julander
Walker	Mansell		

* * *

On motion of Senator Blackham, the circle was removed from **H.B. 106**, HEALTH INSURANCE ACT AMENDMENTS, and it was before the Senate. Senator Blackham explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Wright		

Absent or not voting were: Senators

Buttars	Hickman	Hillyard	Jenkins
Julander	Walker	Mansell	

* * *

On motion of Senator Wright, the circle was removed from **H.B. 219**, CONSTRUCTION BOND AMENDMENTS, and it was before the Senate. Senator Wright explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Wright			

Absent or not voting were: Senators

Buttars	B. Evans	Hickman	Hillyard
Jenkins	Julander	Walker	Mansell

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 210**, MOTOR VEHICLE INSURANCE ENFORCEMENT AMENDMENTS, and it was before the Senate.

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

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2004

The Speaker of the House has signed **1st Sub. S.B. 51**, EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 72**, DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 114**, AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 135**, CENTER FOR MULTICULTURAL HEALTH, by Senator J. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 199**, OUTSOURCING STATE JOBS, by Senator L. Blackham, and it is transmitted for the signature of the President; and

The House passed, **S.B. 204**, REDEVELOPMENT AGENCY CHANGES, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 6**, RESOLUTION ON IMPEACHMENT AUTHORITY, by Senator J. Valentine, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 51, S.B. 72, S.B. 114, S.B. 135, 1st Sub. S.B. 199, S.B. 204, and **S.J.R. 6** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 1, 2004

The House passed **H.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 115**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, by Representative J. M. Philpot, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1** and **3rd Sub. H.B. 115** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 1, 2004

The House substituted and passed, **2nd Sub. S.B. 47**, UNIFORM TRUST CODE, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 58**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 91**, EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 128**, LONG−TERM CARE FACILITIES AMENDMENTS, by Senator L. Blackham, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 1, 2004

The House refuses to recede from its amendments to **1st Sub. S.B. 230**, PERFORMANCE PLUS − READING ACHIEVEMENT, by Senator J. Evans, and has appointed a Conference Committee consisting of Representatives Allen, Styler, and Gowans to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 230**. President Mansell appointed a conference committee consisting of Senators James Evans, Valentine and Hale to meet with a like committee from the House.

* * *

Mr. President: March 1, 2004

The House has rejected **2nd Sub. S.B. 106**, DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES, by Senator D. C. Buttars, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 106 was returned to the staff for filing.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 1, 2004

The Joint Conference Committee comprised of Sens. Walker, Killpack, and Hale, and Reps. Lockhart, Dougall, and Hansen, recommends **H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, by Representative R. Lockhart, be replaced and favorably recommends **1st Sub. H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION.

Sen. Carlene Walker and
Rep. Rebecca Lockhart

On motion of Senator Walker, the Senate voted to accept the Joint Conference Committee Report. 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	Eastman
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	B. Evans	Gladwell	Hillyard
Julander	Stephenson	Wright	

1st Sub. H.B. 28 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Dmitrich, the circle was removed from **3rd Sub. S.B. 239**, UNFAIR BUSINESS PRACTICES, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 37 through 42

37 (3) (a) Except as provided in Subsection (3)[[~~(b)~~]] (c) , "unfair competition" means a business

38 act or practice that:

39 (i) is unlawful, unfair, or fraudulent; and

40 (ii) leads to a material diminution in value of intellectual property.

(b) "Unfair competition" includes:

(i) damaging an Internet website;

(ii) computer hacking;

(iii) cyber−terrorism;

(iv) misuse of a patent, trademark, or trade name;

(v) a software license violation;

(vi) misuse of an Internet domain name;

(vii) misleading Internet domain name directions;

(viii) predatory hiring practices;

(ix) encouraging a person to violate a provision of an employment contract that prohibits competition or disclosure; or

(x) making false or misleading claims.

41 [[~~(b)~~]] (c) Notwithstanding [[~~Subsection~~]] Subsections (3)(a) or (b) , "unfair competition" does not include the

42 departure and hiring of an employee by a competitor.

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Dmitrich, under suspension of the rules, **3rd Sub. S.B. 239**, UNFAIR BUSINESS PRACTICES, was considered read the second and third times. Senator Dmitrich explained the bill. Senator Hickman commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Stephenson

3rd Sub. S.B. 239, as amended, was transmitted to the House.

* * *

On motion of Senator Hatch, the circle was removed from **H.B. 59**, LIEN FOR HOMEOWNER ASSOCIATION CHARGES, and it was before the Senate. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 3, Lines 74n through 74s
   Senate Committee Amendments
   2−24−2004

74n "(5) A LIEN DESCRIBED IN THIS SECTION IS VALID ONLY IF[[:]]

74o [[~~(a) THE ASSOCIATION MAINTAINS CURRENT RECORDS FOR ITS OFFICERS, DIRECTORS,~~

74p ~~AND TRUSTEES WITH THE DIVISION OF CORPORATIONS AND COMMERCIAL CODE; AND~~]]

74q [[~~(b)~~]]THE RECORDING OF NOTICE OF LIEN CONTAINS:

74r [[~~(i)~~]] (a) A [[~~DAY TIME~~]] TELEPHONE NUMBER OF THE ASSOCIATION or the association's appointed representative ; AND

74s [[~~(ii)~~]] (b) A MAILING ADDRESS OF THE ASSOCIATION or the association's appointed representative ." Ş

Senator Hatch's motion to amend passed on a voice vote. Senator Waddoups 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	Eastman	B. Evans
Hale	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Davis	Dmitrich	J. Evans	Gladwell
Hillyard	Julander		

* * *

S.B. 221, MATERNITY HEALTH CARE, was read the second time.

On motion of Senator Mayne, the bill was returned to the Rules Committee for interim study.

* * *

1st Sub. H.B. 54, VIDEOTAPE OF MINORS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.J.R. 16, RESOLUTION AMENDING RULES OF CIVIL PROCEDURE − JUDGMENT, was read the second time. Senator Valentine explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hickman	Hillyard	Julander
Mayne			

* * *

S.B. 205, CERTIFICATION OF CRANE OPERATORS, was read the second time.

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

* * *

1st Sub. H.B. 199, DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING, was read the second time. Senator Hale explained the bill. The bill passed second reading 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	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Buttars	Davis	Hillyard	Julander
Mayne			

* * *

On motion of Senator Wright, under suspension of the rules, **1st Sub. S.C.R. 2**, RESOLUTION REGARDING CONSTRUCTION OF WASTE FACILITY, was considered read the second and third times. Senator Wright explained the bill. Senator Valentine 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	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Davis	Hillyard	Julander

1st Sub. S.C.R. 2 was transmitted to the House.

* * *

S.B. 250, PROHIBITION OF CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, was read the second time.

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

1st Sub. S.B. 250 Prohibition of Class Actions Relating to Taxes or Fees (J. Valentine)

Senator Valentine explained the bill. Senators Arent, Bramble, and Stephenson commented.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Buttars, the circle was removed from **1st Sub. H.B. 54**, VIDEOTAPE OF MINORS, and it was before the Senate.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 256, EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hillyard
Julander	Mayne	Wright	

* * *

On motion of Senator Eastman, under suspension of the rules, **S.B. 225**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE, was considered read the second and third times. Senator Eastman explained the bill. Senators Valentine and Jenkins commented. 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	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hickman	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hatch
Hellewell	Hillyard	Julander	Mayne
Wright			

S.B. 225 was transmitted to the House.

* * *

On motion of Senator James Evans, under suspension of the rules, **S.B. 218**, LAW ENFORCEMENT OVERTIME FUND, was considered read the second and third times. Senator James Evans explained the bill. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Bell	Blackham	Bramble	Gladwell
Hatch	Hellewell	Hillyard	Julander
Mayne	Wright		

S.B. 218 was transmitted to the House.

* * *

On motion of Senator Waddoups, under suspension of the rules, **S.B. 192**, LOAN TRANSACTIONS AMENDMENTS, was considered read the second and third times. Senator Waddoups explained the bill. Senator Walker commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	J. Evans
Hale	Hatch	Hellewell	Hickman
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Bell	Bramble	B. Evans	Gladwell
Hillyard	Julander	Mayne	

S.B. 192, as amended, was transmitted to the House.

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to lift **S.B. 3** and **H.B. 1** from Rules and place them at the top of the Second Reading Calendar.

* * *

On motion of Senator Stephenson, under suspension of the rules, **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was considered read the second and third times. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 10, Lines 296 through 297

296 (r) Interventions for Student Success Block Grant Program, [[~~$15,308,708, of which~~

297 ~~$400,000 shall be used for special intervention summer programs~~]] $14,908,708 ;

2. Page 11, Line 308:

308 [~~(cc)~~] (bb) charter schools, pursuant to Section 53A−1a−513, [~~$2,377,172~~][[~~$4,602,450~~]] $5,002,450 .

Senator Stephenson's motion to amend passed on a voice vote. Senator Bev Evans commented. The bill passed on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Allen	Blackham	Davis	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative was: Senator
Arent

Absent or not voting were: Senators

Bell	Bramble	Buttars	Dmitrich
Gladwell	Hillyard	Julander	Mayne

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

* * *

On motion of Senator Blackham, under suspension of the rules, **H.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. Senator Stephenson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Blackham	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Arent	Bell	Bramble	Gladwell
Hickman	Hillyard	Julander	Mayne
Wright			

H.B. 1 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 1, 2004

The House passed, **S.B. 177**, PROPERTY TAX − OUTDOOR ADVERTISING, 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. 177 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 1, 2004

The House passed, as substituted and amended, **3rd Sub. H.B. 140**, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, by Representative L. Christensen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **3rd Sub. H.B. 140** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 1, 2004

The House substituted and passed, **1st Sub. S.B. 131**, UNIFORM PRINCIPAL AND INCOME ACT, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, by Senator D. C. Buttars, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 1, 2004

The House passed, as amended, **H.B. 79**, RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE, by Representative C. Duckworth, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hickman, **H.B. 79** was placed at the top of the Third Reading Calendar.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 1, 2004

The Joint Conference Committee comprised of Sens. James Evans, Howard Stephenson, and Karen Hale, and Reps. Craig Frank, Greg Curtis, and Ralph Becker, recommends **1st Sub. H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative C. Frank, be replaced and favorably recommends **2nd Sub. H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE.

Sen. James Evans and
Rep. Craig Frank

On motion of Senator James Evans, the Senate voted to adopt the Joint Conference Committee Report. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hickman
Jenkins	Killpack	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hellewell
Hillyard	Julander	Knudson	Mayne

2nd Sub. H.B. 40 was returned to the House for further consideration.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 1, 2004

The Rules Committee recommends the assignment of the following House bills and resolutions to the bottom of Second Reading Calendar:

3rd Sub. H.B. 56	Local Government Collection for Service Charges (Rep. S. Mascaro) (Sen. J. Valentine)
1st Sub. H.B. 70	Geriatric Care Managers (Rep. R. Lockhart) (Sen. S. Killpack)
H.B. 85	Health Insurance Mandate Amendments (Rep. R. Lockhart) (Sen. C. Bramble)
1st Sub. H.B. 90	Access to Child Welfare Hearings (Rep. M. Morley) (Sen. D. Thomas)
H.B. 158	Water Shares in a Municipal Water Company (Rep. G. Hughes) (Sen. H. Stephenson)
H.B. 248	Disclosure of Higher Education Costs (Rep. R. Bigelow) (Sen. L. Blackham)
1st Sub. H.B. 262	Penalties for Providing False or Misleading Information in Court (Rep. J. Alexander) (Sen. C. Bramble)
1st Sub. H.B. 268	Child Welfare Processes (Rep. M. Thompson) (Sen. C. Bramble)
H.B. 302	Voluntary Contribution Act Amendments (Rep. M. Styler) (Sen. J. Valentine)
3rd Sub. H.B. 323	Spyware Regulation (Rep. S. Urquhart) (Sen. J. Valentine)
H.B. 332	Veterans Special Group License Plate Amendments (Rep. S. Mascaro) (Sen. D. Eastman)
H.B. 341	Children's Internet Protection Act (Rep. M. Noel) (Sen. T. Hatch)
3rd Sub. H.J.R. 12	Resolution − Exception to Subscribing to Stock Prohibition (Rep. G. Curtis) (Sen. J. Valentine)
1st Sub. H.J.R. 17	Resolution Urging Action for Apparent Breaches of Utah's Enabling Act and Federal Constitution (Rep. M. Noel) (Sen. T. Hatch)
H.J.R. 20	Resolution Regarding Radiation Exposure Compensation Act (Rep. D. Peterson) (Sen. T. Hatch)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

On motion of Senator Waddoups, and at 4:15 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: March 1, 2004

The House passed, as amended, **1st Sub. S.B. 185**, PUBLIC EDUCATION AMENDMENTS, by Senator T. Hatch, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

JOINT CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Sens. Beverly Evans, Tom Hatch, and Gene Davis, and Reps. Brad Johnson, Mike Noel, and James Gowans, recommends **H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson, be replaced and favorably recommends **1st Sub. H.B. 88**, STATE LAND USE MANAGEMENT PLANS.

Sen. Beverly Evans and
Rep. Brad Johnson

On motion of Senator Bev Evans, the Senate voted to adopt the Joint Conference Committee Report. 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	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Davis	Hillyard	Julander
Mayne			

1st Sub. H.B. 88 was returned to the House for further consideration.

* * *

On motion of Senator Bev Evans, the Senate voted to recall **4th Sub. S.B. 191** from enrolling and placing it at the top of the Third Reading Calendar.

On motion of Senator Bev Evans, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

4th Sub. S.B. 191, OIL AND GAS RELATED TAXES AND FEES, was before the Senate, explained by Senator Bev Evans.

Senator Bev Evans proposed the following amendment:

1. Page 10, Line 301 through Page 11, Line 306

301 (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated

302 under Subsection [[~~(2)(d)(i)(A)~~]] (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection

303 [[~~(2)(d)(i)(B)~~]] (2)(d)(i)(A) ; or

304 (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated

305 under Subsection [[~~(2)(d)(i)(A)~~]] (2)(d)(i)(B) is greater than the amount of revenues estimated under

306 Subsection [[~~(2)(d)(i)(B)~~]] (2)(d)(i)(A) .

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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Hillyard	Julander	Mayne

4th Sub. S.B. 191, as amended, was transmitted to the House.

* * *

On motion of Senator Waddoups, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

2nd Sub. H.B. 111, MUNICIPAL GOVERNMENT AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading 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	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Julander
Mayne			

* * *

1st Sub. H.B. 22, CIVIC AND CHARACTER EDUCATION IN SCHOOLS, was read the second time. Senator Stephenson explained the bill. Senators Walker, Hickman, Allen, Bev Evans, Thomas, Arent, Hellewell, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Arent	Bell	Buttars	Davis
Eastman	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Wright
Mansell			

Voting in the negative were: Senators

Allen	Dmitrich	B. Evans	Hickman
Waddoups	Walker		

Absent or not voting were: Senators

Blackham	Bramble	Gladwell	Hillyard
Julander	Mayne		

* * *

1st Sub. H.B. 100, SCHOOL PROFESSIONAL DEVELOPMENT DAYS, was read the second time. Senator Hatch explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Killpack	Knudson	Stephenson
Valentine	Walker	Wright	

Voting in the negative were: Senators

Arent	Hale	Jenkins	Mansell

Absent or not voting were: Senators

Buttars	Hillyard	Julander	Mayne
Thomas	Waddoups		

* * *

On motion of Senator Bramble, the circle was removed from **H.J.R. 8**, RESOLUTION AUTHORIZING THE LEGISLATURE TO CALL ITSELF INTO SESSION, and it was before the Senate. Senator Bramble explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 2, Lines 55 through 56

55 item returned by the Governor, the Legislature may convene itself into session with the

56 concurrence of two−thirds of the members [[~~elected to~~]] of each party in each house, as provided in Subsection (2).

2. Page 3, Lines 59 through 63:

59 session for one or more specified items of legislative business. If two−thirds of the members of each party in

60 each house are in favor of convening for one or more of the specified items of legislative

61 business, the Legislature shall be convened in session at a time set jointly by the presiding

62 officer of each house, to transact that legislative business for which two−thirds of the members

63 of each party in each house were in favor of convening into session, or other legislative business as the

3. Page 3, Lines 66 through 68:

66 (a) the Legislature may not transact any of the legislative business specified by

67 two−thirds of the members [[~~elected to~~]] of each party in each house for which the Legislature has failed to provide

68 48 hours advance public notice; and

4. Page 3, Lines 81 through 83:

81 such other legislative business as the Governor may call to its attention while in session[~~,~~

82 ~~subject to Subsection (1)(b)~~] or as specified while in session by two−thirds of the members

83 [[~~elected to~~]] of each party in each house. The Legislature, however, may provide for the expenses of the session

5. Page 4, Lines 91 through 93:

91 (b) the Legislature may not transact any legislative business specified by two−thirds of

92 the members [[~~elected to~~]] of each party in each house for which the Legislature has failed to provide 48 hours

93 advance public notice.

Senator Dmitrich's motion to amend failed on a voice vote. Senators Hellewell, Valentine, Stephenson, Eastman, Knudson, and Allen commented. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Eastman
J. Evans	Gladwell	Hickman	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	

Voting in the negative were: Senators

Allen	Arent	Blackham	Davis
Dmitrich	B. Evans	Hale	Hatch
Hellewell	Mayne	Wright	Mansell

Absent or not voting were: Senators

Hillyard	Julander

On motion of Senator Hickman, **H.J.R. 8** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 250**, CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 2, Line 52:
   After "action" insert "brought under this section"

Senator Valentine's motion to amend passed on a voice vote. Senator Valentine explained the bill. Senator Stephenson commented.

On motion of Senator Valentine, under suspension of the rules, **1st Sub. S.B. 250**, CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale

Hatch	Hellewell	Hickman	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators
Jenkins Stephenson

Absent or not voting were: Senators
J. Evans Hillyard Julander

1st Sub. S.B. 250 was transmitted to the House.

* * *

On motion of Senator Buttars, the Senate voted to lift **2nd Sub. S.B. 26** from Rules and place it on the Third Reading Calendar below **H.B. 273**.

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **H.B. 273**, TAX AND CHARGE AMENDMENTS. Senator Valentine explained the bill.

Senator Blackham proposed the following amendment:

1. Page 1, Lines 26−27:
   House Floor Amendments
   2−25−2004
   Delete lines 26−27

2. Page 2, Lines 28−31:
   House Floor Amendments
   2−25−2004
   Delete lines 28−31

3. Page 55, Lines 1694−1701:
   Delete lines 1694−1701

4. Page 56, Lines 1702−1705:
   House Floor Amendments
   2−25−2004
   Delete lines 1702−1705

5. Page 56, Lines 1710−1711:
House Floor Amendments
2−25−2004
Reinstate lines 1710−1711

6. Page 56, Lines 1712−1715b:
House Floor Amendments
2−25−2004
Delete lines 1712−1715b

Senator Blackham's motion to amend passed on a voice vote. Senator Stephenson made a motion to amend and then withdrew the motion. 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	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators
Hillyard Julander

H.B. 273, as amended, was returned to the House for further consideration.

* * *

2nd Sub. S.B. 26, PUBLIC SAFETY RETIREMENT AND FIREFIGHTER FUNDING AMENDMENTS, was before the Senate and explained by Senator Buttars.

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

3rd Sub. S.B. 26 Public Safety Retirees' Cost−of−Living Increase
(D.C Buttars)

On motion of Senator Blackham, the bill was considered read for the 1st, 2nd and 3rd times.

Senators Davis, Valentine, and Buttars commented and the bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Mayne		

Absent or not voting were: Senators

Hillyard	Julander	Wright

3rd Sub. S.B. 26 was transmitted to the House.

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move **1st Sub. S.B. 222** to the top of the Third Reading Calendar.

INTRODUCTION OF BILLS

S.B. 195, **Taxation of Multi−Channel Video or Audio Service** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, under suspension of the rules, **S.B. 195** was lifted from Rules and placed at the top of the Second Reading Calendar.

* * *

1st Sub. S.B. 222, LOCAL GOVERNMENT FEASIBILITY AND ECONOMIC IMPACT STUDIES, was read the third time.

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

2nd Sub. S.B. 222 Local Government Feasibility and Economic Impact Study (S. Jenkins)

The bill was explained by Senator Jenkins. Senators Eastman, Arent, Thomas, and Knudson commented and the bill failed on the following roll call:

Yeas, 11; Nays, 14; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Eastman	Gladwell	Hellewell
Hickman	Jenkins	Stephenson	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	B. Evans	Hale
Hatch	Killpack	Knudson	Mayne
Thomas	Valentine		

Absent or not voting were: Senators

Dmitrich	J. Evans	Hillyard	Julander

2nd Sub. S.B. 222 was returned to the staff for filing.

* * *

On motion of Senator Waddoups, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, **S.B. 195**, TAXATION OF MULTI−CHANNEL VIDEO OR AUDIO SERVICE, was considered read the second and third times. Senator Waddoups explained the bill. Senators Allen, Mayne, Arent, Blackham, Thomas, Davis, and Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Davis	Eastman	J. Evans	Gladwell
Hatch	Hickman	Jenkins	Killpack
Knudson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Hale	Hellewell
Mayne	Stephenson		

Absent or not voting were: Senators

Dmitrich	B. Evans	Hillyard	Julander

S.B. 195 was transmitted to the House.

* * *

H.B. 126, TEACHER CLASSIFICATIONS, was read the second time. Senator Hatch explained the bill. The bill passed second reading 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
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Walker	Wright	

Absent or not voting were: Senators

Blackham	B. Evans	Hillyard	Julander
Waddoups	Mansell		

* * *

On motion of Senator Allen, under suspension of the rules, **S.B. 235**, RETIREMENT FOR AIRPORT POLICE, was considered read the second and third times. Senator Allen explained the bill. Senators Valentine, Hickman, and Bev Evans commented. The bill failed on the following roll call:

Yeas, 10; Nays, 11; Absent, 8.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
Eastman	J. Evans	Hale	Knudson
Mayne	Walker		

Voting in the negative were: Senators

Bell	Bramble	B. Evans	Gladwell
Hatch	Hellewell	Hickman	Jenkins
Killpack	Thomas	Valentine	

Absent or not voting were: Senators

Blackham	Buttars	Hillyard	Julander
Stephenson	Waddoups	Wright	Mansell

S.B. 235 was returned to the staff for filing.

* * *

1st Sub. H.B. 105, CONTINUING EDUCATION FOR CONTRACTORS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 244, AMENDMENTS TO ASSESS TESTING FOR MEDICAID, was read the second time.

On motion of Sen. Knudson, the Senate voted to delete all amendments made in Senate Standing Committee report dated February 25, 2004.

Senator Knudson's motion to amend passed on a voice vote. Senator Knudson explained the bill. Senator Eastman commented. On motion of Senator Knudson, the bill was tabled on the following roll call:

Yeas, 17; Nays, 7; Absent, 5.

Voting in the affirmative were: Senators

Blackham	Bramble	Buttars	Davis
B. Evans	Gladwell	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Thomas	Valentine	Waddoups	Walker
Wright			

Voting in the negative were: Senators

Allen	Arent	Dmitrich	Eastman
J. Evans	Hale	Mayne	

Absent or not voting were: Senators

Bell	Hillyard	Julander	Stephenson
Mansell			

* * *

1st Sub. H.B. 61, CHILD WELFARE INVESTIGATIONS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

4th Sub. H.B. 136, ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS, was read the second time.

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

6th Sub. H.B. 136 Electronic Filing of Preliminary Lien Documents (M. Morley)

Senator Hatch explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 9, Line 253:
   Delete "20−day" and insert "45−day"

2. Page 9, Line 256:
   Delete "20−day" and insert "45−day"

3. Page 9, Line 258:
   Delete "20−day" and insert "45−day"

4. Page 9, Line 261:
   Delete "20−day" and insert "45−day"

Senator Jenkins' motion to amend failed on a voice vote. Senators Hellewell, Walker, and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Bell	Blackham	B. Evans	Jenkins

Absent or not voting were: Senators
Hillyard Julander Stephenson

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2004

The House passed, **1st Sub. S.B. 53**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, 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. 139**, INDIVIDUAL INCOME TAX − NONRESIDENT INCOME 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, **S.B. 167**, VICTIM RESTITUTION AMENDMENTS, by Senator G. Bell, 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. 176**, FINANCIAL INSTITUTIONS 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. 223**, TRANSPORTATION CONSTRUCTION AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 53, S.B. 139, S.B. 167, 1st Sub. S.B. 176, 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.

* * *

Mr. President: March 1, 2004

The House adopted the Joint Conference Committee Report dated March 1, 2004, and passed **1st Sub. H.B. 28**, TRANSPORTATION PLANNING TASK FORCE REAUTHORIZATION, by Representative R. Lockhart, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. H.B. 28 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 1, 2004

The House passed, as amended, **S.B. 183**, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 240**, MOTION PICTURE TASK FORCE, 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: March 1, 2004

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

1st Sub. H.B. 123	Drug Lab Cleanup and Disclosure (Rep. D. Litvack) (Sen. J. Valentine)
H.B. 108	Insurance and Retirement for Charter School Employees (Rep. M. Newbold) (Sen. H. Stephenson)
H.B. 114	Money Management Act Amendments (Rep. D. Clark) (Sen. J. Valentine)
2nd Sub. H.B. 116	Facilities with Regional Impact (Rep. R. Becker) (Sen. G. Bell)
H.B. 131	Eminent Domain Amendments (Rep. B. Ferry) (Sen. T. Hatch)
H.B. 138	Trespassing on State Park Lands (Rep. S. Allen) (Sen. L. Hillyard)
H.B. 147	Municipal Code Condemnation Amendments (Rep. L. Christensen) (Sen. D. Gladwell)
2nd Sub. H.B. 160	Mortgage Act Amendments (Rep. W. Harper) (Sen. E. Mayne)
H.B. 263	State Retirement System Amendments (Rep. B. King) (Sen. M. Dmitrich)
H.B. 289	Alcoholic Beverage Amendments Related to Minors (Rep. L. Pace) (Sen. L. Hillyard)
H.B. 294	Purchase of Firearms Amendments (Rep. J. Ferrin) (Sen. J. Valentine)
H.B. 320	Transferability of Credits among Higher Education Institutions (Rep. B. Johnson) (Sen. D. Gladwell)

H.B. 335	Penalty for Using Fake Identification (Rep. B. Goodfellow) (Sen. C. Walker)
H.B. 343	Practice Permit Requirement Amendments (Rep. R. Barrus) (Sen. D. Eastman)
H.J.R. 13	Clog America Resolution (Rep. B. Goodfellow) (Sen. R. Allen)
H.B. 358	Amendments to Access to Health Care Providers (Rep. B. Dee) (Sen. D. Gladwell)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

On motion of Senator Waddoups and at 7:40 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 2, 2004.

FORTY−FOURTH DAY

MORNING SESSION

The Senate was called to order at 9:00 a.m., with President Al Mansell presiding.

Prayer − Pamela Atkinson
Pledge of Allegiance − Senator Scott Jenkins
Roll Call − All Senators present except Senators Julander and Hillyard, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2004

The House passed, **4th Sub. S.B. 191**, OIL AND GAS RELATED TAXES AND FEES, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

4th Sub. S.B. 191 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 1, 2004

The House adopted the Joint Conference Committee Report dated March 1, 2004, and passed **2nd Sub. H.B. 40**, FILLING MIDTERM VACANCIES IN THE LEGISLATURE, by Representative C. Frank, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 1, 2004, and passed **1st Sub. H.B. 88**, STATE LAND USE MANAGEMENT PLANS, by Representative B. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 218**, PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION, 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. 245**, INSURANCE LAW REVISIONS, by Representative J. Ferrin, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. H.B. 40, 1st Sub. H.B. 88, H.B. 218, and **1st Sub. H.B. 245** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 1, 2004

The House passed, as substituted and amended, **2nd Sub. H.B. 276**, ADOPTION LAW REVISIONS, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 298**, RESIDENCE LIEN RECOVERY FUND AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed **H.B. 301**, VOTER REGISTRATION AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 303**, CHILD WELFARE REVISIONS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 311**, REDEVELOPMENT AGENCY AMENDMENTS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 322**, GOLF CARTS ALLOWED ON CERTAIN HIGHWAYS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 327**, IMPOUNDED VEHICLES AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 330**, ALLOCATION OF TOBACCO FUND AMENDMENTS, by Representative D. Peterson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 348**, PRIVACY AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed **H.B. 365**, DISCLOSURE OF STATE EMPLOYEES' COMPENSATION AND BENEFITS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.C.R. 8**, RESOLUTION PROMOTING READING READINESS BY ENCOURAGING UTAH CITIZENS TO READ WITH A CHILD 20 MINUTES A DAY, by Representative K. Morgan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 276, H.B. 298, H.B. 301, H.B. 303, 1st Sub. H.B. 311, H.B. 322, H.B. 327, H.B. 330, 1st Sub. H.B. 348, H.B. 365,** and **H.C.R. 8** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 1, 2004

The House passed, as amended, **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted and passed, **4th Sub. S.B. 26**, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, by Senator L. Blackham, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 47**, UNIFORM TRUST CODE. 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	Blackham
Buttars	Davis	Dmitrich	Eastman

J. Evans	Hale	Hatch	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bramble	B. Evans	Gladwell	Hellewell
Hillyard	Julander	Mayne	Wright

2nd Sub. S.B. 47 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 58**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Eastman
B. Evans	J. Evans	Hatch	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale			

Absent or not voting were: Senators

Bramble	Gladwell	Hellewell	Hillyard
Julander	Mayne	Wright	Mansell

S.B. 58 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.B. 91**, − EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hickman	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hatch
Hellewell	Hillyard	Julander	Mayne
Wright			

S.B. 91 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Blackham, the Senate voted to concur in the House amendments to **1st Sub. S.B. 128**, LONG−TERM CARE FACILITIES AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Hatch	Hellewell
Hillyard	Julander	Mayne	Valentine
Wright			

1st Sub. S.B. 128 was returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B. 131, UNIFORM PRINCIPAL AND INCOME ACT, was before the Senate.

On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hatch	Jenkins	Killpack
Stephenson	Thomas	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Arent	Hale	Knudson	Valentine

Absent or not voting were: Senators

Bramble	Gladwell	Hellewell	Hickman
Hillyard	Julander	Mayne	Wright

S.B. 249 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hatch, the Senate voted to concur in the House amendments to **1st Sub. S.B. 185**, PUBLIC EDUCATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Eastman	B. Evans	J. Evans
Hatch	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Davis	Hale

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Dmitrich
Gladwell	Hellewell	Hickman	Hillyard
Julander	Mayne		

1st Sub. S.B. 185 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 183**, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION. The bill, as amended, passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Eastman	B. Evans	J. Evans	Hale
Hatch	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Dmitrich
Gladwell	Hellewell	Hickman	Hillyard
Julander	Mayne	Wright	

S.B. 183 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Allen, the Senate voted to concur in the House amendments to **S.B. 240**, MOTION PICTURE TASK FORCE. The bill, as amended, passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Eastman	B. Evans	J. Evans	Hale
Hatch	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Dmitrich
Gladwell	Hellewell	Hickman	Hillyard
Julander	Mayne	Wright	

S.B. 240 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 131**, UNIFORM PRINCIPAL AND INCOME ACT, and it was before the Senate.

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 131**, UNIFORM PRINCIPAL AND INCOME ACT. The bill, as amended, passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Eastman	B. Evans	J. Evans
Hale	Hatch	Hickman	Jenkins
Killpack	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	Gladwell
Hellewell	Hillyard	Julander	Knudson
Mayne	Wright		

1st Sub. S.B. 131 was returned to the House for the signature of the Speaker of the House.

CONSENT CALENDAR

H.B. 121, CODE OF CRIMINAL PROCEDURE AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Davis
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Dmitrich
Hellewell	Hillyard	Julander	Wright

H.B. 121, as amended, was returned to the House for further consideration.

THIRD READING CALENDAR

H.B. 79, RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hickman
Jenkins	Killpack	Knudson	Mayne
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	Hellewell
Hillyard	Julander	Wright	

H.B. 79 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 205, STATE SETTLEMENT AGREEMENT 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	Blackham
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hickman

Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Bramble	Buttars	Dmitrich	Hellewell
Hillyard	Julander	Wright	

H.B. 205 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 217, CHANGES TO DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT CONTRACT PROCEDURES AND REQUIREMENTS, 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hickman	Jenkins	Killpack
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Buttars	Hellewell	Hillyard	Julander
Knudson			

1st Sub. H.B. 217 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 240, REVENUE AND TAXATION − OFFENSES AND PENALTIES, 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
Davis	Dmitrich	Eastman	B. Evans

J. Evans	Gladwell	Hale	Hatch
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Buttars	Hellewell	Hillyard
Julander			

H.B. 240 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 293, REPEAL OF NATIONAL GUARD EFFICIENCY BOARDS, was read the third time, explained by Senator Hickman, and 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	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Buttars	Hillyard	Julander
Mayne			

H.B. 293 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 146, COUNTY COOPERATIVE AGREEMENTS WITH STATE FOR FIRE PROTECTION, was read the third time, explained by Senator Bev Evans, 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	Bramble
Davis	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Blackham	Buttars	Dmitrich	Hillyard
Julander	Wright		

H.B. 146 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 238, WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS, 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

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

Absent or not voting were: Senators

Blackham	Buttars	B. Evans	Hillyard
Julander			

H.B. 238 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 195, CONSUMER PROTECTION AMENDMENTS, was read the third time, explained by Senator Arent, and 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	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Blackham	Buttars	B. Evans	Hillyard
Julander			

1st Sub. H.B. 195 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

3rd Sub. H.B. 66, STATE SPENDING AND DEBT LIMITATIONS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Eastman	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Allen	Davis	Dmitrich	Hale
Mayne			

Absent or not voting were: Senators

Arent	Blackham	Buttars	B. Evans
Hillyard	Julander		

3rd Sub. H.B. 66, as substituted, was returned to the House for further consideration.

* * *

H.C.R. 1, RESOLUTION URGING OPEN SPACE ALONG JORDAN RIVER TRAIL, 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	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Arent	Blackham	Buttars	Hillyard
Julander			

H.C.R. 1, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 128, AMENDMENTS TO OPERATING UNDER THE INFLUENCE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Eastman	Gladwell	Hale	Hatch
Hellewell	Jenkins	Killpack	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Allen	Blackham	Davis	Dmitrich
B. Evans	J. Evans	Hickman	Knudson
Mayne			

Absent or not voting were: Senators

Hillyard	Julander

2nd Sub. H.B. 128, as amended, was returned to the House for further consideration.

* * *

H.B. 197, LIMIT ON CHILD WELFARE RECOMMENDATIONS AND RULINGS, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Hillyard	Julander

H.B. 197 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Senator Arent asked leave of the body to cast an aye vote on **2nd Sub. H.B. 128.** Her request was allowed on a voice vote.

* * *

1st Sub. H.B. 215, BUILDING STANDARDS AMENDMENTS, was read the third time, explained by Senator Wright, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Julander	Knudson	Valentine
Waddoups			

1st Sub. H.B. 215, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 182, CONSTRUCTION LIEN 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	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Hillyard	Julander	Valentine

1st Sub. H.B. 182, as amended, was returned to the House for further consideration.

* * *

H.B. 106, HEALTH INSURANCE ACT AMENDMENTS, was read the third time, explained by Senator Blackham, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Julander	Knudson	Valentine
Mansell			

H.B. 106, as amended, was returned to the House for further consideration.

* * *

H.B. 219, CONSTRUCTION BOND AMENDMENTS, was read the third time and explained by Senator Wright.

Senator Walker proposed the following amendment:

1. Page 2, Line 49
   Senate Committee Amendments
   2−24−2004
   Delete "duplex" and reinstate "FOURPLEX"

Senator Walker's motion to amend passed on a voice vote.

# # #

Senator Jenkins proposed the following amendment:

1. Page 1, Line 14:
   Senate Committee Amendments
   2−24−2004
   Delete "$50,000" and insert "$25,000"

Senator Jenkins' motion to amend failed 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	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Blackham	Hillyard	Julander	Valentine

H.B. 219, as amended, was returned to the House for further consideration.

* * *

H.B. 59, LIEN FOR HOMEOWNER ASSOCIATION CHARGES, was read the third time.

On motion of Senator Hatch, the bill was circled.

* * *

H.J.R. 16, RESOLUTION AMENDING RULES OF CIVIL PROCEDURE − JUDGMENT, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

1st Sub. H.B. 199, − DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Blackham	Gladwell	Hillyard	Julander
Valentine	Wright		

1st Sub. H.B. 199 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Waddoups, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:45 a.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House passed, as amended, **S.B. 33**, MOBILE HOME PARK RESIDENCY ACT, by Senator E. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, by Senator D. C. Buttars, et al, 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: March 2, 2004

The Rules Committee recommends the following House Bills and Resolution be placed at the bottom of the Second Reading Calendar:

H.J.R. 25	Joint Resolution on Marriage (Rep. L. Christensen) (Sen. D. C. Buttars)
1st Sub. H.B. 135	Notification of School District of Violent Offense by a Student (Rep. M. S. Lawrence) (Sen. L. Hillyard)
H.B. 336	Claims on Real Property (Rep. G. Hughes) (Sen. H. Stephenson)
H.B. 249	Nursing Care Facility Medicaid Certification Amendments (Rep. R. Lockhart) (Sen. P. Knudson)
H.B. 349	Department of Agriculture and Food Audit Requirements (Rep. C. Buttars) (Sen. B. Wright)

Michael Waddoups
Acting Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 251, **Funding the Purchase of Voting Equipment** (D. Eastman), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 256, EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	Hale	Hatch
Hickman	Killpack	Knudson	Thomas
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

J. Evans	Gladwell	Hellewell	Hillyard
Jenkins	Julander	Mayne	Stephenson
Valentine	Wright		

H.B. 256 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

2nd Sub. H.B. 111, LOCAL GOVERNMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hickman	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

J. Evans	Hellewell	Hillyard	Jenkins
Julander	Valentine	Wright	

2nd Sub. H.B. 111, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 22, CIVIC AND CHARACTER EDUCATION IN SCHOOLS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 17; Nays, 5; Absent, 7.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Eastman	B. Evans	Gladwell

Hale	Hatch	Hickman	Killpack
Knudson	Mayne	Stephenson	Thomas
Mansell			

Voting in the negative were: Senators

Allen	Davis	Dmitrich	Waddoups
Walker			

Absent or not voting were: Senators

J. Evans	Hellewell	Hillyard	Jenkins
Julander	Valentine	Wright	

1st Sub. H.B. 22 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 100, SCHOOL PROFESSIONAL DEVELOPMENT DAYS, was read the third time and explained by Senator Hatch. Senator Arent commented and the bill passed on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hatch
Hickman	Killpack	Knudson	Thomas
Waddoups	Walker		

Voting in the negative were: Senators

Arent	Hale	Mayne	Stephenson
Mansell			

Absent or not voting were: Senators

Hellewell	Hillyard	Jenkins	Julander
Valentine	Wright		

1st Sub. H.B. 100, as amended, was returned to the House for further consideration.

* * *

H.B. 126, TEACHER CLASSIFICATIONS, 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	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hickman	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Hellewell	Hillyard	Jenkins	Julander
Wright			

H.B. 126 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

6th Sub. H.B. 136, ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS, was read the third time and explained by Senator Hatch.

Senator Hatch proposed the following amendment:

1. Page 9, Lines 261 through 267

261 (c) Failure to file a preliminary notice within the 20−day period required by Subsection

262 (1)(a) precludes a subcontractor or supplier from filing any claim for compensation earned for

263 performance of work or supply of materials or equipment furnished to the construction project

264 before the expiration of five days after the filing of a preliminary notice, except as against the

265 person with whom the subcontractor or supplier contracted[[~~; provided, however, that nothing in~~

266 ~~this Subsection (1) shall prevent a subcontractor or supplier from seeking compensation under~~

267 ~~Section 38−11−101~~]].

Senator Hatch's motion to amend passed on a voice vote. Senator Bramble commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Valentine, the circle was removed from **H.J.R. 16**, RESOLUTION AMENDING RULES OF CIVIL PROCEDURE − JUDGMENT. 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	Hatch	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

Absent or not voting were: Senators

Hellewell	Hickman	Hillyard	Jenkins
Julander	Mansell		

H.J.R. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

3rd Sub. H.B. 56, − LOCAL GOVERNMENT COLLECTION FOR SERVICE CHARGES, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 70, GERIATRIC CARE MANAGERS, was read the second time. Senator Killpack explained the bill. Senator Walker commented. The bill passed second reading, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich

B. Evans	J. Evans	Hale	Hickman
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Eastman	Gladwell	Hatch	Hellewell
Hillyard	Jenkins	Julander	Wright

* * *

H.B. 85, HEALTH INSURANCE MANDATE AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Mayne and Hale commented. The bill passed second reading, 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
Bramble	Buttars	Davis	Dmitrich
B. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright

Absent or not voting were: Senators

Eastman	J. Evans	Hillyard	Julander
Mansell			

* * *

1st Sub. H.B. 90, ACCESS TO CHILD WELFARE HEARINGS, was read the second time. Senator Thomas explained the bill. The bill passed second reading, 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	Davis	Dmitrich
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins

Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright			

Absent or not voting were: Senators

Eastman	Hillyard	Julander	Mansell

* * *

On motion of Senator Hatch, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hatch, the circle was removed from **6th Sub. H.B. 136**, ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS, and it was before the Senate. Senator Hatch explained the bill. Senators Jenkins and Hellewell commented. The bill passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Davis
Dmitrich	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Walker		

Voting in the negative were: Senators

Bell	Blackham	Buttars	Eastman
Jenkins	Valentine		

Absent or not voting were: Senators

B. Evans	Hillyard	Julander	Wright
Mansell			

6th Sub. H.B. 136, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

H.B. 158, WATER SHARES IN A MUNICIPAL WATER COMPANY, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 8, Lines 244 through 244a
House Floor Amendments
2−23−2004

244 (B) with equal ownership and control rights among all members [[Ĥ ~~RECEIVING WATER~~]]

244a [[~~UTILITY SERVICES~~ Ĥ]] .

Senator Stephenson's motion to amend passed on a voice vote. Senator Thomas commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Davis	Dmitrich	Eastman	B. Evans
Hale	Hellewell	Hickman	Killpack
Knudson	Stephenson	Valentine	Waddoups

Voting in the negative were: Senators

Blackham	Hatch	Jenkins	Thomas
Wright			

Absent or not voting were: Senators

Buttars	J. Evans	Gladwell	Hillyard
Julander	Mayne	Walker	Mansell

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House substituted and passed, **1st Sub. S.B. 155**, COUNTY MENTAL HEALTH AMENDMENTS, by Senator G. Davis, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 2, 2004

The House concurred in the Senate amendments and passed **1st Sub. H.B. 226**, LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS, by Representative D. Ure, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. H.B. 226 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2004

The Rules Committee recommends the following House bills and resolution be placed at the bottom of the Second Reading Calendar:

H.B. 122	Private Investigator Amendments (Rep. M. Dayton) (Sen. J. Valentine)
H.B. 124	Small Claims Court Jurisdiction Amendments (Rep. S. Urquhart) (Sen. G. Bell)
H.B. 125	County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (Rep. T. Kiser) (Sen. D. C. Buttars)
3rd Sub. H.B. 140	Child and Family Services and Related Judicial Code Amendments (Rep. L. Christensen) (Sen. D. Thomas)
H.B. 148	Optometry Amendments (Rep. B. Last) (Sen. D. Eastman)
H.B. 241	Commitment for Mental Retardation (Rep. C. Bird) (Sen. S. Killpack)
H.B. 250	Property and Casualty Insurance Law Amendments (Rep. T. Kiser) (Sen. S. Killpack)
H.B. 295	Issuance of Concealed Firearm Permits Amendments (Rep. J. Ferrin) (Sen. J. Valentine)
H.B. 347	State Highway Designation Changes (Rep. M. Styler) (Sen. L. Blackham)
H.C.R. 11	Resolution on Higher Education Remedial Classes (Rep. M. Dillree) (Sen. G. Bell)

H.B. 325 Motor Vehicle Insurance Amendment (Rep. C. Bennion) (Sen. J. Valentine)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

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: March 2, 2004

The House passed, **S.B. 5**, EMPLOYMENT SECURITY MODIFICATIONS, 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, **1st Sub. S.B. 29**, ACCESS TO RURAL HEALTH CARE PROVIDERS, 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 **2nd Sub. S.B. 47**, UNIFORM TRUST CODE, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 52**, INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES, by Senator T. Hatch, 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. 58**, ALCOHOLIC BEVERAGE CONTROL 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. 91**, EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 107**, ADVANCED PRACTICE REGISTERED NURSE MODIFICATIONS, 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**, LONG−TERM CARE FACILITIES AMENDMENTS, 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. 131**, UNIFORM PRINCIPAL AND INCOME ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 141**, NEW JUDGE − SECOND DISTRICT COURT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 162**, INTERSTATE INSURANCE PRODUCT REGULATION − COMPACT, 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. 179**, EXPEDITED APPEALS IN CHILD WELFARE CASES, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 183**, LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN−BUILD CONSTRUCTION, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 185**, PUBLIC EDUCATION AMENDMENTS, by Senator T. Hatch, and it is transmitted for the signature of the President; and

The House passed, **S.B. 200**, LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED 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 House passed, **1st Sub. S.B. 202**, UNEMPLOYMENT INSURANCE 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 **S.B. 240**, MOTION PICTURE TASK FORCE, by Senator R. Allen, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 5, 1st Sub. S.B. 29, 2nd Sub. S.B. 47, S.B. 52, S.B. 58, S.B. 91, S.B. 107, 1st Sub. S.B. 128, 1st Sub.S.B. 131, S.B. 141, S.B. 162, 1st Sub. S.B. 179, S.B.

183, 1st Sub. S.B. 185, S.B. 200, 1st Sub. S.B. 202, 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.

INTRODUCTION OF BILLS

S.B. 231, **Executive Compensation Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **3rd Sub. H.B. 231**, REVIEW AND APPROVAL OF FEDERAL MONIES RECEIVED BY THE STATE, and it was before the Senate. Senator Valentine explained the bill. Senators Thomas and Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
Gladwell	Hale	Hellewell	Jenkins
Killpack	Knudson	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Arent	Buttars	J. Evans	Hatch
Hickman	Hillyard	Julander	Mayne
Wright			

* * *

On motion of Senator Bramble, the Senate voted to lift **H.B. 145** from Rules and place it at the top of the Second Reading Calendar.

* * *

H.B. 145, APPROVAL REQUIRED FOR DISPOSAL OF RADIOACTIVE WASTE, was read the second time.

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

3rd Sub. H.B. 145 Approval Required for Disposal of Radioactive Waste (S. Urquhart)

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. H.B. 145**, APPROVAL REQUIRED FOR DISPOSAL OF RADIOACTIVE WASTE, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Jenkins	Killpack	Knudson
Stephenson	Valentine	Walker	Mansell

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

Buttars	Hatch	Hickman	Hillyard
Julander	Mayne	Waddoups	Wright

3rd Sub. H.B. 145, as substituted, was returned to the House for further consideration.

* * *

H.B. 248, DISCLOSURE OF HIGHER EDUCATION COSTS, was read the second time. Senator Blackham explained the bill. The bill passed second reading, 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
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Hatch	Hickman	Hillyard	Julander
Mayne	Wright		

* * *

1st Sub. H.B. 262, PENALTIES FOR PROVIDING FALSE OR MISLEADING INFORMATION IN COURT, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 268, CHILD WELFARE PROCESSES, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 302, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Arent commented. The bill passed second reading, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 15; Nays, 7; Absent, 7.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Gladwell	Hale	Hellewell
Jenkins	Killpack	Knudson	Stephenson
Valentine	Waddoups	Walker	

Voting in the negative were: Senators

Allen	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Mayne	

Absent or not voting were: Senators

Hatch	Hickman	Hillyard	Julander
Thomas	Wright	Mansell	

* * *

3rd Sub. H.B. 323, SPYWARE REGULATION, was read the second time.

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

4th Sub. H.B. 323 Spyware Regulation (S. Urquhart)

Senator Valentine explained the bill. Senators Allen, Arent, and Killpack commented. The bill passed second reading, 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
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Hatch	Hickman	Hillyard	Julander
Wright			

* * *

On motion of Senator Buttars, the circle was removed from **1st Sub. H.B. 54**, VIDEOTAPE OF MINORS, and it was before the Senate. Senator Buttars explained the bill. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Walker		

Absent or not voting were: Senators

Hickman	Hillyard	Julander

On motion of Senator Blackham, **1st Sub. H.B. 54** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 332, VETERANS SPECIAL GROUP LICENSE PLACE AMENDMENTS, was read the second time. Senator Eastman explained the bill. The bill passed second reading, 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	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

J. Evans	Hickman	Hillyard	Julander

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 61**, CHILD WELFARE INVESTIGATIONS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading, 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	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

J. Evans	Hickman	Hillyard	Julander

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 262**, PENALTIES FOR PROVIDING FALSE OR MISLEADING INFORMATION IN COURT, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading, 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
B. Evans	Gladwell	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Eastman	J. Evans	Hickman	Hillyard
Julander	Thomas		

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 268**, CHILD WELFARE PROCESSES, and it was before the Senate.

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

3rd Sub. H.B. 268 Child Welfare Processes (M. Thompson)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Valentine, the Senate voted to lift **S.B. 1** and **1st Sub. H.B. 312** from Rules and placed them at the top of the Second Reading Calendar.

* * *

On motion of Senator Blackham **S.B. 1**, APPROPRIATIONS ACT, was read the second time. Senator Blackham explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 36, Line 1357 and 1358:
   Delete “interlocal agencies” and insert “Associations of Governments”

Senator Dmitrich’s motion to amend passed on a voice vote. Senators Bell and Waddoups commented.

On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator Hatch, under suspension of the rules, **1st Sub. H.B. 312**, NONPARTICIPATING TOBACCO MANUFACTURER’S FEE, was considered read the second and third times.

Senator Hatch proposed the following amendment:

1. Page1, Lines 19 through 23

   19 Other Special Clauses:

   20 [[~~None~~]] This bill takes effect on July 1, 2004.

   21 Utah Code Sections Affected:
   AMENDS:
   59−14−213, as last amended by Chapters 52 and 175, Laws of Utah 2002

   22 ENACTS:

   23 [[~~59−14−213, as last amended by Chapters 52 and 175, Laws of Utah 2002~~]]

2. Page 3, Line 77:

   77 fraudulent information.
   Section 3. Effective Date.
   This bill takes effect July 1, 2004.

Senator Hatch’s motion to amend passed on a voice vote. Senator Hatch explained the bill and 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	Dmitrich	Eastman

B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Allen	Hickman	Hillyard	Julander
Wright			

1st Sub. H.B. 312, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Blackham, the circle was removed from **S.B. 1**, APPROPRIATIONS ACT, and it was before the Senate. Senator Blackham explained the bill.

Senator Blackham proposed the following amendment:

1. Page 32, Line 1190:
   Delete "$2,606,800" and insert "$2,674,800"

2. Page 111, Line 4177:
   Delete "Phone Tech Labor − Cable rate (per hour) for outside contractors" and insert "Mainframe Development Consulting"

3. Page 119, Line 4501:
   Delete $196,200 and insert "$1,962,000"

4. Page 128, Line 4823:
   Delete "75.00" and insert "25.00"

5. Page 200, Line 7566:
   Delete "provider 25.00" and after line 7566 insert:
   "provider 25.00"

6. Page 201, Line 7626:
   Delete "(Non−PST Participant) 420.00" and after line 7626 insert:
   "(Non−PST Participant) 420.00"

7. Page 203, Line 7707:
   Delete "per month 4167.00" and after line 7707 insert:
   "per month 4167.00"

8. Page 214, Line 8107:
Delete "Application 100.00" and after line 8107 insert:
"Application 100.00"

Senator Blackham's motion to amend passed on a voice vote.

On motion of Senator Blackham, under suspension of the rules, **S.B. 1**, APPROPRIATIONS ACT, was considered read the second and third times. Senator Blackham explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Hale	Mayne

Absent or not voting were: Senators

Allen	Arent	Hillyard	Julander
Wright			

S.B. 1, as amended, was transmitted to the House.

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House passed, as amended, **S.B. 195**, TAXATION OF MULTI−CHANNEL VIDEO OR AUDIO SERVICE, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 2, 2004

The House has rejected **1st Sub. S.B. 196**, COURT FEE ADJUSTMENTS, by Senator D. Gladwell, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 196 was returned to the staff for filing.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2004

The Rules Committee recommends the following House bills be placed at the bottom of the Second Reading Calendar:

1st Sub. H.B. 266	Revisions to Child Welfare (Rep. W. Harper) (Sen. B. Wright)
H.B. 292	Vehicle Franchise Amendments (Rep. B. Last) (Sen. D. Eastman)
1st Sub. H.B. 149	New Automobile Franchise Act (Rep. G. Curtis) (Sen. D. Eastman)
H.B. 303	Child Welfare Revisions (Rep. S. Mascaro) (Sen. D. Eastman)

and further recommends the following Senate bills be placed at the top of the Second Reading Calendar:

S.B. 231	Executive Compensation Amendments (Sen. M. Waddoups)
S.B. 251	Funding the Purchase of Voting Equipment (Sen. D. Eastman)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Concurrence Reading Calendar.

CONCURRENCE CALENDAR

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **S.B. 195**, TAXATION OF MULTI−CHANNEL VIDEO OR AUDIO SERVICE. The bill, as amended, passed on the following roll call:

Yeas, 15; Nays, 6; Absent, 8.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Jenkins	Killpack	Knudson
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Davis	Dmitrich	Hale	Hellewell
Mayne	Stephenson		

Absent or not voting were: Senators

Allen	Arent	Hickman	Hillyard
Julander	Thomas	Valentine	Wright

S.B. 195 was returned to the House for the signature of the Speaker of the House.

* * *

S.B. 3 was before the Senate. On motion of Senator Stephenson, the Senate refused to concur in the House amendments to **S.B. 3**. The Senate asks the House to recede from its amendments.

S.B. 3 was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the Senate voted to lift **H.B. 252** from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, under suspension of the rules, **H.B. 252**, CALCULATION OF PROPERTY TAX LEVIES, was considered read the second and third times. Senators Dmitrich, Stephenson, and Bev 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, 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
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

Bramble	Hillyard	Julander	Wright

H.B. 252 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Waddoups, under suspension of the rules, **S.B. 231**, EXECUTIVE COMPENSATION AMENDMENTS, was considered read the second and third times. Senator Waddoups explained the bill. The bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Mayne

Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Julander
Wright			

S.B. 231 was transmitted to the House.

* * *

On motion of Senator Eastman, under suspension of the rules, **S.B. 251**, FUNDING THE PURCHASE OF VOTING EQUIPMENT, was considered read the second and third times. Senator Eastman explained the bill. 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Hatch	Hickman	Hillyard
Julander	Waddoups		

S.B. 251 was transmitted to the House.

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 22**, ADMINISTRATIVE RULES REAUTHORIZATION, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 21 through Page 1, Line 27
Senate Committee Amendments
2−13−2004

21 Section 1. Rules reauthorized.

22 All rules of the state are reauthorized [[~~except for the following:~~]] .

23 § [~~(1) R156−73−601, Commerce, Occupational and Professional Licensing, Chiropractic~~

24 ~~Physician Practice Act Rules; and~~

25 ~~(2)~~] ~~(1)~~ § ~~R884−24P−24 (L)~~ § [~~(1) and~~] § ~~(2)~~ § ~~AND (3)~~ § ~~, Tax Commission, Property Tax,~~

25a ~~Form for Notice of~~

26 ~~Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59−2−918 through~~

27 ~~59−2−924.~~

Senator Stephenson's motion to amend passed on a voice vote.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 22**, ADMINISTRATIVE RULES REAUTHORIZATION, was considered read the second and third times. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Arent	Hatch	Hickman	Hillyard
Julander			

S.B. 22, as amended, was transmitted to the House.

* * *

H.B. 341, CHILDREN'S INTERNET PROTECTION ACT was read the second time.

On motion of Senator Allen, the bill was circled.

* * *

3rd Sub. H.J.R. 12, RESOLUTION − EXCEPTION TO SUBSCRIBING TO STOCK PROHIBITION, was read the second time. Senator Valentine explained the bill. The bill passed second reading 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

Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hickman	Hillyard	Julander

* * *

1st Sub. H.J.R. 17, RESOLUTION URGING ACTION FOR APPARENT BREACHES OF UTAH'S ENABLING ACT AND FEDERAL CONSTITUTION, was read the second time. Senator Hatch explained the bill. Senator Allen commented. The bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
B. Evans	Gladwell	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	J. Evans	Hale	Hillyard
Julander	Thomas	Valentine	

* * *

On motion of Senator Knudson, and at 4:10 p.m., the Senate sauntered.

The Senate was called to order at 4:50 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House passed, **S.B. 62**, STAY OF EXECUTION AMENDMENTS, 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. 81**, CHILD AND FAMILY SERVICES − PLEA IN ABEYANCE, 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, **1st Sub. S.B. 89**, CONTRACTOR LICENSING 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. 157**, AUTHORIZATION TO PERFORM MARRIAGES, 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. 237**, PIONEER AND COMMUNITY HERITAGE 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 **S.B. 249**, DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN, by Senator D. C. Buttars, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 62, S.B. 81, 1st Sub. S.B. 89, S.B. 157, S.B. 237, and **S.B. 249** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

H.J.R. 20, RESOLUTION REGARDING RADIATION EXPOSURE COMPENSATION, was read the second time. Senator Hatch explained the bill. Senator Davis commented. The bill passed second reading, 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	Davis	Dmitrich
Eastman	B. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Absent or not voting were: Senators

J. Evans	Hillyard	Julander	Wright

* * *

On motion of Senator Hatch, the circle was removed from **H.B. 341**, CHILDREN'S INTERNET PROTECTION ACT, and it was before the Senate. Senator Hatch explained the bill.

Senator Hale proposed the following amendment:

1. Page 1, Line 19

19 [[~~None~~]] This bill takes effect on November 30, 2004.

2. Page 3, Line 78:

78 available for review at the library.
Section 3. Effective date.
This bill takes effect on November 30, 2004.

Senator Hale's motion to amend failed on a voice vote. Senators James Evans, Knudson, Stephenson, and Arent commented. The bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Arent	Hale

Absent or not voting were: Senators

Buttars	Hickman	Hillyard	Julander

* * *

Senator Bramble made the motion to reconsider its action on **S.B. 235**. Senator Bev Evans, Dmitrich, Waddoups, and Walker commented. The motion passed on a voice vote.

* * *

1st Sub. H.B. 123, DRUG LAB CLEANUP AND DISCLOSURE, was read the second time. Senator Valentine explained the bill. Senators Jenkins and Mansell commented. The bill passed second reading 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
Jenkins	Killpack	Knudson	Mayne
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hillyard	Julander	Thomas

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, Bob Gardner, Senate Sergeant at Arms, spoke in Committee of the Whole.

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

SECOND READING CALENDAR

On motion of Senator Allen, the Senate voted to place **S.B. 235** at the top of the Second Reading Calendar.

* * *

S.B. 235, RETIREMENT FOR AIRPORT POLICE, was before the Senate.

On motion of Senator Allen, under suspension of the rules, **S.B. 235**, RETIREMENT FOR AIRPORT POLICE, was considered read the second and third times. Senator Allen explained the bill. The bill passed on the following roll call:

Yeas, 16; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Hatch	Hellewell
Killpack	Mayne	Thomas	Walker

Voting in the negative were: Senators

Blackham	B. Evans	Gladwell	Hickman
Jenkins	Knudson	Stephenson	Valentine
Waddoups	Wright	Mansell	

Absent or not voting were: Senators

Hillyard	Julander

S.B. 235 was transmitted to the House.

* * *

H.B. 108, INSURANCE AND RETIREMENT FOR CHARTER SCHOOL EMPLOYEES, was read the second time. Senator Stephenson explained the bill. Senators Bev Evans, Arent, and Thomas commented. The bill passed second reading, having had no Senate Standing Committee and under suspension of the rules, on the following roll call:

Yeas, 17; Nays, 5; Absent, 7.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Dmitrich	Eastman	Gladwell	Hellewell
Jenkins	Killpack	Knudson	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Arent	Davis	B. Evans	Hickman
Mayne			

Absent or not voting were: Senators

Allen	J. Evans	Hale	Hatch
Hillyard	Julander	Valentine	

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 66**, STATE SPENDING AND DEBT LIMITATIONS AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House passed, as substituted and amended, **1st Sub. H.B. 100**, SCHOOL PROFESSIONAL DEVELOPMENT DAYS, by Representative B. Last, and it is transmitted for consideration; and

The House concurred in the Senate amendments and passed **H.B. 121**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative J. Seitz, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

3rd Sub. H.B. 66, 1st Sub. H.B. 100, and **H.B. 121** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 2, 2004

The House passed, as amended, **1st Sub. S.B. 66**, TELECOMMUNICATIONS 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.

* * *

Mr. President: March 2, 2004

The House refuses to recede from its amendments to **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives G. Snow, M. Dillree, and N. Hendrickson to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

On motion of Senator Stephenson, the Senate voted to refuse to recede from its amendments to **S.B. 3**. President Mansell appointed a conference committee consisting of Senators Stephenson, Wright, and Hale to meet with a like committee from the House.

SECOND READING CALENDAR

H.B. 114, MONEY MANAGEMENT ACT AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

2nd Sub. H.B. 116, FACILITIES WITH REGIONAL IMPACT, was read the second time. Senator Bell explained the bill. Senator Walker commented. The bill

passed second reading, 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
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Stephenson	Thomas
Waddoups	Walker	Mansell	

Absent or not voting were: Senators

Hickman	Hillyard	Julander	Mayne
Valentine	Wright		

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, and it was before the Senate. Senator Stephenson explained the bill. Senators Allen, Hickman, Bell, Dmitrich, Davis, Waddoups, and Mayne commented.

Senator Waddoups proposed the following amendment:

1. Page 1, Line 15−17:
   Delete lines 15−17

2. Page 5 through 6, Line 126−166:
   Delete lines 126−166

2. Page 2, Line 28:
   Delete line 28

Senator Waddoups' motion to amend passed on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Allen	Blackham	Bramble	Davis
Dmitrich	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Jenkins	Knudson
Thomas	Valentine	Waddoups	Wright
Mansell			

Voting in the negative were: Senators

Arent	Bell	Buttars	Eastman
Hale	Killpack	Mayne	Stephenson
Walker			

Absent or not voting were: Senators

J. Evans	Hillyard	Julander

On motion of Senator Stephenson, under suspension of the rules, **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich

Absent or not voting were: Senators

Hillyard	Julander

H.B. 239, as amended, was returned to the House for further consideration.

INTENT LANGUAGE FOR H.B. 239

On motion of Senator Stephenson, the following intent language was adopted.

"In passing H.B. 239, TAX OF SEXUALLY EXPLICIT BUSINESS, the Legislature intends the following:

(1) The Legislature recognizes that it takes a combination of remedies to preserve the health, promote prosperity, improve the morals, and provide peace and good order to all in the state.

(2) It is the intent of this act to tax sexually explicit businesses and escort services to provide a revenue for treating individuals who have been convicted of

sex offenses. The provisions of this act have neither the intent nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of the act to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this act to condone or legitimize the distribution of obscene material.

(3) The Legislature finds:

(a) the Supreme Court of the United States has upheld the regulation of sexually oriented businesses because of the deleterious effect they have on a community;

(b) sexually oriented businesses have a deleterious effect on the community, causing increased crime, including unlawful sexual activities;

(c) it is in the best interest of the citizens of this state to provide counseling to individuals who have committed a sex offense;

(d) most sex offenders continue to commit sex offenses if they do not receive treatment;

(e) sex offenders treatment is expensive, if an offender has to pay for treatment, restitution and normal living expenses, they generally cannot afford the treatment; and

(f) it is reasonable to tax sexually explicit businesses and escort services in order to provide counseling for individuals who have committed a sex offense."

* * *

H.B. 131, EMINENT DOMAIN AMENDMENTS, was read the second time. Senator Hatch explained the bill.

Senator Thomas proposed the following amendment:

1. Pages 2 and 3, Lines 58−59:
   Delete "including impairment of the systems carrying capacity,"

Senator Thomas' motion to amend was withdrawn. The bill passed second reading 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	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	Buttars	Hickman	Hillyard
Julander			

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House concurred in the Senate amendments and passed **H.B. 106**, HEALTH INSURANCE ACT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 111**, LOCAL GOVERNMENT 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 **6th Sub. H.B. 136**, ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 182**, CONSTRUCTION LIEN AMENDMENTS, by Representative S. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 215**, BUILDING STANDARDS AMENDMENTS, by Representative J. S. Adams, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 219**, CONSTRUCTION BOND AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.C.R. 1**, RESOLUTION URGING OPEN SPACE ALONG JORDAN RIVER TRAIL, by Representative T. Kiser, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 106, 2nd Sub. H.B. 111, 6th Sub. H.B. 136, 1st Sub. H.B. 182, 1st Sub. H.B. 215, H.B. 219, and **H.C.R. 1** were signed by the President of the Senate in

open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 2, 2004

The House substituted and passed, **1st Sub. S.B. 93**, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 2, 2004

The House refused to concur with the Senate Amendments to **H.B. 273**, TAX AND CHARGE AMENDMENTS, by Representative W. Harper, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the Senate voted to refuse to recede from its amendments to **H.B. 273**. President Mansell appointed a conference committee consisting of Senators Bramble, Hellewell, and Allen to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2004

The Rules Committee recommends the following House bills and resolution be placed at the bottom of the Second Reading Calendar:

H.B. 120	Child Welfare Funding for In−home Services (Rep. M. Thompson) (Sen. J. Valentine)
H.B. 133	Property Tax − Veteran's Exemption (Rep. D. Bush) (Sen. D. Gladwell)
1st Sub. H.B. 137	Campaign Finance Disclosure in Municipal Elections (Rep. J. Dougall) (Sen. S. Killpack)
1st Sub. H.B. 142	Audit Requirements for Political Subdivisions (Rep. B. Ferry) (Sen. C. Bramble)
H.B. 157	Transportation Amendments (Rep. J. Dougall) (Sen. C. Bramble)
1st Sub. H.B. 275	Adoption Amendments (Rep. A. Hardy) (Sen. C. Walker)
H.B. 301	Voter Registration Amendments (Rep. M. Thompson) (Sen. C. Bramble)

H.B. 357	Continuing Education for Real Estate Professionals (Rep. J. S. Adams) (Sen. M. Waddoups)
H.B. 365	Disclosure of State Employees' Compensation and Benefits (Rep. R. Bigelow) (Sen. L. Blackham)
H.C.R. 10	Resolution Recognizing National Conference of State Legislatures Annual Meeting in Salt Lake City (Rep. D. Hogue) (Sen. P. Knudson)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

On motion of Senator Waddoups and at 7:00 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 3, 2004.

FORTY−FIFTH DAY

MORNING SESSION

The Senate was called to order at 9:10 a.m., with President Al Mansell presiding.

Prayer − Senator Sheldon Killpack
Pledge of Allegiance − Senator John Valentine
Roll Call − All Senators present except Senators Hillyard and Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 107)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2004

The House passed, **S.B. 1**, APPROPRIATIONS 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. 49**, COMPETENCY TO BE EXECUTED − 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. 158**, CRIMINAL OFFENSE AMENDMENTS, by Senator G. Bell, 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. 163**, PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION, 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, **1st Sub. S.B. 190**, SALES AND USE TAX EXEMPTION RELATING TO FILM, TELEVISION, AND VIDEO, 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. 225**, 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. 231**, EXECUTIVE COMPENSATION AMENDMENTS, 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. 1, S.B. 49, S.B. 158, 1st Sub. S.B. 163, 1st Sub. S.B. 190, S.B. 225, S.B. 231 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2004

The House passed, as amended, **1st Sub. S.B. 178**, MORTGAGE BROKER AMENDMENTS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

ADVISE AND CONSENT

Mr. President: February 13, 2004

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

STATE BOARD OF EDUCATION

Gary C. Swensen appointed to fill the unexpired term of Denis Morrill on the State Board of Education, a term to expire December 31, 2006. Section 20A−1−507, Utah Code Annotated 1953, as amended.

BOARD OF PARDONS AND PAROLE

Cheryl Hansen reappointed as a full time member of the Board of Pardons and Parole for a term to expire February 28, 2009. Section 77−27−2, Utah Code Annotated 1953, as amended.

Iris Hemenway reappointed as a pro tempore member of the Board of Pardons and Parole for a tem to expire February 28, 2009. Section 77−27−2, Utah Code Annotated 1953, as amended.

SALT LAKE COMMUNITY COLLEGE BOARD OF TRUSTEES

Gail Miller appointed to fill the unexpired term of Jake Harouny on the Salt Lake Community College Board of Trustees, a term to expire June 30, 2005. Section 53B−2−104, Utah Code Annotated 1953, as amended.

BOARD OF BUSINESS AND ECONOMIC DEVELOPMENT

Jane Shock appointed to fill the unexpired term of Shelli Gardner on the Board of Business and Economic Development, a term to expire March 15, 2005. Section 9−2−203, Utah Code Annotated 1953, as amended. Ms. Shock is independent.

UTAH STATE RETIREMENT BOARD

Kathy Jones−Price appointed to fill the unexpired term of James Cowan on the Utah State Retirement Board, a term to expire July 1, 2005. Section 49−11−202, Utah Code Annotated 1953, as amended.

CENTRAL UTAH WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

Brent Brotherson reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Tim Doxey reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

R. Roscoe Garrett reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Roger W. Hicken reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Gary D. Palmer reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

David Rasmussen reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Stanley R. Smith reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

John L. West reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Boyd Workman reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Mark R. Wilson reappointed as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2006. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Randy Brailsford appointed to replace W. Howard Riley as a member of the Central Utah Water Conservancy District Board of Directors for a term to expire January 7, 2006. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

JORDAN VALLEY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

Dale F. Gardiner reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Margaret K. Peterson reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

B. Jeff Rasmussen reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Steven L. Taggart reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

WEBER BASIN WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

Charles F. Black reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Karen W. Fairbanks reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Robert L. Hensley reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Jewel Lee Kenley reappointed as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Eric B. Storey appointed to replace Norman Montgomery as a member of the Weber Basin Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

SOLID AND HAZARDOUS WASTE CONTROL BOARD

Scott A. Bruce appointed to fill the unexpired term of Thomas Probert on the Solid and Hazardous Waste Control Board, a term to expire May 8, 2005. Section 19−6−103, Utah Code Annotated 1953, as amended. Mr. Bruce is non−partisan.

GRAND COUNTY WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

James L. Walker reappointed as a member of the Grand County Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Jerry McNeely appointed to replace William McDougald as a member of the Grand County Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Brian C. Backus appointed to replace Karl Tangren as a member of the Grand County Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

UPPER SEVIER WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS

D. Maloy Dodds reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Sheldon Proctor reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Franz Shakespear reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

Leland Riggs appointed to replace Layton Barney as a member of the Upper Sevier Water Conservancy District Board of Directors for a term to expire January 7, 2008. Section 17A−2−1409, Utah Code Annotated 1953, as amended.

BOARD OF SERVICES FOR PEOPLE WITH DISABILITIES

Nancy S. Lyon appointed to fill the unexpired term of Tim Daynes on the Board of Services for People with Disabilities, a term to expire April 1, 2007. Section 62A−1−105 and 62A−1−107 and 62A−5−105, Utah Code Annotated 1953, as amended. Ms. Lyon is republican.

BOARD OF PARKS AND RECREATION

Gael Hill appointed to fill the unexpired term of Joe Hansen on the Board of Parks and Recreation, a term to expire July 1, 2007. Section 63−11−14, Utah Code Annotated 1953, as amended. Ms. Hill is non−partisan.

SOIL CONSERVATION COMMISSION

Robert A. Barry appointed to fill the unexpired term of Lyle B. Bryner on the Soil Conservation Commission, a term to expire May 8, 2006. Section 4−18−4, Utah Code Annotated 1953, as amended.

UTAH TELEHEALTH COMMISSION

Kathy M. Froerer appointed to fill the unexpired term of Robert Resendes, a term to expire October 1, 2006. Section 26−9f−103, Utah Code Annotated 1953, as amended.

UTAH STATE FAIR CORPORATION BOARD OF DIRECTORS

Steve Barth reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2007. Section 9−4−1104, Utah Code Annotated 1953, as amended.

Spencer B. Jones reappointed as a member of the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2007. Section 9−4−1104, Utah Code Annotated 1953, as amended.

Kent Buttars appointed to replace Russell F. Fjeldsted on the Utah State Fair Corporation Board of Directors for a term to expire December 1, 2007. Section 9−4−1104, Utah Code Annotated 1953, as amended.

PRIVATE ACTIVITY BOND REVIEW BOARD

Blake L. Frazier reappointed as a member of the Private Activity Bond Review Board for a term to expire March 15, 2007. Section 9−4−503, Utah Code Annotated 1953, as amended.

Steve S. Rawlings reappointed as a member of the Private Activity Bond Review Board for a term to expire March 15, 2007. Section 9−4−503, Utah Code Annotated 1953, as amended.

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

Olene S. Walker
Governor

On motion of Senator Valentine, the Senate voted to consent to the Governor's appointments 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
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Mayne
Stephenson			

CONCURRENCE CALENDAR

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **4th Sub. S.B. 26**, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE. Senator Blackham commented and 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	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Mayne
Stephenson			

4th Sub. S.B. 26 was returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B. 245 was before the Senate. On motion of Senator Blackham, the Senate refused to concur in the House amendments to **1st Sub. S.B. 245**. Senators Bell and Thomas commented. The House was asked to recede from its amendments. **1st Sub. S.B. 245** was returned to the House.

* * *

S.B. 33 was before the Senate. On motion of Senator Mayne, the Senate refused to concur in the House amendments to **S.B. 33**. The House was asked to recede from its amendments. **S.B. 33** was returned to the House.

* * *

2nd Sub. S.B. 175 was before the Senate. On motion of Senator Buttars, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY. Senators Thomas and Jenkins commented and the bill, as amended, passed on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	Hale	Hickman
Killpack	Knudson	Walker	Mansell

Voting in the negative were: Senators

Hatch	Hellewell	Jenkins	Mayne
Stephenson	Thomas	Valentine	Waddoups
Wright			

Absent or not voting were: Senators

J. Evans	Gladwell	Hillyard	Julander

2nd Sub. S.B. 175 was returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B. 155 was before the Senate. On motion of Senator Davis, the Senate voted to concur in the House amendments to **1st Sub. S.B. 155**, COUNTY

MENTAL HEALTH 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	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bell	J. Evans	Gladwell	Hillyard
Julander	Mayne		

1st Sub. S.B. 155 was returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B. 66 was before the Senate. On motion of Senator Hickman, the Senate refused to concur in the House amendments to **1st Sub. S.B. 66**. The House was asked to recede from its amendments. **1st Sub. S.B. 66** was returned to the House.

* * *

On motion of Senator Bev Evans, the Senate voted to concur in the House amendments to **1st Sub. S.B. 93**, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS. Senator Arent commented and the bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Arent	Hale

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Mayne

1st Sub. S.B. 93 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **1st Sub. S.B. 178**, MORTGAGE BROKER 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	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Dmitrich	Gladwell	Hatch	Hillyard
Julander	Mayne	Wright	

1st Sub. S.B. 178 was returned to the House for the signature of the Speaker of the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House passed, as amended, **1st Sub. S.B. 250**, CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, by Senator J. Valentine, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Valentine, the Senate refused to concur in the House amendments. The House was asked to recede from its amendments. **1st Sub. S.B. 250** was returned to the House.

* * *

Mr. President: March 3, 2004

The House passed, **S.B. 104**, SELECTION OF MENTAL HEALTH THERAPIST IN TERMINATION OF PARENTAL RIGHTS, 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. 159**, ANNEXATION OF PUBLIC LAND TO SPECIAL AND LOCAL DISTRICTS, 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 **S.B. 195**, TAXATION OF MULTI−CHANNEL VIDEO OR AUDIO SERVICE, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, **S.B. 201**, PUNITIVE DAMAGES 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. 206**, PROPERTY TAX 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, **1st Sub. S.B. 214**, PROHIBITION OF OBESITY LAWSUITS, 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, **1st Sub. S.C.R. 2**, RESOLUTION REGARDING CONSTRUCTION OF WASTE FACILITY, by Senator B. Wright, which has been signed by the Speaker and it is transmitted for the signature of the President;

Carole E. Peterson, Chief Clerk

S.B. 104, S.B. 159, S.B. 195, S.B. 201, S.B. 206, 1st Sub. S.B. 214, 1st Sub. S.C.R. 2 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

THIRD READING CALENDAR

1st Sub. H.B. 70, GERIATRIC CARE MANAGERS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Eastman	J. Evans
Hatch	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Dmitrich	B. Evans	Gladwell
Hale	Hellewell	Hillyard	Julander

1st Sub. H.B. 70 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 85, HEALTH INSURANCE MANDATE 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	Blackham
Bramble	Davis	Eastman	B. Evans
J. Evans	Hatch	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Dmitrich	Gladwell	Hale
Hellewell	Hillyard	Julander	

H.B. 85 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 90, ACCESS TO CHILD WELFARE HEARINGS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	B. Evans

J. Evans	Hatch	Hickman	Jenkins
Killpack	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative was: Senator
Knudson

Absent or not voting were: Senators

Buttars	Eastman	Gladwell	Hale
Hellewell	Hillyard	Julander	

1st Sub. H.B. 90 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 158, WATER SHARES IN A MUNICIPAL WATER COMPANY, was read the third time and explained by Senator Stephenson.

Senator Thomas proposed the following amendment:

1. Page 8, Lines 242 through 244
Senate 2nd Reading Amendments
3−2−2004

242 (iii) a mutual water company operating:
(A) in a county of the first class;

243 [[~~(A)~~]] (B) under a commonality of interest; and

244 [[~~(B)~~]] (C) with equal ownership and control rights among all members Ş [Ĥ ~~RECEIVING WATER~~

Senator Thomas' 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
J. Evans	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Davis	Gladwell	Hale
Hillyard	Julander		

H.B. 158, as amended, was returned to the House for further consideration.

* * *

3rd Sub. H.B. 231, REVIEW AND APPROVAL OF FEDERAL MONIES RECEIVED BY THE STATE, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Dmitrich	Eastman	J. Evans
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Davis	B. Evans	Gladwell
Hale	Hillyard	Julander	

3rd Sub. H.B. 231 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 248, DISCLOSURE OF HIGHER EDUCATION COSTS, 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	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Hale	Hatch	Hillyard	Julander

H.B. 248 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 302, VOLUNTARY CONTRIBUTION ACT AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
J. Evans	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Eastman	B. Evans	Hale	Mayne
Stephenson			

Absent or not voting were: Senators

Gladwell	Hillyard	Julander

H.B. 302 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

4th Sub. H.B. 323, SPYWARE REGULATION, was read the third time and explained by Senator Valentine.

Senator Valentine proposed the following amendment:

1. Page 3, Line 67:
   After "user" insert "at the time of, or"

Senator Valentine's motion to amend passed on a voice vote.

# # #

Senator Arent proposed the following amendment:

1. Page 1, Line 20

20 [[~~None~~]] This bill takes effect on May 2, 2005.

2. Page 6, Line 170:

170 if the division finds a need for additional provisions to this chapter.
Section 7. Effective date.
This bill takes effect on May 2, 2005.

Senator Arent's motion to amend failed on a voice vote. Senators Arent and Killpack 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Gladwell	Hillyard	Julander

4th Sub. H.B. 323, as amended, was returned to the House for further consideration.

* * *

H.B. 332, VETERANS SPECIAL GROUP LICENSE PLATE 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	Mansell

Absent or not voting were: Senators

Gladwell	Hatch	Hillyard	Julander
Walker			

H.B. 332 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 61, CHILD WELFARE INVESTIGATIONS, 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	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Wright	Mansell

Absent or not voting were: Senators

Gladwell	Hatch	Hillyard	Julander
Walker			

1st Sub. H.B. 61 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 262, PENALTIES FOR PROVIDING FALSE OR MISLEADING INFORMATION IN COURT, 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	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Wright
Mansell			

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Walker

1st Sub. H.B. 262 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Waddoups the Senate voted to reorganize the Second Reading Calendar and lift the following bills to the top of the Second Reading Calendar and place them below **H.B. 114**:

H.B. 120, H.B. 124, 1st Sub. H.B. 135, 3rd Sub. H.B. 140, 1st Sub. H.B. 142, H.B. 157, H.B. 249, 1st Sub. H.B. 275, H.B. 320, H.B. 336, H.B. 358, H.B. 365, H.C.R. 11, H.J.R. 25

* * *

3rd Sub. H.J.R. 12, RESOLUTION − EXCEPTION TO SUBSCRIBING TO STOCK PROHIBITION, 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	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Wright	Mansell	

Absent or not voting were: Senators

Blackham	J. Evans	Gladwell	Hillyard
Julander	Walker		

3rd Sub. H.J.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.J.R. 17, RESOLUTION URGING ACTION FOR APPARENT BREACHES OF UTAH'S ENABLING ACT AND FEDERAL CONSTITUTION, 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	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Mansell			

Absent or not voting were: Senators

Gladwell	Hickman	Hillyard	Julander
Thomas	Waddoups	Walker	Wright

1st Sub. H.J.R. 17 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.J.R. 20, RESOLUTION REGARDING RADIATION EXPOSURE COMPENSATION ACT, was read the third time, explained by Senator Hatch, and 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	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander	Thomas	Walker	

H.J.R. 20 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 341, CHILDREN'S INTERNET PROTECTION ACT, was read the third time and explained by Senator Hatch. The bill and 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	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Gladwell	Hickman	Hillyard
Julander	Walker		

H.B. 341 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. H.B. 123, DRUB LAB CLEANUP AND DISCLOSURE, 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	Davis	Dmitrich	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Wright	Mansell	

Absent or not voting were: Senators

Buttars	Eastman	Gladwell	Hillyard
Julander	Walker		

1st Sub. H.B. 123 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 108, INSURANCE AND RETIREMENT FOR CHARTER SCHOOL EMPLOYEES, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

2nd Sub. H.B. 116, FACILITIES WITH REGIONAL IMPACT, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Gladwell	Hillyard	Julander
Valentine			

2nd Sub. H.B. 116 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

H.B. 131, EMINENT DOMAIN AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Davis	Dmitrich	Eastman
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Waddoups	Walker
Wright	Mansell		

Voting in the negative was: Senator
Thomas

Absent or not voting were: Senators

Buttars	B. Evans	Gladwell	Hillyard
Julander	Valentine		

H.B. 131 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Arent, and at 10:50 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Mansell presiding.

* * *

RULES COMMITTEE REPORTS

To the Members of the Senate: March 3, 2004

The Rules Committee recommends the following bills and resolutions be placed at the bottom of the Second Reading Calendar:

H.B. 270	Residence Requirements for Driver License (Rep. M. Noel) (Sen. T. Hatch)
H.B. 330	Allocation of Tobacco Fund Amendments (Rep. D. Peterson) (Sen. J. Hickman)

Michael Waddoups
Acting Rules Committee Chair

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

SECOND READING CALENDAR

H.B. 120, CHILD WELFARE FUNDING FOR IN−HOME SERVICES, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Bell, under suspension of the rules, **H.B. 124**, SMALL CLAIMS COURT JURISDICTION 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, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander
Wright			

H.B. 124 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. 120**, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **H.B. 120**, CHILD WELFARE FUNDING FOR IN−HOME SERVICES, 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, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Dmitrich	Gladwell	Hillyard
Julander	Mayne	Thomas	

H.B. 120 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 Senate voted that, unless otherwise requested, all bills considered today will be considered read the second and third times under suspension of the rules, and up for final passage.

* * *

1st Sub. H.B. 135, NOTIFICATION OF SCHOOL DISTRICT OF VIOLENT OFFENSE BY A STUDENT, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 114**, MONEY MANAGEMENT ACT AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 9, Lines 249a through 249g
House Floor Amendments
2−19−2004

249a Ĥ (b) CERTIFIED INVESTMENT ADVISERS MAY USE A [[~~PRIMARY~~ Ĥ ~~REPORTING~~ Ĥ ~~DEALER~~

249b ~~WHO IS NOT A~~

249b ~~CERTIFIED DEALER OR A BROKER−DEALER WHO IS NOT A CERTIFIED DEALER~~]] non−certified dealer , IF THE COUNCIL

249c HAS QUALIFIED THE [[~~DEALER OR BROKER−DEALER~~]] non−certified dealer ACCORDING TO THE PROCEDURES AND

249d REQUIREMENTS ESTABLISHED IN THE RULES MADE AS REQUIRED IN SUBSECTION (2)(c).

249e (c) THE COUNCIL SHALL MAKE RULES ESTABLISHING STANDARDS AND PROCEDURES

249f THAT CERTIFIED INVESTMENT ADVISERS MAY FOLLOW IN ORDER TO QUALIFY [[~~PRIMARY~~

249g Ĥ ~~REPORTING~~ Ĥ

249g ~~DEALERS AND BROKER−DEALERS WHO ARE NOT CERTIFIED DEALERS~~]] non−certified dealers . Ĥ

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **H.B. 114**, MONEY MANAGEMENT ACT 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, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hale
Hillyard	Julander		

H.B. 114, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, the circle was removed from **3rd Sub. H.B. 56**, LOCAL GOVERNMENT COLLECTION FOR SERVICE, and it was before the Senate. Senator Valentine explained the bill.

Senator Thomas proposed the following amendment:

1. Page 9, Lines 253 through 269

253 become a lien on the customer's property to which the water was furnished or sewer service

254 provided , on a parity with and collectible at the same time and in the same manner as general county taxes that are a lien on the property .

255 ~~(ii) [[With respect to a lien under Subsection (1)(b)(i) for water furnished to a customer's~~

256 ~~property:~~

257 ~~(A) the priority of the lien is determined by the time of certification under Subsection~~

258 ~~(1)(a):~~

259 ~~(B) the lien is collectible through judicial foreclosure; and~~

260 ~~(C) the lien does not survive the sale of the property that is the subject of the lien if the~~

261 ~~sale is pursuant to:~~

262 ~~(I) a power of sale under a notice of default under Section 57−1−24 that is filed for~~

263 ~~record in the county recorder's office before certification under Subsection (1) occurs; or~~

264 ~~(II) a judicial foreclosure if the notice of the pendency of the action under Section~~

265 ~~78−40−2 is filed for record in the county recorder's office before certification under Subsection~~

266 ~~(1) occurs.]] A lien under Subsection (1)(b)(i) may not be enforced against the property after ownership of the property is transferred from the customer to a new owner.~~

267 ~~(iii) A lien under Subsection (1)(b)(i) for sewer service provided to a customer's~~

268 ~~property is on a parity with and collectible at the same time and in the same manner as general~~

269 ~~county taxes that are a lien on the property.~~

Senator Thomas' motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **3rd Sub. H.B. 56**, LOCAL GOVERNMENT COLLECTION FOR SERVICE CHARGES, 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	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators
Gladwell Hillyard Julander Stephenson

3rd Sub. H.B. 56, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Thomas, under suspension of the rules, **3rd Sub. H.B. 140**, LOCAL GOVERNMENT COLLECTION FOR SERVICE CHARGES, was considered read the second and third times.

Senator Thomas proposed the following amendments:

1. Page 29, Line 893 through Page 30, Line 895

893 (4) If the court appoints an attorney guardian ad litem who is not employed by or under

894 contract with the Office of the Guardian Ad Litem, the attorney guardian ad litem shall [[~~meet~~]] comply with

895 the requirements of Subsection (3).

# # #

1. Page 28, Lines 849 through 854
House Floor Amendments
3−1−2004

849 Ĥ [~~(e) (i)~~] (d)(i) Ĥ At any time the minor's parents or guardian may:

850 Ĥ [~~(A) petition the court to release a particular attorney guardian ad litem from a case; and~~

851 ~~(B)~~] (A) Ĥ petition the court for a report of the activities of the attorney guardian ad litem

852 relating to the minor Ĥ ; AND

852a (B) PETITION THE COURT TO RELEASE A PARTICULAR ATTORNEY GUARDIAN AD LITEM

852b FROM A CASE Ĥ .

853 (ii) If a petition is made under Subsection (2) Ĥ [~~(e)(i)(B)~~] (d)(i)[[~~(B)~~]] (A) Ĥ , the court shall order

853a the

854 guardian ad litem to provide the information to the parents or guardian in a timely manner.

Senator Thomas' motion to amend passed on a voice vote. Senators Arent, Walker, and Wright commented and the bill failed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 11; Nays, 12; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Hellewell	Hickman	Jenkins
Killpack	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	

Voting in the negative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Knudson	Mayne

Absent or not voting were: Senators

Blackham	Gladwell	Hatch	Hillyard
Julander	Mansell		

3rd Sub. H.B. 140, as amended, was returned to the House for filing.

* * *

On motion of Senator Valentine, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from **H.B. 165**, CHILD PROTECTION REGISTRY.

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

1st Sub. H.B. 165 Child Protection Registry (M. Styler)

Senator Valentine proposed the following amendment:

1. Page 4, Lines 89 through 93

89 (c) The division shall provide a disclosure to a person who registers a contact point

90 under this section that reads: " No solution is completely secure. The most effective way to protect children on the Internet is to supervise use and review all email messages and other correspondence. Under law, theft of a contact point from the Child Protection

91 Registry is a Class B Felony. While every attempt will be made to secure the Child Protection

92 Registry, registrants and their guardians should be aware that their contact points may be at a greater risk of

93 being misappropriated by marketers who choose to disobey the law."

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, the bill was circled.

* * *

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: March 3, 2004

The House passed, **S.B. 22**, ADMINISTRATIVE RULES REAUTHORIZATION, 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 **4th Sub. S.B. 26**, PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 155**, COUNTY MENTAL HEALTH AMENDMENTS, by Senator G. Davis, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 173**, BAIL BOND REINSTATEMENT AMENDMENTS, by Senator G. Bell, 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. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, by Senator D. C. Buttars, et al, and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 233**, AIRPORT SECURITY AMENDMENTS, 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. 22, 4th Sub. S.B. 26, 1st Sub. S.B. 155, 1st Sub. S.B. 173, 2nd Sub. S.B. 175, and **2nd Sub. S.B. 233** 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, 2004

The House transmits as amended **H.B. 238**, WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS, by Representative J. Alexander, for further consideration; and

The House transmits as amended **H.B. 256**, EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE, by Representative S. Allen, et al, for further consideration.

Carole E. Peterson, Chief Clerk

H.B. 238 and **H.B. 256** were sent to the Rules Committee.

* * *

Mr. President: March 3, 2004

The House has rejected **S.B. 194**, PLUMBING APPRENTICE AMENDMENTS, by Senator P. Hellewell, and it is transmitted for filing.

Carole E. Peterson, Chief Clerk

S.B. 194 was returned to the staff for filing.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 3, 2004

The Rules Committee recommends the following House bills and resolution be placed at the bottom of the Second Reading Calendar:

H.B. 162	Candidacy for Municipal Elections (Rep. J. Dougall) (Sen. G. Bell)

H.B. 225	Provision for Emergency Medical Services (Rep. P. Wallace) (Sen. C. Bramble)
1st Sub. H.B. 311	Redevelopment Agency Amendments (Rep. J. S. Adams) (Sen. D. Gladwell)
1st Sub. H.B. 119	Fencing Responsibilities with Greenbelt or Conservation Easement (Rep. D. Ure) (Sen. B. Evans)
H.B. 150	Workers' Compensation − Fire Department Employees (Rep. J. Murray) (Sen. D. Gladwell)
H.B. 153	Commercial Driver License Amendments (Rep. C. Bird) (Sen. P. Hellewell)
H.B. 279	Counterfeit Tobacco Products (Rep. E. Hutchings) (Sen. H. Stephenson)
H.B. 308	Vehicle Restraint System Amendments (Rep. C. Frank) (Sen. D. Eastman)
H.C.R. 15	Resolution Recognizing Military Appreciation Week (Rep. J. S. Adams) (Sen. D. Thomas)
H.B. 364	Profits from Sale of Crime Memorabilia (Rep. S. Daniels) (Sen. K. Hale)
H.B. 265	Designation of Commemorative Days (Rep. D. Bush) (Sen. G. Davis)
2nd Sub. H.B. 276	Adoption Law Revisions (Rep. R. McGee)
H.B. 370	Tourism Tax Advisory Board (Rep. T. Kiser) (Sen. D. C. Buttars)

Michael Waddoups
Acting Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted placing the bills on the Second Reading Calendar below **1st Sub. H.B. 137** and above **H.B. 301**.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 142**, AUDIT REQUIREMENTS FOR POLITICAL SUBDIVISIONS, was considered read the second and third times. Senator Thomas commented The bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 16; Nays, 0; Absent, 13.

Voting in the affirmative were: Senators

Allen	Bramble	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hellewell
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Walker	Mansell

Absent or not voting were: Senators

Arent	Bell	Blackham	Buttars
Gladwell	Hale	Hatch	Hickman
Hillyard	Julander	Mayne	Waddoups
Wright			

1st Sub. 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 Bramble, the circle was removed from **1st Sub. H.B. 105**, CONTINUING EDUCATION FOR CONTRACTORS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 4, Lines 90 through 95
House Floor Amendments
2−20−2004

90 (21) if licensed as a contractor, not completing a three−hour core education class and an

91 additional Ĥ [~~nine~~] THREE Ĥ hours of professional education approved by the division and the

91a Construction

92 Services Commission within each two−year renewal cycle, beginning with the two−year renewal cycle that starts July 1, 2005, and ends June 30, 2007 unless an exemption has been

93 granted to the licensee by the Construction Services Commission, with the concurrence of the

94 division Ĥ , EXCEPT THAT THIS SUBSECTION (21) IS REPEALED EFFECTIVE JULY 1, 2010 Ĥ and its implementation is subject to the division receiving adequate funding for its implementation through a legislative appropriation .

95 Section 2. Section 58−55−503 is amended to read:

2. Page 7, Line 192
House Committee Amendments
2−9−2004:

192 This bill takes effect on Ĥ [~~January 1~~][[~~AUGUST 1~~]] Ĥ July 1 , 2005.

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 105**, CONTINUING EDUCATION FOR CONTRACTORS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bell	Blackham	Gladwell	Hatch
Hillyard	Julander	Mayne	Waddoups

1st Sub. H.B. 105, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Walker, the Senate voted to lift **H.B. 256** from Rules and place it at the top of the Third Reading Calendar

On motion of Senator Walker, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

H.B. 256, EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE, was before the Senate for reconsideration, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Walker	Wright	Mansell

Absent or not voting were: Senators

Bell	Blackham	Gladwell	Hatch
Hillyard	Julander	Mayne	Valentine
Waddoups			

H.B. 256 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 157**, TRANSPORTATION AMENDMENTS, was considered read the second and third times.

Senator Wright proposed the following amendment:

1. Page 1, Line 8:
   After "Act" insert ", the Sales and Use Tax Act,"

2. Page 1, Line 18:
   After line 18 insert:
   "▶ provides that a county, city, or town may impose a public transit tax of up to 1/4 of 1%, rather than of 1/4 of 1%;"

3. Page 2, Line 28:
   Delete "None" and insert "This bill provides an effective date."

4. Page 2, Line 32:
   After line 32 insert:
   "59−12−501 (Effective 07/01/04), as last amended by Chapter 312, Laws of Utah 2003"

5. Page 9, Line 255:
After line 255 insert:
"Section 3. Section 59−12−501 (Effective 07/01/04) is amended to read:
59−12−501 (Effective 07/01/04). Public transit tax −− Base −− Rate −− Voter approval.
(1) (a) (i) Except as provided in Subsections (1)(a)(ii) and 59−12−207.1(7)(c), in addition to other sales and use taxes, any county, city, or town within a transit district organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act, may impose a sales and use tax of up to 1/4 of 1% on the transactions described in Subsection 59−12−103(1) located within the county, city, or town, to fund a public transportation system.
(ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax under this section on the sales and uses described in Section 59−12−104 to the extent the sales and uses are exempt from taxation under Section 59−12−104.
(b) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59−12−207.1 through 59−12−207.4.
(c) (i) A county, city, or town may impose a tax under this section only if the governing body of the county, city, or town, by resolution, submits the proposal to all the qualified voters within the county, city, or town for approval at a general or special election conducted in the manner provided by statute.
(ii) An election under Subsection 17B−2−512(3)(a)(ii) approving the annexation of an area to a public transit district or local district and approving for that annexed area the sales and use tax authorized by this section satisfies the election requirement of Subsection (1)(c)(i) for the area to be annexed to the public transit district or local district.
(2) (a) If only a portion of a county is included within a public transit district, the proposal may be submitted only to the qualified voters residing within the boundaries of the proposed or existing public transit district.
(b) Notice of any such election shall be given by the county, city, or town governing body 15 days in advance in the manner prescribed by statute.
(c) If a majority of the voters voting in such election approve the proposal, it shall become effective on the date provided by the county, city, or town governing body.
(3) This section may not be construed to require an election in

jurisdictions where voters have previously approved a public transit sales or use tax."

6. Page 9, Line 275:
After line 275 insert:
"Section 5. Effective date.
This bill takes effect on May 3, 2004, except that Section 59−12−501 (Effective 07/01/04) takes effect on July 1, 2004."

Renumber remaining sections accordingly.

Senator Wright's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Walker	Mansell	

Absent or not voting were: Senators

Bell	Gladwell	Hale	Hatch
Hillyard	Julander	Mayne	Valentine
Waddoups	Wright		

H.B. 157, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, under suspension of the rules, **H.B. 249**, NURSING CARE FACILITY MEDICAID CERTIFICATION 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, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hellewell	Hickman

Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hatch
Hillyard	Julander	Mayne	Waddoups

H.B. 249 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 move **H.B. 86** and **1st Sub. H.B. 54** to the top of the Third Reading Calendar.

On motion of Senator Hickman. the Senate voted to return **H.B. 67, H.B. 38,** and **H.J.R. 8** to the Rules Committee.

* * *

On motion of Senator Walker, under suspension of the rules, **1st Sub. H.B. 275**, ADOPTION 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, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hatch	Hillyard
Julander	Mayne		

1st Sub. H.B. 275 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 **1st Sub. H.B. 135**, NOTIFICATION OF SCHOOL DISTRICT OF VIOLENT OFFENSE BY A STUDENT, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 135**, NOTIFICATION OF SCHOOL DISTRICT OF VIOLENT OFFENSE BY A STUDENT, 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

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

Absent or not voting were: Senators

Gladwell	Hatch	Hillyard	Julander
Mayne			

1st Sub. H.B. 135 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, under suspension of the rules, **H.B. 320**, TRANSFERABILITY OF CREDITS AMONG HIGHER EDUCATION INSTITUTIONS, was considered read the second and third times. Senator Buttars commented and 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
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Gladwell	Hatch	Hillyard	Julander
Mayne			

H.B. 320 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 3, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives S. Urquhart, M. Dayton, and S. Daniels to meet with a like committee from the Senate to consider or amend **1st Sub. S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, by Senator L. Blackham, et al.

Carole E. Peterson, Chief Clerk

On motion of Senator Blackham, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 245**. President Mansell appointed a conference committee consisting of Senators Blackham, Walker, and Arent to meet with a like committee from the House.

* * *

Mr. President: March 3, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives L. Christensen, J. Ferrin, and S. Daniels to meet with a like committee from the Senate to consider or amend **1st Sub. S.B. 250**, CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, by Senator J. Valentine.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 250**. President Mansell appointed a conference committee consisting of Senators Valentine, Bramble, and Allen to meet with a like committee from the House.

* * *

Mr. President: March 3, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives S. Urquhart, S. Adams, and B. Goodfellow to meet with a like committee from the Senate to consider or amend **1st Sub. S.B. 66**, TELECOMMUNICATIONS AMENDMENTS, by Senator J. Hickman.

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. 66**. President Mansell appointed a conference

committee consisting of Senators Hickman, Eastman, and Mayne to meet with a like committee from the House.

* * *

On motion of Senator Waddoups, the Senate voted to lift **H.B. 330** from the bottom of the Second Reading Calendar, to the top of the Second Reading Calendar.

On motion of Senator Knudson, the Senate voted to lift **H.B. 238** from the Rules Committee and place it at the top of the Third Reading Calendar.

SECOND READING CALENDAR

H.B. 330, ALLOCATION OF TOBACCO FUND AMENDMENTS, was read the second time.

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

1st Sub. H.B. 330 Allocation of Tobacco Fund Amendments (D. Peterson)

On motion of Senator Hickman, under suspension of the rules, **1st Sub. H.B. 330**, ALLOCATION OF TOBACCO FUND AMENDMENTS, was considered read the second and third times. Senator Jenkins commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Wright	Mansell		

Absent or not voting were: Senators

Gladwell	Hatch	Hillyard	Julander
Valentine	Waddoups	Walker	

1st Sub. H.B. 330, as substituted, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. H.B. 115**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, was considered read the second and third times. Senators Bell, Buttars, Arent, Davis, Hellewell, Hale, Thomas, Hatch, and Dmitrich commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
B. Evans	J. Evans	Hale	Mayne

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Waddoups

3rd Sub. H.B. 115 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 3, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, D. Cox, and B. King to meet with a like committee from the Senate to consider or amend **H.B. 273**, TAX AND CHARGE AMENDMENTS, by Representative W. Harper.

Carole E. Peterson, Chief Clerk

* * *

Mr. President: March 3, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **1st Sub. S.B. 3**, MINIMUM SCHOOL PROGRAM ACT

AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Stephenson, Wright, and Hale, and Reps. Snow, Dillree, and Hendrickson, recommends **S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends 1**st Sub. S.B. 3,** MINIMUM SCHOOL PROGRAM ACT AMENDMENTS.

Sen. Stephenson
Rep. Snow

On motion of Senator Stephenson, the Senate voted to adopt the Joint Conference Committee report. **1st Sub. S.B. 3** passed on the following roll call:

Yeas, 19; Nays, 3; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Arent	Hale	Mayne

Absent or not voting were: Senators

Allen	Blackham	Bramble	Gladwell
Hillyard	Julander	Valentine	

1st Sub. S.B. 3 was returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House receded from its amendments and passed **S.B. 33**, MOBILE HOME PARK RESIDENCY ACT, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 33 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, 2004

The House substituted, amended, and passed, **2nd Sub. S.B. 165**, WORKERS' COMPENSATION AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 3, 2004

The House refused to concur with the Senate Amendments to **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, by Representative D. Bourdeaux, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Stephenson, the Senate voted to refuse to recede from its amendments to **H.B. 239**. President Mansell appointed a conference committee consisting of Senators Stephenson, Waddoups, and Allen to meet with a like committee from the House.

* * *

Mr. President: March 3, 2004

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 145**, APPROVAL REQUIRED FOR DISPOSAL OF RADIOACTIVE WASTE, by Representative S. Urquhart, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

3rd Sub. H.B. 145 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.B. 336**, CLAIMS ON REAL PROPERTY, 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, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	Eastman	J. Evans
Hale	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	B. Evans	Gladwell
Hillyard	Julander	Valentine	Waddoups

H.B. 336 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 358, AMENDMENTS TO ACCESS TO HEALTH CARE PROVIDERS, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 365, DISCLOSURE OF STATE EMPLOYEES' COMPENSATION AND BENEFITS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Bell, under suspension of the rules, **H.C.R. 11**, RESOLUTION ON HIGHER EDUCATION REMEDIAL CLASSES, 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, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Waddoups	Mansell		

Absent or not voting were: Senators

Blackham	Gladwell	Hillyard	Julander
Valentine	Walker	Wright	

H.C.R. 11 was signed by the President of the Senate in open session and returned to the Housefor the signature of the Speaker.

* * *

H.J.R. 25, JOINT RESOLUTION ON MARRIAGE, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 11 through 14

11 This resolution proposes to amend the Utah Constitution to:

** * * Some lines not shown * * **

13 ▸ provide that no other domestic [[~~status or~~]] union [[~~is valid or recognized or~~]] may be

14 [[~~authorized, sanctioned, or~~]] given equivalent legal effect.

2. Page 1, Line 27 through Page 2, Line 29:

27 (2) No other domestic [[~~status or~~]] union, however denominated, [[~~between persons is valid~~

28 ~~or~~]] may be recognized as a marriage or [[~~may be authorized, sanctioned, or~~]] given the same or substantially equivalent

29 legal effect[[~~as a marriage~~]].

Senator Buttars' motion to amend passed on a voice vote. Senators Arent and Mayne commented.

On motion of Senator Buttars, the bill was circled.

* * *

On motion of Senator Mayne, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

H.B. 238, WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS, was before the Senate, explained by Senator Mayne, and 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	Hellewell	Hickman
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bell	Bramble	Eastman	Gladwell
Hillyard	Jenkins	Julander	

H.B. 238 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Blackham, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from **H.B. 358**, AMENDMENTS TO ACCESS TO HEALTH CARE PROVIDERS, and it was before the Senate. Senator Blackham explained the bill.

On motion of Senator Blackham, under suspension of the rules, **H.B. 358**, AMENDMENTS TO ACCESS TO HEALTH CARE PROVIDERS, 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

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale

Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Gladwell	Hickman	Hillyard	Julander

H.B. 358 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

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

The Senate was called to order at 4:15 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The Speaker of the House has signed **1st Sub. S.B. 93**, TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS, by Senator B. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 178**, MORTGAGE BROKER AMENDMENTS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The House passed, **S.B. 232**, STANDARD OF CARE FOR EMERGENCY VEHICLE DRIVERS, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 93, 1st Sub. S.B. 178, and **S.B. 232** 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, 2004

The House passed, as amended, **1st Sub. S.B. 170**, PUBLIC TRANSIT DISTRICT AMENDMENTS, by Senator J. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 3, 2004

The Rules Committee recommends the following House bill be placed at the bottom of the Second Reading Calendar:

1st Sub. H.B. 259 Special Needs Adoption − Preplacement Evaluations
(Rep. A. Hardy) (Sen. C. Walker)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

On motion of Senator Bell, the Senate voted to recall **3rd Sub. H.B. 140** from the House for reconsideration.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.B. 138**, TRESPASSING ON STATE PARK LANDS, was considered read the second and third times.

Senator Knudson proposed the following amendment:

1. Page 2, Line 54
House Floor Amendments
2−24−2004:
After "Subsection" delete "(5)" and insert "(6)"

2. Page 3, Line 80
House Floor Amendments
2−24−2004:
After line 80, insert:
"(6) The provisions of Subsection (5) may apply to lands administered by other state agencies, pursuant to a contractual agreement with the division."

3. Page 3, Line 81
House Floor Amendments
2−24−2004:
At the beginning of the line delete "(6)" and insert "(7)" and after "Subsection" delete "(5)" and insert "(6)"

Senator Knudson's motion to amend passed on a voice vote.

# # #

Senator Hatch proposed the following amendment:

1. Page 3, Line 61 and 62:
House Floor Amendments
2−24−2004
Delete lines 61 and 61

Senator Hatch's motion to amend passed on a voice vote.

Senator Hatch commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 17; Nays, 3; Absent, 9.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Killpack
Knudson	Mayne	Stephenson	Waddoups
Mansell			

Voting in the negative were: Senators

Jenkins	Thomas	Wright

Absent or not voting were: Senators

Allen	Bramble	Gladwell	Hellewell
Hickman	Hillyard	Julander	Valentine
Walker			

H.B. 138, as amended, was returned to the House for further consideration.

* * *

H.B. 147, MUNICIPAL CODE CONDEMNATION AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Mayne, under suspension of the rules, **2nd Sub. H.B. 160**, MORTGAGE ACT AMENDMENTS, was considered read the second and third times.

Senator Mayne proposed the following amendment:

1. Page1, Line 20

20 [[~~None~~]] Appropriates $122,500 for fiscal year 04−05 from the Commerce Service Fund to the Department of Commerce.

2. Page 8, Line 226
House Committee Amendments
2−13−2004:

226 or in part with money provided or administered by the county or municipality.

Section 14. Appropriation
There is appropriated for fiscal year 04−05 $122,500 from the Commerce Service Fund to the Department of Commerce, Commerce Regulation.

Senator Mayne's motion to amend passed on a voice vote. Senator Waddoups commented.

On motion of Senator Mayne, the bill was circled.

* * *

On motion of Senator Dmitrich, under suspension of the rules, **H.B. 263**, STATE RETIREMENT SYSTEM AMENDMENTS, was considered read the second and third times. Senator Bev 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, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
J. Evans	Hale	Hatch	Hellewell
Killpack	Knudson	Mayne	Thomas
Waddoups	Walker		

Voting in the negative were: Senators

B. Evans	Hickman	Jenkins	Stephenson
Valentine	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander

H.B. 263 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 147**, MUNICIPAL CODE CONDEMNATION AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 147**, MUNICIPAL CODE CONDEMNATION 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
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Gladwell	Hillyard	Julander

H.B. 147 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to reconsider its action on **3rd Sub. H.B. 140**.

On motion of Senator Bell, the bill was placed at the top of the Second Reading Calendar.

* * *

3rd Sub. H.B. 140, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, was before the Senate and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Pages 27 and 28, Lines 829 through 854:
   Delete lines 829 through 854

Senator Bell's motion to amend passed on a voice vote. Senators Arent and Thomas commented.

On motion of Senator Thomas, under suspension of the rules, **3rd Sub. H.B. 140**, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Eastman
B. Evans	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Mayne	

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander

3rd Sub. H.B. 140, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Waddoups, the Senate voted to return **S.B. 200** from enrolling for the purpose of a correction.

On motion of Senator Valentine, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 165**, CHILD PROTECTION REGISTRY, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander
Stephenson			

1st Sub. H.B. 165, as substituted and amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House requests the return of **1st Sub. S.B. 196**, COURT FEE ADJUSTMENTS, by Senator D. Gladwell, for reconsideration.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 196 was returned to the House.

THIRD READING CALENDAR

H.B. 86, PRIMARY CARE NETWORK AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 7 through 9

7 General Description:

8 This bill reduces the annual fee for the primary care network to $[[~~15~~]] 25 per year for those

9 people that fall below 50% of the federal poverty level.

2. Page 1, Line 12:

12 ▸ reduces the annual fee an enrollee must pay for the primary care network to $[[~~15~~]] 25 per

3. Page 2, Lines 31 through 36:

31 in accordance with Subsection (2)(b).

32 (b) Pursuant to a waiver obtained under Subsection (2)(a), the department shall cap

33 enrollment fees for the primary care network at $15 per year for those persons who[[~~{~~]],[[~~}~~]][[~~:~~]]

34 [[~~(i)~~]] after July 1, 2003, are eligible to begin receiving General Assistance under Section

35 35A−3−401[[~~{~~]].[[~~}~~]][[~~; or~~]]

36 [[~~(ii)~~]] (c) Beginning July 1, 2004, and pursuant to a waiver obtained under Subsection (2)(a), the department shall cap enrollment fees for the primary care network at $25 per year for those persons who have an income level that is below 50% of the federal poverty level.

Senator Jenkins' 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	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Thomas	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander	Stephenson	Valentine	

H.B. 86, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 54, VIDEOTAPE OF MINORS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

On motion of Senator Buttars, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

H.B. 289, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

On motion of Senator Valentine, under suspension of the rules, **H.B. 294**, PURCHASE OF FIREARMS 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, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Allen	Arent	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bell	Bramble	Gladwell	Hillyard
Julander	Stephenson		

H.B. 294 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Walker, under suspension of the rules, **H.B. 335**, PENALTY FOR USING FAKE IDENTIFICATION, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch

Hellewell	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander	Mayne		

H.B. 335 was signed by the President of the Senate in open session and returned to the Housefor the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 343**, PRACTICE PERMIT REQUIREMENT AMENDMENTS, was considered read the second and third times. Senator Hale 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander	Mayne		

H.B. 343 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Allen, under suspension of the rules, **H.J.R. 13**, CLOG AMERICA 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, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander
Mayne			

H.J.R. 13 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Wright, under suspension of the rules, **H.B. 349**, DEPARTMENT OF AGRICULTURE AND FOOD AUDIT REQUIREMENTS, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Mayne	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander
Knudson	Stephenson		

H.B. 349 was signed by the President of the Senate in open session and returned to the Housefor the signature of the Speaker

* * *

On motion of Senator Buttars the Senate voted to move **1st Sub. H.B. 311** to the top of the Second Reading Calendar.

1st Sub. H.B. 311, REDEVELOPMENT AGENCY AMENDMENTS, was read the second time.

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

2nd Sub. H.B. 311 Redevelopment Agency Amendments (J. S. Adams)

On motion of Senator Buttars, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The Speaker of the House has signed **1st Sub. S.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 3 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, 2004

The Speaker of the House has appointed a Conference Committee consisting of Representatives Bourdeaux, Harper, and Christensen to meet with a like committee from the Senate to consider or amend **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, by Representative D. Bourdeaux.

Carole E. Peterson, Chief Clerk

The Conference Committee from the Senate was previously assigned.

INTRODUCTION OF BILLS

S.J.R. 10, **Master Study Resolution** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from **H.B. 365**, DISCLOSURE OF STATE EMPLOYEES' COMPENSATION AND BENEFITS, and it was before the Senate.

On motion of Senator Blackham, under suspension of the rules, **H.B. 365**, DISCLOSURE OF STATE EMPLOYEES' COMPENSATION AND BENEFITS, 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander

H.B. 365 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, under suspension of the rules, **H.B. 122**, PRIVATE INVESTIGATOR AMENDMENTS, was considered read the second and third times. Senator Davis commented and 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Hatch	Hillyard
Julander			

H.B. 122 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker

* * *

On motion of Senator Buttars, under suspension of the rules, **H.B. 125**, COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS, was considered read the second and third times. Senators Waddoups and Bev Evans commented and the bill passed, having had no Senate Standing Committee action and under suspension of the rules, on the following roll call:

Yeas, 17; Nays, 7; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Killpack	Knudson	Mayne	Thomas
Walker			

Voting in the negative were: Senators

Hellewell	Hickman	Jenkins	Stephenson
Waddoups	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander
Valentine			

H.B. 125 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 148**, OPTOMETRY AMENDMENTS, was considered read the second and third times and passed, having had no Senate Standing Committee action and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman

B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Thomas	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander
Stephenson	Valentine	Waddoups	

H.B. 148 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, **H.B. 241**, COMMITMENT FOR MENTAL RETARDATION, was considered read the second and third times and passed, having had no Senate Standing Committee action and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Thomas	Walker	Wright
Mansell			

Absent or not voting were: Senators

Allen	Bramble	Gladwell	Hillyard
Julander	Stephenson	Valentine	Waddoups

H.B. 241 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, **H.B. 250**, PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS, was considered read the second and third times and passed, having had no Senate Standing Committee action and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Thomas	Valentine	Walker
Wright	Mansell		

Absent or not voting were: Senators

Allen	Bramble	Gladwell	Hillyard
Julander	Stephenson	Waddoups	

H.B. 250 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, under suspension of the rules, **H.B. 295**, ISSUANCE OF CONCEALED FIREARM PERMITS AMENDMENTS, was considered read the second and third times and passed, having had no Senate Standing Committee action and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Thomas	Valentine	Walker
Wright	Mansell		

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander	Stephenson	Waddoups	

H.B. 295 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Blackham, under suspension of the rules, **H.B. 347**, STATE HIGHWAY DESIGNATION CHANGES, was considered read the second

and third times and passed, having had no Senate Standing Committee action 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Wright	Mansell	

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander	Walker		

H.B. 347 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 325, MOTOR VEHICLE INSURANCE AMENDMENT, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

1st sub. H.B. 266, REVISIONS TO CHILD WELFARE, was read the second time.

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

4 th Sub. H.B. 266 Revisions to Child Welfare (W. Harper)

On motion of Senator Buttars, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House passed, as amended, **H.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

H.B. 3 was read the first time and sent to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 3, 2004

The Rules Committee recommends the following bills and resolutions be placed at the bottom of the Second Reading Calendar:

H.B. 298	Residence Lien Recovery Fund Amendments (Rep. S. Clark) (Sen. S. Jenkins)
H.B. 129	Child Protection Team Meetings (Rep. C. Bennion) (Sen. S. Killpack)
H.C.R. 5	Resolution Urging Federal Tax Cuts to Be Made Permanent (Rep. C. Bennion) (Sen. H. Stephenson)
1st Sub. H.C.R. 6	Resolution Opposing Internet Access Taxes (Rep. C. Bennion) (Sen. Stephenson)
1st Sub. H.B. 348	Privacy Amendments (Rep. M. Thompson) (Sen. C. Bramble)
H.B. 310	Child Support Amendments (Rep. K. Bryson) (Sen. D. Gladwell)

Michael Waddoups
Acting Rules Committee Chair

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

* * *

On motion of Senator Waddoups, the Senate voted to lift **H.B. 3** from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **H.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, was considered read the second and third times.

On motion of Senator Blackham, the bill was circled.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 292**, VEHICLE FRANCHISE AMENDMENTS, was considered read the second and third times and passed, having had no Senate Standing Committee action 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
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander

H.B. 292 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **1st Sub. H.B. 149**, NEW AUTOMOBILE FRANCHISE ACT, was considered read the second and third times and passed, having had no Senate Standing Committee action 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander			

1st Sub. H.B. 149 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 303**, CHILD WELFARE REVISIONS, was considered read the second and third times and passed, having had no Senate Standing Committee action 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander			

H.B. 303 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 325**, MOTOR VEHICLE INSURANCE AMENDMENT, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **H.B. 325**, MOTOR VEHICLE INSURANCE AMENDMENT, was considered read the second and third times and passed, having had no Senate Standing Committee action and under suspension of the rules, 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
J. Evans	Hale	Hatch	Hellewell
Jenkins	Killpack	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Blackham	Bramble	Gladwell	Hickman
Hillyard	Julander	Knudson	

H.B. 325 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 133, PROPERTY TAX − VETERAN'S EXEMPTION, was read the second time. Senator Davis explained the bill. Senator Valentine commented.

On motion of Senator Davis, the bill was circled.

* * *

1st Sub. H.B. 137, CAMPAIGN FINANCE DISCLOSURE IN MUNICIPAL ELECTIONS, was read the second time.

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

* * *

H.B. 162, CANDIDACY FOR MUNICIPAL ELECTIONS, was read the second time.

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

1st Sub. H.B. 162 Candidacy for Municipal Elections (J. Dougall)

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 162**, MUNICIPAL ELECTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hatch
Hellewell	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Voting in the negative were: Senators

Jenkins	Wright

Absent or not voting were: Senators

Gladwell	Hale	Hickman	Hillyard
Julander			

1st Sub. H.B. 162, as substituted, was returned to the House for further consideration.

* * *

On motion of Senator Waddoups, the Senate voted to lift **S.J.R. 10** from Rules and place it at the top of the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **4th Sub. S.B. 230**, READING ACHIEVEMENT PROGRAM, by Senator J. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. John Valentine, James Evans, and Karen Hale, and Reps. Sheryl Allen, Michael Styler, and James Gowans, recommends **1st Sub. S.B. 230**, PERFORMANCE PLUS − READING ACHIEVEMENT, by Senator J. Evans, be replaced and favorably recommends **4th Sub. S.B. 230**, READING ACHIEVEMENT PROGRAM.

Sen. John Valentine
Rep. Sheryl Allen

On motion of Senator James Evans, the Senate voted to adopt the Joint Conference Committee report. 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	J. Evans	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

Bramble	Gladwell	Hillyard	Julander

4th Sub. S.B. 230 was returned to the House for signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **1st Sub. S.B. 48**, UNIFORM FIREARM LAWS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Michael Waddoups, Gregory Bell, and Ed Mayne, and Reps. Stephen Urquhart, R. Curtis Webb, and Ty McCartney, recommends **S.B. 48**, UNIFORM FIREARM LAWS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 48** UNIFORM FIREARM LAWS.

Sen. Michael Waddoups
Rep. Stephen Urquhart

On motion of Senator Waddoups, the Senator voted to adopt the Joint Conference Committee report. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Dmitrich
Eastman	B. Evans	J. Evans	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Hale

Absent or not voting were: Senators

Bramble	Gladwell	Hickman	Hillyard
Julander			

1st Sub. S.B. 48 was returned to the House for signature of the Speaker of the House.

On motion of Senator Waddoups the Senate voted to adopt the following intent language:

INTENT LANGUAGE FOR S.B. 48

"The passage of **S.B. 48,** Uniform Firearm Laws, is not intended to restrict the property rights of private institutions of higher education."

* * *

Mr. President: March 3, 2004

The House requests the return of **S.B. 200**, LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED NATIONAL GUARD MEMBERS, by Senator P. Knudson, for reconsideration.

Carole E. Peterson, Chief Clerk

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

* * *

On motion of Senator Waddoups, and at 6:15 p.m., the Senate recessed.

SENATE EVENING SESSION

The Senate reassembled at 7:10 p.m., with President Mansell presiding.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Bramble, Hellewell, and Allen, and Reps. Harper, Cox, and King, recommends **H.B. 273**, TAX AND CHARGE AMENDMENTS, by Representative W. Harper, with the following amendments:

Include all the House amendments on pages 1, 2, 3, 13, 13a, 13b, 47, 48, 50, 51, 56, 108, 113, 114, 132, 133, 162, and 188 of the lilac copies dated 2−25−2004, with the following changes:

1. Page 1, Lines 26 through 27:

26 Ş [[~~{~~]] ► provides that certain state sales and use tax revenues Ĥ <u>ARE REQUIRED TO</u> Ĥ be

26a deposited into the Remote

27 Sales Restricted Account;[[~~}~~]] Ş

2. Page 2, Lines 28 through 31:

28 Ş [[~~{~~]] ► Ĥ [~~repeals language requiring~~] REQUIRES Ĥ the Division of Finance to deposit any

28a revenues in the

29 Remote Sales Restricted Account Ĥ AS OF JULY 1, 2004 Ĥ into the General Fund;

30 ► provides that the Remote Sales Restricted Account shall earn interest and that the

31 interest shall be deposited into the account;[[~~}~~]] Ş

3. Page 55, Line 1694 through Page 56, Line 1705:

1694 Ş [[~~{~~]](7) (a) Notwithstanding Subsection (3)(a), for fiscal years beginning on or after fiscal

1695 year [[~~2003−04~~]] 2004−05 , the commission shall each year on or before the September 30 immediately

1696 following the last day of the fiscal year deposit the difference described in Subsection (7)(b)

1697 into the Remote Sales Restricted Account created in Section 59−12−103.2 if that difference is

1698 greater than $0.

1699 (b) The difference described in Subsection (7)(a) is equal to the difference between:

1700 (i) the total amount of the following revenues the commission received from sellers

1701 collecting a tax in accordance with Subsection 59−12−107(1)(b) for the fiscal year immediately

1702 preceding the September 30 described in Subsection (7)(a):

1703 (A) revenues under Subsection (2)(a)(i); and

1704 (B) revenues under Subsection (2)(b)(i); and

1705 (ii) [[~~$7,279,673~~]] $8,779,673 .[[~~}~~]] Ş

4. Page 56, Lines 1710 through 1715b:

1710 Ş [{] [[~~(2) On or before December 1, 2004, the Division of Finance shall deposit any~~

1711 ~~revenues in the Remote Sales Restricted Account into the General Fund.~~]] [}]

1712 [[{]](2) The account shall be funded from the portion of the sales and use tax deposited by

1713 the commission as provided in Section 59−12−103.

1714 (3) (a) The account shall earn interest.

1715 (b) The interest described in Subsection (3)(a) shall be deposited into the account.

1715a Ĥ (4) THE DIVISION OF FINANCE SHALL DEPOSIT ANY REVENUES IN THE REMOTE SALES

1715b RESTRICTED ACCOUNT AS OF JULY 1, 2004, INTO THE GENERAL FUND. [[Ĥ]]] Ş

5. Page 70, Lines 2151 through 2153:

2151 (1) (a) Except as provided in Subsection (1)(e) or Sections 59−12−107.1 through [~~59−12−107.3~~] 59−12−107.4 and subject to Subsection (1)(f) ,

2152 each seller shall pay or collect and remit the sales and use taxes imposed by this chapter if

2153 within this state the seller:

6. Page 72, Line 2211:

2211 within this state.

(f) (i) As used in this Subsection (1)(f):

(A) "affiliated group" is as defined in Section 59−7−101, except that "affiliated group" includes a corporation that is qualified to do business but is not otherwise doing business in this state;

(B) "common ownership" is as defined in Section 59−7−101;

(C) "related seller" means a seller that:

(I) is not required to pay or collect and remit sales and use taxes under Subsection (1)(a) or Section 59−12−103.1;

(II) is:

(Aa) related to a seller that is required to pay or collect and remit sales and use taxes under Subsection (1)(a) as part of an affiliated group or because of common ownership; or

(Bb) a limited liability company owned by the parent corporation of an affiliated group if that parent corporation of the affiliated group is required to pay or collect and remit sales and use taxes under Subsection (1)(a); and
(III) does not voluntarily collect and remit a tax under Subsection (1)(b)(i).
(ii) A seller is not required to pay or collect and remit sales and use taxes under Subsection (1)(a):
(A) if the seller is a related seller;
(B) if the seller to which the related seller is related does not engage in any of the following activities on behalf of the related seller:
(I) advertising;
(II) marketing;
(III) sales; or
(IV) other services; and
(C) if the seller to which the related seller is related accepts the return of an item sold by the related seller, the seller to which the related seller is related accepts the return of that item:
(I) sold by a seller that is not a related seller; and
(II) on the same terms as the return of an item sold by that seller to which the related seller is related.

7. Page 72, Lines 2212 through 2213:

2212 (2) (a) Except as provided in Sections 59−12−107.1 through [~~59−12−107.3~~] 59−12−107.4,

2213 [[~~a seller shall collect~~]] a tax under this chapter shall be collected from a purchaser.

Sen. Bramble
Rep. Harper

On motion of Senator Valentine the Senate voted to adopt the Joint Conference Committee report. The bill passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Eastman
Hale	Hatch	Hellewell	Hickman

Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

Absent or not voting were: Senators

Allen	Bramble	Buttars	Davis
Dmitrich	B. Evans	J. Evans	Gladwell
Hillyard	Julander	Wright	

H.B. 273, as amended, was returned to the House for further consideration.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Stephenson, Waddoups, and Allen, and Reps. Bourdeaux, Harper, and Christensen, recommends **H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, by Representative D. Bourdeaux, be replaced and favorably recommends **1st Sub. H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX.

Sen. Stephenson
Rep. Bourdeaux

On motion of Senator Stephenson the Senate voted to adopt the Joint Conference Committee report. 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	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Allen	Davis	Dmitrich	B. Evans
J. Evans	Hillyard	Julander	

1st Sub. H.B. 239 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, **S.J.R. 10**, MASTER STUDY RESOLUTION, was considered read the second and third times. Senator Waddoups explained the bill. Senator James Evans commented.

On motion of Sen. Valentine, the following item is added to **S.J.R. 10:** "The study of Sections 78−27−37 through 42 − Liability Reform Act"

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

Arent	Bell	Blackham	Bramble
Buttars	Eastman	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Davis	Dmitrich	B. Evans
Hillyard	Julander		

S.J.R. 10, as amended, was transmitted to the House.

* * *

On motion of Senator Mayne, the circle was removed from **2nd Sub. H.B. 160**, MORTGAGE ACT AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 8, Line 216:

   reinstate provide the notices or information described in Subsection 61−2d−1−5(1) and Sections 61−2d−111 and 61−2d−122 and delete ["~~COMPLY WITH ANY PROVISION UNDER THIS CHAPTER~~]

Senator Bramble's motion to amend passed on a voice vote.

# # #

Senator Waddoups proposed the following amendment:

1. Page 2, Line 37
House Committee Amendments
2−13−2004

37 61−2d−113, Utah Code Annotated 1953
61−2d−114, Utah Code Annotated 1953

2. Page 8, Line 218
House Committee Amendments
2−13−2004

218 terms.
Section 13. Section 61−2d−114 is enacted to read:.
61−2d−114. Increase in employees.
Funds allocated for investigations in this chapter may only be used to employ additional employees if there is a ten percent increase in caseloads.

3. Page 8, Lines 219 through 220
House Committee Amendments
2−13−2004

219 Section [[[]]14[[]]] [[13]] . Section 70D−1−21 is enacted to read:

220 70D−1−21. Ordinance or law by political subdivision prohibited.

Senator Waddoups' motion to amend passed on a voice vote.

# # #

Senator Waddoups proposed the following amendment:

1. Page 1, Line 20:
Senate Floor Amendments
3−1−2004
Bracket "$122,500" and insert "$61,250"

2. Page 8, Line 226:
Senate Floor Amendments
3−1−2004
Bracket "$122,500" and insert "$61,250"

Senator Waddoups' motion to amend passed on a voice vote.

On motion of Senator Mayne, under suspension of the rules, **2nd Sub. H.B. 160**, MORTGAGE ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Gladwell	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Allen	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hickman	Hillyard
Julander			

2nd Sub. H.B. 160, as amended, was returned to the House.

* * *

On motion of Senator Buttars, the circle was removed from **H.J.R. 25**, JOINT RESOLUTION ON MARRIAGE, and it was before the Senate. Senator Buttars explained the bill.

On motion of Senator Buttars, under suspension of the rules, **H.J.R. 25**, JOINT RESOLUTION ON MARRIAGE, was considered read the second and third times. Senator Arent, Knudson, Thomas, Mayne, Bramble, Allen, Dmitrich, James Evans, Gladwell, Davis, and Valentine commented.

Senator Mayne proposed the following amendment:

1. Page 11, Lines 11 through 12

11 This resolution proposes to amend the Utah Constitution to:

12 ▸ define marriage as only the union of [[~~a~~]] one man and [[~~a~~]] one woman; and

2. Page 1, Line 26:

26 (1) Marriage consists only of the legal union between [[~~a~~]] one man and [[~~a~~]] one woman.

Senator Mayne's motion to amend failed on the following roll call:

Yeas, 7; Nays, 20; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Mayne	

Voting in the negative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Hillyard	Julander

The bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
J. Evans	Hale	Mayne	

Absent or not voting were: Senators

Hillyard	Julander

H.J.R 25, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House refused to concur with the Senate Amendments to **H.B. 138**, TRESPASSING ON STATE PARK LANDS, by Representative S. Allen, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Knudson, the Senate voted to recede from its 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
Bramble	Buttars	Davis	Dmitrich

Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hickman	Hillyard	Julander

H.B. 138 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **1st Sub. S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, by Senator L. Blackham, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Blackham, Walker, and Arent, and Reps. Urquhart, Dayton, and Daniels, recommends **1st Sub. S.B. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, by Senator L. Blackham, et al, with the following amendments:

1. Page 3, Lines 65 through 68:

65 [~~(iii)~~] (C) a third arbitrator :
(I) [~~be~~] jointly selected by Ĥ []{[[~~{~~]]all persons claiming damages and

66 the health care provider[[~~}~~]]{[] ; or
(II) if both parties cannot agree on the selection of the third arbitrator, [[~~{~~]]THE OTHER TWO ARBITRATORS[[~~}~~]]{[Ĥ shall appoint the third arbitrator from a list of individuals approved as

66a arbitrators by the state or federal

67 courts of Utah; or

68 (ii) if both parties agree, a single arbitrator may be selected;

Sen. Blackham
Rep. Urquhart

On motion of Senator Blackham, the Senate voted to recede from their 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
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hickman	Hillyard	Julander

1st Sub. S.B. 245 was returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House substituted and passed, **2nd Sub. S.B. 196**, COURT FEE ADJUSTMENTS, by Senator D. Gladwell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 3, 2004

The Rules Committee recommends the following House bills and resolutions be placed at the bottom of the Second Reading Calendar:

H.B. 175 Process for Filling Midterm Vacancies in the Legislature (Rep. W. Harper) (Sen. M. Waddoups)

H.B. 322 Golf Carts Allowed on Certain Highways (Rep. C. Moss) (Sen. P. Arent)

H.J.R. 11	Resolution Urging a Study on Statewide Uniform Fees Imposed on Motor Homes (Rep. L. Shurtliff) (Sen. C. Bramble)
H.C.R. 8	Resolution Promoting Reading Readiness by Encouraging Utah Citizens to Read with a Child 20 Minutes a Day (Rep. K. Morgan) (Sen. K. Hale)

Michael Waddoups
Acting Rules Committee Chair

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

COMMUNICATIONS FROM THE HOUSE

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 56**, LOCAL GOVERNMENT COLLECTION FOR SERVICE CHARGES, by Representative S. Mascaro, 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**, CONTINUING EDUCATION FOR CONTRACTORS, by Representative J. S. Adams, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 114**, MONEY MANAGEMENT ACT AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 128**, AMENDMENTS TO OPERATING UNDER THE INFLUENCE, by Representative D. Love, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 157**, TRANSPORTATION AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 158**, WATER SHARES IN A MUNICIPAL WATER COMPANY, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 312**, NONPARTICIPATING TOBACCO MANUFACTURER'S FEE, by Representative D. Ure, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 323**, SPYWARE REGULATION, by Representative S. Urquhart, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 165**, CHILD PROTECTION REGISTRY, by Representative M. Styler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 86**, PRIMARY CARE NETWORK AMENDMENTS, by Representative K. Holdaway, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

3rd Sub. H.B. 56, 1st Sub. H.B. 105, H.B. 114, 2nd Sub. H.B. 128, H.B. 157, H.B. 158, 1st Sub. H.B. 312, 4th Sub. H.B. 323, 1st Sub. H.B. 165, and **H.B. 86** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

On motion of Senator Bramble, the Senate voted to move to Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Bramble, the Senate refused to concur in the House amendments to **2nd Sub. S.B. 165**, WORKERS COMPENSATION AMENDMENTS, and the bill was returned to the House for further consideration.

* * *

On motion of Senator James Evans, the Senate voted to concur in the House amendments to **1st Sub. S.B. 170**, PUBLIC TRANSIT DISTRICT 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	Buttars
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Davis	Hale
Hillyard	Julander	Killpack	Knudson

1st Sub. S.B. 170 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Gladwell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 196**, COURT FEE ADJUSTMENTS. The bill, as amended, passed on the following roll call:

Yeas, 15; Nays, 7; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	B. Evans	J. Evans	Gladwell
Hatch	Killpack	Stephenson	Thomas
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Hellewell	Hickman	Knudson
Mayne	Valentine	Waddoups	

Absent or not voting were: Senators

Arent	Blackham	Eastman	Hale
Hillyard	Jenkins	Julander	

2nd Sub. S.B. 196 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Buttars, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **2nd Sub. H.B. 311**, REDEVELOPMENT AGENCY AMENDMENTS, and it was before the Senate.

On motion of Senator Buttars, under suspension of the rules, **2nd Sub. H.B. 311**, REDEVELOPMENT AGENCY AMENDMENTS, was considered read the second and third times. Senators Hale, Thomas, and Waddoups commented and the bill failed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 13; Nays, 13; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Buttars	Davis
Dmitrich	J. Evans	Hatch	Hickman
Killpack	Knudson	Thomas	Walker
Mansell			

Voting in the negative were: Senators

Allen	Arent	Bramble	B. Evans
Gladwell	Hale	Hellewell	Jenkins
Mayne	Stephenson	Valentine	Waddoups
Wright			

Absent or not voting were: Senators

Eastman	Hillyard	Julander

2nd Sub. H.B. 311 was returned to the House for filing.

* * *

H.B. 225, PROVISION FOR EMERGENCY MEDICAL SERVICES, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 108**, INSURANCE AND RETIREMENT FOR CHARTER SCHOOL EMPLOYEES, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 49:
   After "State Board of Education" insert "or a local school district"

2. Page 3, Line 74:
   After "State Board of Education" insert "or a local school district"

3. Page 5, Line 150:
Delete "may" and insert "shall"

Senator Stephenson's motion to amend passed on a voice vote.

Senator Bev Evans made a motion to substitute the bill. Senators Hale and Waddoups commented. The motion failed on a voice vote.

The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 3; Absent, 6.

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Davis
Dmitrich	Eastman	Gladwell	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Arent	B. Evans	Hale

Absent or not voting were: Senators

Blackham	Buttars	J. Evans	Hillyard
Julander	Mayne		

H.B. 108, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the Senate voted to reconsider its action on **2nd Sub. H.B. 311**.

On motion of Senator Buttars, the Senate voted to place **2nd Sub. H.B. 311** at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, under suspension of the rules, **2nd Sub. H.B. 311**, REDEVELOPMENT AGENCY AMENDMENTS, was considered read the second and third times under reconsideration and passed on the following roll call:

Yeas, 16; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Davis	Dmitrich	Eastman	J. Evans
Hatch	Killpack	Knudson	Mayne
Thomas	Walker	Wright	Mansell

Voting in the negative were: Senators

Allen	Arent	B. Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Stephenson	Valentine	Waddoups	

Absent or not voting were: Senators

Hillyard	Julander

2nd Sub. H.B. 311 was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the circle was removed from **3rd Sub. H.B. 268**, CHILD WELFARE PROCESSES, and it was before the Senate.

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

4th Sub. H.B. 268 Child Welfare Processes (M. Thompson)

On motion of Senator Bramble, under suspension of the rules, **4th Sub. H.B. 268**, CHILD WELFARE PROCESSES, 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

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

Absent or not voting were: Senators

Bell	Hillyard	Julander	Knudson
Thomas			

4th Sub. H.B. 268, as substituted, was returned to the House.

RULES COMMITTEE REPORTS

Mr. President: March 3, 2004

The Rules Committee recommends the following House bills be placed at the bottom of the Second Reading Calendar:

H.B. 314 Consumer Protection Revisions (Rep. J. Dougall) (Sen. C. Bramble)

H.B. 170 Office of the Attorney General Responsibilities (Rep. K. Bryson) (Sen. D. Gladwell)

Michael Waddoups
Acting Rules Committee Chair

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

SECOND READING CALENDAR

On motion of Senator Gladwell, the circle was removed from **H.B. 133**, PROPERTY TAX − VETERAN'S EXEMPTION, and it was before the Senate.

On motion of Senator Gladwell, under suspension of the rules, **H.B. 133**, PROPERTY TAX − VETERAN'S EXEMPTION, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Buttars	Hillyard	Julander

H.B. 133 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Gladwell, the circle was removed from **H.B. 289**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, and it was before the Senate.

On motion of Senator Gladwell, under suspension of the rules, **H.B. 289**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was considered read the second and third times. Senators Arent and Dmitrich commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Jenkins	Killpack
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Hickman		

Absent or not voting were: Senators

Hillyard	Julander

H.B. 289 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 225**, PROVISION FOR EMERGENCY MEDICAL SERVICES, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **H.B. 225**, PROVISION FOR EMERGENCY MEDICAL SERVICES, 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
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Hatch	Hillyard	Julander

H.B. 225 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bev Evans, under suspension of the rules, **1st Sub. H.B. 119**, FENCING RESPONSIBILITIES WITH GREENBELT OR CONSERVATION EASEMENT, was considered read the second and third times. Senators Thomas and Jenkins commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 16; Nays, 7; Absent, 6.

Voting in the affirmative were: Senators

Blackham	Bramble	Davis	Eastman
B. Evans	J. Evans	Hatch	Hellewell
Killpack	Knudson	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Arent	Bell	Dmitrich	Gladwell
Hale	Jenkins	Thomas	

Absent or not voting were: Senators

Allen	Buttars	Hickman	Hillyard
Julander	Mayne		

1st Sub. H.B. 119 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker

* * *

On motion of Senator Bramble, the Senate voted to move **H.B. 314** to the top of the Second Reading Calendar.

H.B. 314, CONSUMER PROTECTION REVISIONS, was read the second time.

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

1st Sub. H.B. 314 Consumer Protection Revisions (J. Dougall**)**

On motion of Senator Bramble, the bill was moved to the bottom of the Second Reading Calendar.

* * *

H.B. 150, WORKERS' COMPENSATION − FIRE DEPARTMENT EMPLOYEES, was read the second time.

On motion of Senator Gladwell, the bill was circled.

* * *

H.B. 153, COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the second time.

On motion of Senator Hellewell, the bill was circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 279**, COUNTERFEIT TOBACCO PRODUCTS, was considered read the second and third time. Senators Hale 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	Blackham
Bramble	Buttars	Davis	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Dmitrich	Hillyard	Julander

H.B. 279 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 308**, VEHICLE RESTRAINT 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, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Buttars
Davis	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Allen	Bramble	Dmitrich	J. Evans
Hickman	Hillyard	Julander	Valentine
Wright			

H.B. 308 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Thomas, under suspension of the rules, **H.C.R. 15**, RESOLUTION RECOGNIZING MILITARY APPRECIATION WEEK, 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, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Arent	Bell	Buttars	Davis
Dmitrich	Eastman	B. Evans	Gladwell
Hale	Hatch	Hellewell	Jenkins
Killpack	Knudson	Mayne	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Allen	Blackham	Bramble	J. Evans
Hickman	Hillyard	Julander	Valentine
Wright			

H.C.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hale, under suspension of the rules, **H.B. 364**, PROFITS FROM SALE OF CRIME MEMORABILIA, 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

Arent	Bell	Buttars	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Thomas	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Allen	Blackham	Bramble	Hillyard
Julander	Valentine		

H.B. 364 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **1st Sub. H.B. 54**, VIDEOTAPE OF MINORS, and it was before the Senate.

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

2nd Sub. H.B. 54 Videotape of Minors (W. Harper)

On motion of Senator Buttars, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Davis, under suspension of the rules, **H.B. 265**, DESIGNATION OF COMMEMORATIVE DAYS, 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, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Jenkins	Killpack	Knudson	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Blackham	Bramble	Eastman	Hickman
Hillyard	Julander	Mayne	Valentine

H.B. 265 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, under suspension of the rules, **2nd Sub. H.B. 276**, ADOPTION LAW REVISIONS, 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, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Buttars
Davis	Dmitrich	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Jenkins	Killpack	Knudson	Stephenson
Thomas	Waddoups	Walker	Mansell

Absent or not voting were: Senators

Blackham	Bramble	Eastman	Hickman
Hillyard	Julander	Mayne	Valentine
Wright			

2nd Sub. H.B. 276 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, under suspension of the rules, **H.B. 370**, TOURISM TAX ADVISORY BOARD, was considered read the second and third times. Senators Thomas, Killpack and Walker commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	B. Evans
J. Evans	Gladwell	Hale	Hatch
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Allen	Eastman	Hellewell	Hickman
Hillyard	Julander	Mayne	

H.B. 370 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 301**, VOTER REGISTRATION 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, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	Gladwell	Hatch
Jenkins	Killpack	Knudson	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

Voting in the negative were: Senators

Arent	Davis	Dmitrich	J. Evans
Hale	Mayne		

Absent or not voting were: Senators

Allen	Hellewell	Hickman	Hillyard
Julander	Wright		

H.B. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Waddoups, under suspension of the rules, **H.B. 357**, CONTINUING EDUCATION FOR REAL ESTATE PROFESSIONALS, was considered read the second and third times.

Senator Walker proposed the following amendment:

1. Page 1, Line 12

12 This bill:
▸ modifies provisions related to the renewal of an expired license;

2. Page 3, Line 59:

59 (B) by [[~~competing~~]] completing 12 hours of professional education approved by the division and

3. Page 3, Line 79:

79 education[[~~, the subject of which shall be~~]] :
(A) in addition to the requirements for a timely renewal; and
(B) on a subject determined by the commission by rule made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act ; and

4. Page 3, Line 85 through Page 4, Line 91:

85 (3) (a) As a condition for the activation of an inactive license[[~~, a~~]] that was in an inactive status at the time of the licensee's most recent renewal, the licensee shall supply the

86 division with proof of:

87 [[~~(a)~~]] (i) successful completion of the respective sales agent or broker licensing examination

88 within six months prior to [[~~activation~~]] applying to activate the license ; or

89 [[~~(b)~~]] (ii) the successful completion of [[~~the number of~~]] 12 hours of continuing education that the licensee would have been required to complete

90 under Subsection (2)(a) [[~~within one year before activation~~]] if the license had been on active status at the time of the licensee's most recent renewal .

(b) The commission may , in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act establish by

91 rule :

(i) the nature or type of continuing education required for reactivation of a license; and

(ii) how long prior to reactivation the continuing education must have been completed .

Senator Walker'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, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Allen	Bramble	Hillyard	Julander

H.B. 357, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Waddoups, and at 9:50 p.m., the Senate sauntered.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **1st Sub. S.B. 48**, UNIFORM FIREARM LAWS, by Senator M. Waddoups, and it is transmitted for signature of the President; and

The House passed, **1st Sub. S.B. 55**, GOVERNMENTAL IMMUNITY ACT OF UTAH, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 200**, LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED 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 House passed, **2nd Sub. S.B. 215**, COUNTY POWERS 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 adopted the Joint Conference Committee Report dated March 3, 2004, and passed **4th Sub. S.B. 230**, READING ACHIEVEMENT PROGRAM, by Senator J. Evans, and it is transmitted for signature of the President; and

The House passed, **S.B. 234**, STATE FAIR PARK LEASING AGREEMENTS, 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

1st Sub. S.B. 48, 1st Sub. S.B. 55, S.B. 200, 2nd Sub. S.B. 215, 4th Sub. S.B. 230, S.B. 234 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, 2004

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 140**, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 162**, MUNICIPAL ELECTION AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **1st Sub. H.B. 239**, SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX, by Representative D. Bourdeaux, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 273**, TAX AND CHARGE AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

3rd Sub. H.B. 140, 1st Sub. H.B. 162, 1st Sub. H.B. 239, and H.B. 273 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House refuses to recede from its amendments to **2nd Sub. S.B. 165**, WORKERS' COMPENSATION AMENDMENTS, by Senator C. Bramble, and has appointed a Conference Committee consisting of Representatives J. Alexander, G. Snow, and B. Goodfellow to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **2nd Sub. S.B. 165**. President Mansell appointed a conference committee consisting of Senators Bramble, Bell, and Mayne to meet with a like committee from the House.

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **2nd Sub. H.B. 54**, VIDEOTAPE OF MINORS. The bill passed on the following roll call:

Yeas, 16; Nays, 3; Absent, 10.

Voting in the affirmative were: Senators

Blackham	Buttars	Dmitrich	J. Evans
Gladwell	Hatch	Hellewell	Jenkins
Killpack	Knudson	Stephenson	Thomas
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis

Absent or not voting were: Senators

Bell	Bramble	Eastman	B. Evans
Hale	Hickman	Hillyard	Julander
Mayne	Valentine		

2nd Sub. H.B. 54 was returned to the House for further consideration.

* * *

On motion of Senator Hellewell, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from **H.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, and it was before the Senate.

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

1st Sub. H.B. 3 Supplemental Appropriations Act II (R. Bigelow)

Senators Jenkins, Walker, Hale, Arent, Hickman, Dmitrich, and Bev Evans commented.

Senator Arent proposed the following amendment:

1. Page 13, Line 473 through 486:
   Delete lines 473 through 476

Senator Arent's motion to amend failed 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	Blackham	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Stephenson	Thomas	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Julander
Mayne			

1st Sub. H.B. 3 was returned to the House for further consideration.

On motion of Senator Valentine, the Senate adopted the following:

INTENT LANGUAGE TO 1ST SUB. H.B. 3

"The Legislature intends that if funds are available, the Department of Transportation will assist Woods Cross High School by providing safety−related items when a request is made."

* * *

On motion of Senator Wright, the circle was removed from **4th Sub. H.B. 266**, REVISIONS TO CHILD WELFARE.

On motion of Senator Wright, under suspension of the rules, **4th Sub. H.B. 266**, REVISIONS TO CHILD WELFARE, was considered read the second and third times. Senators Arent, Thomas, Walker, and Bev Evans commented and the bill failed on the following roll call:

Yeas, 13; Nays, 14; Absent, 2.

Voting in the affirmative were: Senators

Blackham	Bramble	Buttars	Gladwell
Hatch	Hellewell	Hickman	Jenkins
Stephenson	Thomas	Valentine	Waddoups
Wright			

Voting in the negative were: Senators

Allen	Arent	Bell	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Hale	Killpack	Knudson	Mayne
Walker	Mansell		

Absent or not voting were: Senators

Hillyard	Julander

4th Sub. H.B. 266 was returned to the House for filing.

* * *

On motion of Senator Waddoups, the Senate voted to lift **H.C.R. 5** and **H.C.R. 6** from Rules and place them at the top of the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House concurred in the Senate amendments and passed **H.J.R. 25**, JOINT RESOLUTION ON MARRIAGE, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 108**, INSURANCE AND RETIREMENT FOR CHARTER SCHOOL EMPLOYEES, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 160**, MORTGAGE ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House passed, **H.B. 357**, CONTINUING EDUCATION FOR REAL ESTATE PROFESSIONALS, by Representative J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.J.R. 25, H.B. 108, 2nd Sub. H.B. 160, H.B. 357 were signed by the President of the Senate in open session and returned to the House for signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The Speaker of the House has signed **1st Sub. S.B. 170**, PUBLIC TRANSIT DISTRICT AMENDMENTS, by Senator J. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 196**, COURT FEE ADJUSTMENTS, by Senator D. Gladwell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 224**, HOMELESS COORDINATING COMMITTEE, by Senator K. Hale, 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. 245**, MEDICAL DISPUTE RESOLUTION AMENDMENTS, by Senator L. Blackham, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 170, 2nd Sub. S.B. 196, S.B. 224, 1st Sub. S.B. 245 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, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **2nd Sub. S.B. 66**, TELECOMMUNICATIONS AMENDMENTS, by Senator J. Hickman, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Hickman, Eastman, and Mayne, and Reps. Urquhart, Adams, and Goodfellow, recommends **1st Sub. S.B. 66**, TELECOMMUNICATIONS AMENDMENTS, by Senator J. Hickman, be replaced and favorably recommends **2nd Sub. S.B. 66**, TELECOMMUNICATIONS AMENDMENTS.

Sen. Hickman
Rep. Urquhart

On motion of Senator Hickman the Senate voted to adopt the Joint Conference Committee report. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Bell	Hellewell	Killpack	Stephenson
Waddoups			

Absent or not voting were: Senators
Hillyard Julander

2nd Sub. S.B. 66 was returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House adopted the Joint Conference Committee Report dated March 3, 2004, and passed **1st Sub. S.B. 250**, CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, by Senator J. Valentine, and it is transmitted for further consideration

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 3, 2004

The Joint Conference Committee comprised of Sens. Valentine, Bramble, and Allen, and Reps. Christensen, Ferrin, and Daniels, recommends **1st Sub. S.B. 250**, CLASS ACTIONS RELATING TO TAXES OR FEES ADMINISTERED BY THE STATE TAX COMMISSION, by Senator J. Valentine, with the following amendments:

1. Page 2, Line 48 through Page 3, Line 61:

48 (3) (a) A person may be included as a member of a class in a class action relating to a tax

49 or fee only if the person Ĥ [[~~.~~]]:

50 [[~~(a) the person~~]] (i) exhausts all administrative remedies with the commission; and

51 [[~~(b) A PERSON~~]]Ĥ (ii) requests in writing to be included as a member of the class.

(b)(i) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules to simplify and expedite the administrative remedies a person shall exhaust as required by Subsection (3)(a).

(ii) The rules required by Subsection (3)(b)(i) may include rules providing for:

(A) expedited filing procedures and forms;

(B) consolidation of hearings procedures as may be reasonably

needed to accommodate potential inclusion of similarly situated persons; and

(C) the designation of test or sample cases to avoid multiple hearings.

(iii) The commission shall report to the Revenue and Taxation Interim Committee on the status of the rules required by this Subsection (3)(b) on or before the October 2004 interim meeting.

52 (4) Subject to Subsection (5), in a class action Ş BROUGHT UNDER THIS SECTION Ş against

52a the state or its political

53 subdivisions in which members of the class are awarded a refund or credit of a tax or fee by a

54 court of competent jurisdiction, the total amount that may be recovered by members of the

55 class may not exceed the difference between:

56 (a) the sum of:

57 (i) the amount of the refund or credit awarded to members of the class; and

58 (ii) interest as provided in Section 59−1−402; and

59 (b) if awarded in accordance with Subsection (5), the sum of:

60 (i) reasonable costs; and

61 (ii) reasonable attorneys' fees.

; and

Sen. Valentine
Rep. Christensen

On motion of Senator Valentine the Senate voted to adopt the Joint Conference Committee report. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Blackham	Bramble
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hatch	Hellewell	Hickman
Jenkins	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators
Davis Hale

Absent or not voting were: Senators
Allen Buttars Hillyard Julander

1st Sub. S.B. 250 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Blackham, the Senate voted to recall **1st Sub. H.B. 3** for further consideration.

1st Sub. H.B. 3 was placed on the Third Reading Calendar and was before the Senate.

Senator Hatch proposed the following amendment:

1. Page 8, Line 256 to 278:
   Delete items 31, 32, and 33

2. Page 15, Line 520 to 522:
   Delete lines 520 to 522

Senator Hatch's motion to amend passed on a voice vote.

The bill passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Davis Dmitrich Gladwell Hatch
Hickman Killpack Knudson Mayne
Thomas Valentine Waddoups Walker
Wright Mansell

Voting in the negative were: Senators
Blackham B. Evans Hale Hellewell
Jenkins Stephenson

Absent or not voting were: Senators
Buttars Eastman J. Evans Hillyard
Julander

1st Sub. H.B. 3, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House passed, as amended, **S.B. 192**, LOAN TRANSACTIONS 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 with the House 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	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Thomas

S.B. 192 was returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House passed, as amended, **3rd Sub. S.B. 239**, UNFAIR BUSINESS PRACTICES, by Senator M. Dmitrich, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Dmitrich, the Senate voted to concur with the House 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	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Thomas

3rd Sub. S.B. 239 was returned to the House for the signature of the Speaker of the House.

On motion of Senator Bramble, the following intent language was adopted:

INTENT LANGUAGE FOR 3RD SUB. S.B. 239

"Unfair Competition includes Cyber−Terrorism which in addition to its definition is meant to include:

1. damaging an internet website
2. computer hacking
3. misuse of an internet domain name, and
4. misleading internet domain name directions"

* * *

Mr. President: March 3, 2004

The House passed, as amended, **S.J.R. 10**, MASTER STUDY RESOLUTION, 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 with the House amendments. 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
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Valentine	Waddoups	Wright	Mansell

Absent or not voting were: Senators

Gladwell	Hillyard	Julander	Thomas
Walker			

S.J.R. 10 was returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 3, 2004

The House refused to concur with the Senate Amendments to **2nd Sub. H.B. 311**, REDEVELOPMENT AGENCY AMENDMENTS, by Representative J. S. Adams, 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 **2nd Sub. H.B. 311**. The bill was returned to the House for filing.

* * *

Mr. President: March 3, 2004

The Speaker of the House has signed **4th Sub. H.B. 268**, CHILD WELFARE PROCESSES, by Representative M. Thompson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

4th Sub. H.B. 268 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.C.R. 5**, RESOLUTION URGING FEDERAL TAX CUTS TO BE MADE PERMANENT, was considered read the second and third times. Senators Davis and Mayne commented and the bill passed, having had no Senate Standing Committee hearing and under suspension of the rules, on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Blackham	Bramble	Buttars
Eastman	B. Evans	J. Evans	Gladwell
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Allen	Arent	Davis	Dmitrich
Hale	Mayne		

Absent or not voting were: Senators

Hillyard	Julander	Thomas

H.C.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.C.R. 6**, RESOLUTION OPPOSING INTERNET ACCESS TAXES, 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, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Jenkins	Killpack	Knudson	Mayne
Stephenson	Valentine	Waddoups	Walker
Wright	Mansell		

Voting in the negative were: Senators

Buttars	Hickman

Absent or not voting were: Senators

Arent	Blackham	Hillyard	Julander
Thomas			

1st Sub. H.C.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Knudson, under suspension of the rules, **H.C.R. 10**, RESOLUTION RECOGNIZING NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL MEETING IN SALT LAKE CITY, 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	Davis
Dmitrich	Eastman	B. Evans	J. Evans
Gladwell	Hale	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Absent or not voting were: Senators

Blackham	Bramble	Buttars	Hillyard
Julander	Thomas		

H.C.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 54**, VIDEOTAPE OF MINORS, 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. 330**, ALLOCATION OF TOBACCO FUND AMENDMENTS, by Representative D. Peterson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. H.B. 54 and **1st Sub. H.B. 330** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

On motion of Senator Hellewell, the circle was removed from **H.B. 153**, COMMERCIAL DRIVER LICENSE AMENDMENTS.

On motion of Senator Hellewell, under suspension of the rules, **H.B. 153**, COMMERCIAL DRIVER LICENSE 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, 19; Nays, 4; Absent, 6.

Voting in the affirmative were: Senators

Bell	Blackham	Dmitrich	Eastman
J. Evans	Gladwell	Hatch	Hellewell
Hickman	Jenkins	Killpack	Knudson
Mayne	Stephenson	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Allen	Arent	B. Evans	Hale

Absent or not voting were: Senators

Bramble	Buttars	Davis	Hillyard
Julander	Thomas		

H.B. 153 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hatch, under suspension of the rules, **H.B. 270**, RESIDENCE REQUIREMENTS FOR DRIVER LICENSE, was considered read the second and third times. Senator Walker commented and 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
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Julander
Thomas			

H.B. 270 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Walker, under suspension of the rules, **1st Sub. H.B. 259**, SPECIAL NEEDS ADOPTION − PREPLACEMENT EVALUATIONS, 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	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	Stephenson
Valentine	Waddoups	Walker	Wright
Mansell			

Absent or not voting were: Senators

Buttars	Hillyard	Julander	Thomas

1st Sub. H.B. 259 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 298, RESIDENCE LIEN RECOVERY FUND AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Valentine commented.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 129, CHILD PROTECTION TEAM MEETINGS, was read the second time. Senator Killpack explained the bill. Senator Hickman commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2004

The House concurred in the Senate amendments and passed **1st Sub. H.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II , by Representative R. Bigelow, and it is transmitted for the signature of the President

Carole E. Peterson, Chief Clerk

1st Sub. H.B. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

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 2004 General Session of the Fifty−Fifth Legislature.

President Mansell appointed Senators James Evans, Sheldon Killpack, and Gene Davis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators Dan Eastman, Parley Hellewell, and Patrice Arent 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 Eastman reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Evans reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Olene S. Walker 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 3, 2004

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

H.B. 7	Marriage Preparation Education (Rosalind J. McGee)
H.B. 38	Sales and Use Tax − Repeal of Cable and Satellite Service (Rep. Greg J. Curtis)
1st Sub. H.B. 42	Interest Rates on Judgments (Rep. James A.. Dunnigan)
1st Sub. H.B. 43	No Child Left Behind Options (Rep. Margaret Dayton)
H.B. 53	Additional State Retirement Benefit (Rep. LaWanna Lou Shurtliff)
H.B. 59	Lien for Homeowner Association Charges (Rep. Steven R. Mascaro)
H.B. 67	Cultural Affairs Task Force (Rep. Sheryl L. Allen)
H.B. 91	Utah Administrative Rulemaking Act Amendments (Rep. Wayne A. Harper)
H.B. 113	Nonresident Tuition Waiver for Job Corps Students (Rep. LaWanna Lou Shurtliff)
H.B. 117	Individual Income Tax − Treatment of Certain Military Income (Rep. Darin G. Peterson)
H.B. 118	Brand Inspection Amendments (Rep. David Ure)
H.B. 129	Child Protection Team Meetings (Rep. Chad E. Bennion)
1st Sub. H.B. 137	Campaign Finance Disclosure in Municipal Elections (Rep. John Dougall)
H.B. 139	Evidence Amendments (Rep. Joseph G. Murray)
H.B. 150	Workers' Compensation − Fire Department Employees (Rep. Joseph G. Murray)

H.B. 170	Office of the Attorney General Responsibilities (Rep. Katherine M. Bryson)
H.B. 175	Process for Filling Midterm Vacancies in the Legislature (Rep. Wayne A. Harper)
1st Sub. H.B. 181	Fluorine Cost Requirements (Rep. Michael T. Morley)
H.B. 212	Traffic Accident Response (Rep. Eric K. Hutchings)
H.B. 223	State School Board Candidate Selection Committees (Rep. Karen W. Morgan)
H.B. 227	Midwife Certification Act (Rep. Jackie Biskupski)
1st Sub. H.B. 228	Sale, Exchange, or Donation of Real Property by State Agencies (Rep. David Ure)
1st Sub. H.B. 236	Families, Agencies, and Communities Together Amendments (Rep. David Litvack)
H.B. 244	Amendments to Asset Testing for Medicaid (Rep. David L. Hogue)
H.B. 251	Radio Frequency Identification − Right to Know Act (Rep. David L. Hogue)
1st Sub. H.B. 254	Solid Waste Landfill Amendments Rep. D. Gregg Buxton)
1st Sub. H.B. 261	Gift Certificates − Eliminating Expiration Date (Rep. Ty McCartney)
H.B. 274	Municipal Weed Abatement (Rep. Michael T. Morley)
H.B. 290	State Employee Compensation Study Task Force (Rep. Merlynn T. Newbold)
H.B. 298	Residence Lien Recovery Fund Amendments (Rep. Stephen D. Clark)
H.B. 306	Property Tax Relief (Rep. LaVar Christensen)
H.B. 310	Child Support Amendments (Rep. Katherine M. Bryson)
1st Sub. H.B. 314	Consumer Protection Revisions (Rep. John Dougall)
H.B. 322	Golf Carts Allowed on Certain Highways (Rep. Carol Spackman Moss)
H.B. 324	Safe Drinking Water Act Amendment (Rep. Bradley G. Last)
H.B. 327	Impounded Vehicles Amendments (Rep. Eric K. Hutchings)
H.B. 345	Earned Income Tax Credit (Rep. Jackie Biskupski)
1st Sub. H.B. 348	Privacy Amendments (Rep. Mike Thompson)
H.C.R. 8	Resolution Promoting Reading Readiness by Encouraging Utah Citizens to Read with a Child 20 Minutes a Day (Rep. Karen W. Morgan)

H.J.R. 3	Resolution Urging Congress to Consider Withdrawing the United States from the United Nations (Rep. Don E. Bush)
H.J.R. 4	Joint Rules Resolution − Appropriation Process Revisions (Rep. Wayne A. Harper)
H.J.R. 8	Resolution Authorizing the Legislature to Call Itself into Session (Rep. Chad E. Bennion)
H.J.R. 10	Joint Resolution Reaffirming the State of Utah's Commitment to the Constitution and the Bill of Rights (Rep. Sheryl L. Allen)
H.J.R. 11	Resolution Urging a Study on Statewide Uniform Fees Imposed on Motor Homes (Rep. LaWanna Lou Shurtliff)
H.J.R. 23	Resolution Urging Study of Incentives for Film Industry Production in Utah (Rep. Sheryl L. Allen)

Annette B. Moore
Secretary of the Senate

HOUSE STRUCK ENACTING CLAUSE

(SENATE BILLS AND RESOLUTIONS)

Mr. President: March 3, 2004

I am directed to inform the Utah State Senate that the House Committee on Rules has struck the enacting clause on the following Senate Bills and Resolutions:

S.B. 17	Reauthorization of Energy Policy Task Force (L. Blackham)
S.B. 21	Drug Offenders Reform Act (D. C. Buttars)
S.B. 39	State and School Recognition of Cesar Chavez (J. Evans)
2nd Sub. S.B. 45	Uniform Parentage Act (L. Hillyard)
S.B. 71	Safety Belt Enforcement (K Hale)
4th Sub. S.B. 90	Medical Neglect − Exclusion (D. Thomas)
S.B. 103	Child Removal Amendments (P. Hellewell)
S.B. 116	County Recorder Amendments (T. Hatch)
2nd Sub. S.B. 140	Human Services Licensing Amendments (D. C. Buttars)
S.B. 156	Substitute Teachers Volunteer Program (J. Evans)
2nd Sub. S.B. 165	Workers' Compensation Amendments (C. Bramble)
S. B. 169	Sales and Use Tax Agricultural Exemptions (R. Allen)
S.B. 172	Education Articulation Legislative Task Force (S. Jenkins)

S.B. 174	Adoption of Uniform Juvenile Compact (D. Gladwell)
1st Sub. S.B. 207	Office of Museum Services Amendments (R. Allen)
1st Sub. S.B. 208	Funding for Tourism (P. Knudson)
S.B. 213	Motor Vehicles − Clean Air Discounts (G. Davis)
S.B. 218	Law Enforcement Overtime Fund (J. Evans)
S.B. 229	Task Force Study of Wildfires in Utah (B. Evans)
S.B. 235	Retirement for Airport Police (R. Allen)
S.B. 238	Individual Income Tax − Earned Income Tax Credit (T. Hatch)
S.B. 241	Future Farmers of America Special License Plate (B. Evans)
S.B. 251	Funding the Purchase of Voting Equipment (D. Eastman)
S.C.R. 6	Utah Athletic Foundation Resolution (B. Evans)
S.J.R. 9	Resolution on Ethnic Advisory Councils (J. Evans)

Marda Dillree, Chair

Report filed.

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Mr. President: March 3, 2004

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and that they be filed:

S.B. 7	Rail Corridor Provisions (Sen. Gregory S. Bell)
S.B. 8	Local Referendum Amendments (Sen. Beverly Ann Evans)
S.B. 25	Death Penalty Amendments (Sen. Ron Allen)
1st Sub. S.B. 28	Home Inspection − Action Against Inspector (Sen. Paula F. Julander)
S.B. 31	Sales and Use Tax Amendments (Sen. Ed P. Mayne)
S.B. 35	Pharmacist Technician Exemption (Sen. Dan R. Eastman)
S.B. 36	Prevention of Child Access to Firearms (Sen. Paula F. Julander)
S.B. 37	Deferred Deposit Lending Amendments (Sen. Ron Allen)
S.B. 41	Hate Crime Amendments (Sen. James M.. Evans)
2nd Sub. S.B. 54	Restructuring Division of Child and Family Services (Sen. Parley G. Hellewell)
S.B. 56	Jury Trial for Termination of Parental Rights (Sen. Bill Wright)
S.B. 57	Corporate Accountability (Sen. Ed P. Mayne)
S.B. 59	Revisions to State Government (Sen. Peter C. Knudson)

5th Sub. S.B. 60	Sports Development, Tourism Promotion, and Tourism, Recreation, Cultural, Convention, and Sports Facilities Tax Amendments (Sen. Michael G. Waddoups)
S.B. 61	Acceptance of Federally Funded Breakfast Program for Children (Sen. Paula F. Julander)
S.B. 64	Rural Health Care Initiative (Sen. John W. Hickman)
S.B. 74	Aerospace and Aviation Development Zone Amendments (Sen. Mike. Dmitrich)
S.B. 75	Consumer Credit Contracts (Sen. Gregory S. Bell)
S.B. 78	Exemptions to Residential Property Tax (Sen. Ed P. Mayne)
S.B. 95	Issuing a Bad Check or Draft (Sen. Parley G. Hellewell)
S.B. 99	Child and Family Services − Standard of Review (Sen. Parley G. Hellewell)
S.B. 100	Adoption Responsibilities − State Oversight (Sen. Parley G. Hellewell)
S.B. 101	Use of Education Revenues (Sen. Thomas V. Hatch)
S.B. 102	Journal of Notary Public Acts (Sen. Peter C.. Knudson)
S.B. 105	Abuse, Neglect, and Dependency Amendments (Sen. Parley G. Hellewell)
2nd Sub. S.B. 106	Dishonored Checks − Motor Vehicle Repair Facilities (Sen. D. Chris Buttars)
S.B. 110	Construction Services Commission Amendments (Sen. Scott K. Jenkins)
1st Sub. S.B. 117	Medical Arbitration Agreement Amendments (Sen. Parley G.. Hellewell)
S.B. 121	Local Sales and Use Tax Distribution Task Force (Sen. Gregory S. Bell)
S.B. 126	Amendments to Warrants (Sen. Parley G. Hellewell)
S.B. 127	Safeguarding Personal Information (Sen. Michael G. Waddoups)
S.B. 130	Restrictions on Use of Unmarked Police Vehicles (Sen. John W. Hickman)
S.B. 148	Transportation Corridor Preservation Amendments (Sen. John W. Hickman)
2nd Sub. S.B. 151	Waste Water Amendments (Sen. David L. Thomas)
S.B. 153	Local Government Boards of Examiners (Sen. James M. Evans)
1st Sub. S.B. 164	Amendments to the Utah Comprehensive Health Insurance Pool (Sen. Gene. Davis)
S.B. 180	Brownfield Properties − Amendments (Sen. Bill Wright)

S.B. 181	Federal Research Committee (Sen. Gene Davis)
S.B. 186	Notification of Court Action to Noncustodial Parent (Sen. Howard. Stephenson)
S.B. 188	Compliance of Treatment Plan (Sen. Parley G. Hellewell)
S.B. 189	Nurse Practice Act Amendments (Sen. Paula F. Julander)
S.B. 193	Independent Entities Amendments (Sen. Dan R. Eastman)
S.B. 194	Plumbing Apprentice Amendments (Sen. Parley G. Hellewell)
S.B. 197	Health Insurance − Contraceptive Equity Amendments (Sen. Paula F. Julander)
S.B. 198	Electric Generation Competitive Bid Amendments (Sen. Curtis S. Bramble)
S.B. 203	Benefits Amendments for Part−time State Employees (Sen. Leonard M. Blackham)
S.B. 205	Certification of Crane Operators (Sen. Gene Davis)
S.B. 209	Limits on Pledging Sales and Use Tax Revenues for Bonds (Sen. Howard Stephenson)
S.B. 210	Motor Vehicle Insurance Enforcement Amendments (Sen. Leonard M. Blackham)
S.B. 211	Management of Guardians Ad Litem by Administrative Office of the Courts (Sen. Thomas V. Hatch)
S.B. 212	Indigent Defense Funds Amendments (Sen. Leonard M. Blackham)
2nd Sub. S.B. 216	Health Provider Reimbursement Amendments (Sen. Parley G. Hellewell)
S.B. 217	State Road Designation (Sen. John Valentine)
S.B. 220	Safety Requirements for Public Water Systems (Sen. Ed P. Mayne)
S.B. 221	Maternity Health Care (Sen. Ed P. Mayne)
2nd Sub. S.B. 222	Local Government Feasibility and Economic Impact Studies (Sen. Scott K. Jenkins)
S.B. 226	Health Care Malpractice − Dispute Resolution (Sen. Ed P. Mayne)
S.B. 227	Concealed Firearm Amendments (Sen. Karen Hale)
S.B. 228	Telecommunications Tax Amendments (Sen. Curtis S. Bramble)
S.B. 236	Utah Public Officers' and Employees' Ethics Act Amendments (Sen. D. Chris Buttars)
S.B. 242	Undocumented Workers Driver License Revisions (Sen. John W. Hickman)
S.B. 243	Hogle Zoo Special District (Sen. David Gladwell)

S.B. 244	Medicaid Amendments (Sen. Paula F. Julander)
S.B. 246	Waste Amendments (Sen. John Valentine)
S.B. 247	State Government Amendments (Sen. James M. Evans)
S.C.R. 5	Scholarship and Education Programs Resolution (Sen. Sheldon Killpack)
S.J.R. 3	Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion (Sen. Ron Allen)
S.J.R. 8	Utah Athletic Foundation Joint Resolution (Sen. Beverly Ann Evans)

Lyle Hillyard
Senate Rule Committee Chair

Report filed.

SUMMARY OF LEGISLATION
2004 GENERAL SESSION

	House	Senate	Total
Bills Introduced	423	250	673
Bills Passed	242	177	419
Bills Vetoed	4	2	6
Line Items Vetoed	2	0	2
Total Bills Enacted	***238***	**175**	**413**
Joint Resolutions Introduced	26	10	36
Concurrent Resolutions Introduced	16	5	21
House & Senate Resolutions Introduced	11	3	14
Total Resolutions Introduced	***53***	***18***	**71**
Joint Resolutions Passed	10	8	18
Concurrent Resolutions Passed	12	4	16
House & Senate Resolutions Passed	7	3	10
Total Resolutions Passed	***29***	***15***	**44**

STATISTICAL SUMMARY OF GENERAL SESSIONS
1997-2003

	1997	1998	1999	2000	2001	2002	2003
Bills Introduced	668	691	640	700	664	557	706
Bills Passed	400	425	384	360	380	338	392
Bills Vetoed	6	7	5	5	3	8	4
Vetos Overridden	0	0	0	0	0	1	0
Joint Resolutions Introduced	37	37	25	31	31	46	40
Joint Resolutions Passed	23	17	12	15	23	27	21
Concurrent Resolutions Introduced	14	19	10	13	17	13	22
Concurrent Resolutions Passed	9	15	7	10	11	10	11
House & Senate Resolutions Introduced	12	7	9	10	14	8	17
House & Senate Resolutions Passed	9	6	8	8	10	7	13

GOVERNOR'S ACTION ON LEGISLATION
2004 GENERAL SESSION

Vetos

HB 115 Carson Smith Special Needs Scholarships
HB 140 Child and Family Services and Related Judicial Code Amendments
HB 158 Water Shares in a Municipal Water Company
SB 115 Special Election Dates
SB 239 Unfair Business Practices

Line Item Vetos

HB 1 Supplemental Appropriations Act
HB 3 Supplemental Appropriations Act II

Declined to Concur

HCR 6 Resolution Opposing Internet Access Taxes

COMMUNICATIONS FROM THE GOVERNOR

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed S.B. 115 SPECIAL ELECTION DATES, and have transmitted the bill to the Lieutenant Governor for filing.

The intention of Senate Bill 115 is to increase voter turn−out for special elections, which is commendable. General obligation bond elections dominated the discussion concerning this bill. However, the provisions of this bill extend beyond bond elections. It applies to any special election.

Limiting special elections to one date in both June and November severely limits the financial flexibility of local governments. It is conceivable that mid−year budget pressures could force a school district, for example, to seek a voted leeway to keep its budget in balance. Election dates in June are too late in the fiscal year and November dates may be too early in the fiscal year to realize the need for additional revenues. The only mid−year alternative is to cut teachers.

The state generally defers to locally elected governments as to matters particularly pertinent to the local community including locally levied taxes and bond issues. This bill attempts to come between these governments and their own citizens.

Just as the state dislikes federal mandates, we need to carefully consider the mandates we place on local governments. I believe this bill interjects the state's will on local governments and limits their ability to meet their own needs in a prudent manner."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed S.B. 239 S03, Unfair Business Practices, and have transmitted it to the lieutenant governor for filing.

Senate Bill 239 introduces new terms that are not well−defined and could be used to initiate frivolous litigation. These new terms have not been adjudicated by the courts and could be used in ways opposite to the intent of the sponsor of the bill.

Utah enjoys a legal climate where business litigation is relatively predictable. This bill would cause uncertainty and complexity to our legal climate and could be a disincentive to internal business growth and the relocation of business to our state.

In order to preserve the predictability of the Utah legal climate I am vetoing this bill."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed line item 65 of appropriation in H.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, and have transmitted the bill to the Lieutenant Governor for filing.

Item 65 includes the intent language that "recommends the USOE to contract a review body that has satisfied the Interim Education Committee's RFP process." I am troubled by the legislature issuing an RFP and selecting a vendor in behalf of a state agency.

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 this line item in H.B. 1 takes a small step in the wrong direction, I feel compelled to veto.

I find it unfortunate that the appropriation to the Jean Massieu Charter school is a part of this line item. I hope that the Utah State Office of Education can find

non−lapsing funds to assist this school in meeting its needs. However, I feel the separation of powers issue outweighs the appropriation of this money.

I am very supportive of competency−based education and pledge to continue efforts to make it a reality. However, the implementation of competency−based education is a responsibility of the executive branch within the policy guidelines established by the legislature."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed the following line item appropriations in H.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II, and have transmitted the bill to the Lieutenant Governor for filing.

Item 18 To Department of Administrative Services − Purchasing

The Legislature intends that all departments and divisions, except for the division of Juvenile Justice Services, in state government be encouraged to contract with private non−state governmental entities to provide services to the citizens of the State of Utah. The Legislature further intends that a report be presented to the Executive Appropriation Committee in October 2004 on the extent that departments and divisions used private non−state governmental entities to provide services to the citizens of Utah. The Legislature also intends that the report describe (1) additional services that the departments and divisions reasonably believe could be delivered by private non−state governmental entities, and (2) which services cannot be delivered by private non−state governmental entities.

The scope of this language is very broad. It is unclear if the intent is to contract for program services, or go so far as to look at employee leasing as an alternative to hiring employees. The Division of Purchasing does not have the staff nor the resources to coordinate such a report without additional funding.

I agree that departments and divisions should constantly review their operations to identify cost savings and to promote efficiencies. The Privatization Board also exists to review services provided by the state that could be contracted with the private sector. If areas of concern exist, the Privatization Board should review them and make recommendations for change.

Item 30 To Department of Commerce − Commerce General Regulation
From General Fund Restricted − Commerce Service Fund − Public Utilities Regulatory Fund

Schedule of Programs:

Public Utilities	150,000
Committee of Consumer Services	(150,000)

The Legislature intends that the Division of Public Utilities use these funds to assess the impact of Public Service Commission decisions on Utah's business climate.

Item 31 To Public Service Commission

From General Fund Restricted − Commerce Service Fund − Public Utilities

Regulatory Fund	20,000

Schedule of Programs:

Committee of Consumer Services	20,000

The Legislature intends that these funds be used to pay for the annual telecommunications report.

The offsets to these items were deleted with a floor amendment. This action makes the technical change to clean up these items.

Item 85 To State Board of Education − State Office of Education

From Uniform School Fund, One−time	1,000,000

Schedule of Programs:

Student Achievement	1,000,000

It is the intent of the Legislature that the USOE use this one−time appropriation to contract with a private entity which meets the qualifications of the RFP approved by the Education Interim Committee. It is further the intent of the Legislature that this funding be used strictly to implement the proposal in the school districts, and not for software program development.

I am troubled by the legislature issuing a RFP and selecting a vendor in behalf of a state agency. 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 this line item in H.B. 3 takes a small step in the wrong direction, I feel compelled to veto.

I am very supportive of competency−based education and pledge to continue efforts to make it a reality. However, the implementation of competency−based education is a responsibility of the executive branch with the policy guidelines established by the legislature.

While I am not vetoing "Item 82 To Department of Administrative Services − Finance Mandated" which calls for a legislative tuition tax credit study, I am not happy that this money is appropriated to an executive branch department. If the legislature chooses to conduct a study, it should appropriate the funds to the Legislative Fiscal Analyst's or Legislative Research and General Counsel's office. Money appropriated to the executive branch should not be mandated and controlled by the legislature. Again, this is a separation of powers issue."

Olene S. Walker
Governor

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Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 115, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, and have transmitted it to the lieutenant governor for filing.

I am very sympathetic to the families of special needs children. I want to see that special needs children receive the educational assistance they need, and so I have left the $1.4 million funding intact for the Legislature to re−authorize. I have asked the State School Board to set up a system to contract with special needs providers. This will accomplish the educational objectives of the bill for special needs children.

Unfortunately, H.B. 115 raises constitutional questions, federal law compliance and funding issues that I cannot allow to become law.

The attached legal analysis outlines two constitutional questions. First, the use of Uniform School Fund money for Utah State Board of Education (USBE) administration of the program appears to be a violation of Utah Const., Art. X, Sec. 5(4). Second, the bill places USBE as the oversight body for a program of

private schools and private school students without designating the schools or programs as part of the public education system. This raises serious questions concerning the constitutional role and authority of the USBE.

Parents who place their child in a private school normally give up the rights and safeguards afforded them by the federal Individuals With Disabilities Education Act (IDEA). However, due to the extensive involvement of the USBE in the program created by HB 115, it is unclear to what extent IDEA rights and safeguards will apply to those students who receive a scholarship and attend a private school. Should it be determined that IDEA law does apply, multiple unanswered questions concerning administration and funding of the program are raised.

The bill creates a three year entitlement for a student when a scholarship is awarded. However, the bill provided only one−time funding for fiscal year 2005. Language in the bill states that, "The legislature shall annually appropriate money to the board from the General Fund to make scholarship payments." These provisions imply ongoing funding requirements for a future Legislature."

Olene S. Walker
Governor

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Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 140, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

While I appreciate the concerns and concepts expressed in H.B. 140, I believe the bill has several technical flaws and should be further developed before becoming law. Significant questions and confusions linger about some of the major policy changes made in this bill. For example, I am particularly concerned about the new provisions having to do with a "mature minor". If this bill becomes law, it risks opening the door for minors, contrary to their parents' wishes, to seek judicial approval for health care decisions such as access to abortion, contraceptives, or other treatments. Such a major policy change deserves full and thorough discussion in an open public hearing before being added to the laws of our state.

There are a number of other concerns as well. The Judicial Council has pointed out that the bill now creates conflicting language as to the timing and

manner for a judge to appoint the guardian ad litem. Such confusion has the potential to delay important court processes. The Judicial Council has also stressed that the bill purports to define the ethical responsibilities of attorneys, a function that constitutionally belongs to the Supreme Court. Serious questions have also been raised as to provisions allowing one party to influence the legal representation of another party the way this bill does. In addition, H.B. 140 may create new costs for the Juvenile Court, but provides no funding to pay for them.

Given the importance of these issues relative to the child welfare system in Utah, I strongly encourage the legislature to grapple with these topics during the next few months through either committees or its normal audit process. I appreciate Representative Christensen's efforts and concerns on these issues and pledge the full cooperation of the executive branch in seeking continuous improvement in the state's child welfare system."

Olene S. Walker
Governor

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Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed H.B. 158, Water Shares in a Municipal Water Company, and have transmitted it to the lieutenant governor for filing.

There is no reasonable basis for a statute that only applies to mutual water companies operated in counties of the first class. This bill would have the effect of allowing an exemption from Public Service Commission regulation, mutual water companies in Salt Lake County and exposing all other mutual water companies in the rest of the state to regulation. The cost of this regulation both to the state and to the water companies is excessive for the benefit derived.

If the bill were to be signed, the Public Service Commission would likely forbear enforcement of the bill for one year until they could get clarifications from the Legislature because of the inequities and uncertainties that would be created.

The Public Service Commission does not have the resources to regulate all the mutual water companies outside of Salt Lake County."

Olene S. Walker
Governor

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FIFTY−FIFTH LEGISLATURE

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S.B. 15 −− CARRYOVER OF AUTHORIZED CAPITAL OUTLAY AMENDMENTS *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 116
Placed on calendar 125
Read the second time 126
Read the third time 138
Transmitted to the House 139
Signed by the President and transmitted to the Governor 320

S.B. 16 −− IDENTITY THEFT AMENDMENTS *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 116
Assigned to standing committee 123
Amendments 196
Committee report adopted and placed on calendar 198
Read the second time 222
Read the third time 233
Transmitted to the House 234
Signed by the President and transmitted to the Governor 817

S.B. 17 −− REAUTHORIZATION OF ENERGY POLICY TASK FORCE *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 116
Assigned to standing committee 123
Committee report adopted and placed on calendar 148
Read the second time 154
Read the third time 169
Transmitted to the House 169
Enacting Clause Stricken 1042

S.B. 18 −− MUNICIPAL ANNEXATION PROVISIONS IN FIRST CLASS COUNTIES *(P. Arent)*
Read the first time by short title and referred to the Rules Committee. 116
Assigned to standing committee 122
Committee report adopted and placed on calendar 148
Read the second time 151
Read the third time 166
Transmitted to the House 166
Signed by the President and transmitted to the Governor 244

S.B. 19 −− SALES AND USE TAXES − EXEMPTION FOR ENERGY RELATED EQUIPMENT AND MACHINERY *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 116
Assigned to standing committee 124

Substituted 144, 247
Committee report adopted and placed on calendar 148
Read the second time 153
Circled 153, 200, 248, 249
Uncircled 189, 247, 249, 288
Read the third time 200
Amendments 249, 288
Transmitted to the House 289
Concurrence Calendar 567
Concurrence 584
Returned to the House 584
Signed by the President and transmitted to the Governor 622

S.B. 20 −− DRIVING UNDER THE INFLUENCE AMENDMENTS *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 124
Substituted 258
Committee report adopted and placed on calendar 259
Read the second time 289
Amendments 289
Read the third time 326
Transmitted to the House 327
Signed by the President and transmitted to the Governor 752

S.B. 21 −− DRUG OFFENDERS REFORM ACT *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 123
Committee report adopted and placed on calendar 198
Read the second time 223
Read the third time 234
Circled 234
Uncircled 241
Amendments 241
Transmitted to the House 243
Enacting Clause Stricken 1042

S.B. 22 −− ADMINISTRATIVE RULES REAUTHORIZATION *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 158
Amendments 401
Committee report adopted and placed on calendar 402
Read the second time 538
Amendments 538
Circled 538
Uncircled 913
Amendments 913
Read the second and third time 914
Transmitted to the House 914
Signed by the President and transmitted to the Governor 956

S.B. 23 −− AMENDMENTS TO MUNICIPAL GOVERNMENT *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 122
Amendments 194
Committee report adopted and placed on calendar 198
Read the second time 217
Read the third time 231
Transmitted to the House 232
Concurrence Calendar 420

Refuse to Concur 444
Returned to the House 444
Joint Conference Committee Appointed 463
Joint Conference Committee Report 526
Amendments 526
Concurrence 526
Returned to the House 526
Signed by the President and transmitted to the Governor 566

S.B. 24 −− MARRIAGE RECOGNITION POLICY *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 123
Substituted 229
Committee report adopted and placed on calendar 229
Read the second time 253
Amendments 253, 263
Read the third time 263
Transmitted to the House 265
Signed by the President and transmitted to the Governor 543

S.B. 25 −− DEATH PENALTY AMENDMENTS *(R. Allen)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 123
Returned to the Rules Committee 723
Enacting Clause Stricken 1043

S.B. 26 −− PUBLIC SAFETY RETIREES' COST−OF−LIVING INCREASE *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 193
Substituted 476
Committee report adopted and placed on calendar 477
Read the second time 664
Read the third time 687
Transmitted to the House 687
Recalled from House 789
Placed on calendar 813
Before the Senate 813
Substituted 814, 863
Circled 814, 816
Uncircled 816, 819
Amendments 816
Returned to the Rules Committee 819
Placed on calendar 862
Before the Senate 863
Read the first, second and third time 863
Transmitted to the House 864
Concurrence Calendar 874
Concurrence 933
Returned to the House 933
Signed by the President and transmitted to the Governor 956

S.B. 27 −− TELEPHONE AND FACSIMILE SOLICITATION ACT *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 122
Committee report adopted and placed on calendar 148
Read the second time 149
Read the third time 165
Transmitted to the House 165
Signed by the President and transmitted to the Governor 320

S.B. 28 −− HOME INSPECTION − ACTION AGAINST INSPECTOR *(P. Julander)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 122
Returned to the Rules Committee 725
Enacting Clause Stricken 1043

S.B. 29 −− ACCESS TO RURAL HEALTH CARE PROVIDERS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 123
Substituted 605
Committee report adopted and placed on calendar 609
Read the second time 765
Read the third time 797
Transmitted to the House 797
Signed by the President and transmitted to the Governor 900

S.B. 30 −− MEDICAL BENEFITS RECOVERY ACT AMENDMENTS *(S. Killpack)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 122
Amendments 142, 161
Committee report adopted and placed on calendar 148
Read the second time 150
Circled 150, 152
Uncircled 152, 172
Read the third time 185
Transmitted to the House 186
Concurrence Calendar 420
Concurrence 444
Returned to the House 444
Signed by the President and transmitted to the Governor 448

S.B. 31 −− SALES AND USE TAX AMENDMENTS *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 124
Returned to the Rules Committee 726
Enacting Clause Stricken 1043

S.B. 32 −− USE OF ASTHMA MEDICATION BY PUPILS IN SCHOOL *(P. Arent)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 123
Amendments 160
Committee report adopted and placed on calendar 161
Read the second time 205
Read the third time 214
Transmitted to the House 214
Signed by the President and transmitted to the Governor 420

S.B. 33 −− MOBILE HOME PARK RESIDENCY ACT *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 122
Amendments 473
Committee report adopted and placed on calendar 477
Read the second time 643
Amendments 643
Read the third time 656
Transmitted to the House 657
Concurrence Calendar 889
Refuse to Concur 934
Before the Senate 934
Returned to the House 934
Signed by the President and transmitted to the Governor 968

S.B. 34 −− OCCUPATIONAL THERAPISTS AMENDMENTS *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 117
Assigned to standing committee 123
Amendments 160
Committee report adopted and placed on calendar 161
Read the second time 205
Read the third time 214
Circled 214
Uncircled 225
Transmitted to the House 225
Signed by the President and transmitted to the Governor 543

S.B. 35 −− PHARMACIST TECHNICIAN EXEMPTION *(D. Eastman)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Returned to the Rules Committee 721
Enacting Clause Stricken 1043

S.B. 36 −− PREVENTION OF CHILD ACCESS TO FIREARMS *(P. Julander)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Returned to the Rules Committee 726
Enacting Clause Stricken 1043

S.B. 37 −− DEFERRED DEPOSIT LENDING AMENDMENTS *(R. Allen)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 122
Returned to the Rules Committee 718
Enacting Clause Stricken 1043

S.B. 38 −− ARSON OFFENSE AMENDMENTS *(P. Arent)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 142
Committee report adopted and placed on calendar 259
Read the second time 291
Amendments 291
Read the third time 327
Transmitted to the House 327
Signed by the President and transmitted to the Governor 697

S.B. 39 −− STATE AND SCHOOL RECOGNITION OF CESAR CHAVEZ *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 282
Committee report adopted and placed on calendar 367
Read the second time 446
Read the third time 458
Failed 458
Filed 459
Reconsideration 465
Placed on calendar 465
Before the Senate 493
Amendments 493
Transmitted to the House 494
Enacting Clause Stricken 1042

S.B. 40 −− CESAR CHAVEZ SCHOLARSHIP PROGRAM *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 282
Amendments 365
Committee report adopted and placed on calendar 367
Read the second time 461

Amendments 461
Read the third time 478
Transmitted to the House 479
Signed by the President and transmitted to the Governor 836

S.B. 41 −− HATE CRIME AMENDMENTS *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 137
Assigned to standing committee 221
Returned to the Rules Committee 723
Enacting Clause Stricken 1043

S.B. 42 −− UTAH EXEMPTION CODE AMENDMENTS *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 149
Assigned to standing committee 159
Committee report adopted and placed on calendar 229
Read the second time 251
Read the third time 261
Amendments 261
Transmitted to the House 262
Signed by the President and transmitted to the Governor 420

S.B. 43 −− RECREATIONAL THERAPY PRACTICE AMENDMENTS *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 149
Assigned to standing committee 159
Amendments 209
Committee report adopted and placed on calendar 210
Read the second time 237
Read the third time 249
Transmitted to the House 250
Concurrence Calendar 544
Concurrence 547
Returned to the House 547
Signed by the President and transmitted to the Governor 581

S.B. 44 −− CHILD CARE CENTERS REGULATIONS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 193
Committee report adopted and placed on calendar 304
Read the second time 346
Substituted 346
Circled 346
Uncircled 355
Read the third time 372
Transmitted to the House 372
Signed by the President and transmitted to the Governor 697

S.B. 45 −− UNIFORM PARENTAGE ACT *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 193
Substituted 322, 383
Amendments 323
Committee report adopted and placed on calendar 323
Placed on Time Certain Calendar 350
Read the second time 383
Circled 384
Uncircled 394
Read the third time 408
Amendments 408
Transmitted to the House 409
Enacting Clause Stricken 1042

S.B. 46 −− SUNSET DATE EXTENSION OF DIVISION OF OIL, GAS AND MINING *(M. Dmitrich)*
Read the first time by short title and referred to the Rules Committee. 192
Assigned to standing committee 209
Committee report adopted and placed on calendar 259
Read the second time 280
Read the third time 287
Transmitted to the House 287
Signed by the President and transmitted to the Governor 525

S.B. 47 −− UNIFORM TRUST CODE *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 210
Assigned to standing committee 221
Substituted 323
Committee report adopted and placed on calendar 323
Read the second time 392
Read the third time 406
Transmitted to the House 406
Concurrence Calendar 843
Concurrence 874
Returned to the House 875
Signed by the President and transmitted to the Governor 900

S.B. 48 −− UNIFORM FIREARM LAWS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 241
Assigned to standing committee 256
Amendments 367, 465, 494
Committee report adopted and placed on calendar 367
Read the second time 465
Read the third time 494
Transmitted to the House 495
Concurrence Calendar 752
Refuse to Concur 773
Returned to the House 773
Joint Conference Committee appointed 800, 801
Joint Conference Committee report 995
Substituted 995
Returned to the House for signature of the Speaker 995
Intent Language 996
Signed by the President and transmitted to the Governor 1023

S.B. 49 −− COMPETENCY TO BE EXECUTED − AMENDMENTS *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 260
Assigned to standing committee 269
Committee report adopted and placed on calendar 367
Read the second time 467
Amendments 467
Read the third time 495
Circled 495
Uncircled 507
Transmitted to the House 508
Signed by the President and transmitted to the Governor 928

S.B. 50 −− RURAL PLANNING AND DEVELOPMENT *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 260
Assigned to standing committee 322
Substituted 382
Committee report adopted and placed on calendar 382
Read the second time 500
Read the third time 507

Circled 507
Uncircled 574
Transmitted to the House 574
Signed by the President and transmitted to the Governor 768

S.B. 51 −− EDUCATION TECHNOLOGY SUPPORT FOR TESTING INITIATIVE *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 260
Assigned to standing committee 343
Committee report adopted and placed on calendar 402
Read the second time 539
Read the third time 558
Circled 558, 654, 822
Uncircled 654, 657, 827
Substituted 654
Transmitted to the House 657
Concurrence Calendar 818
Before the Senate 822
Concurrence 827
Returned to the House 828
Signed by the President and transmitted to the Governor 842

S.B. 52 −− INSURANCE AMENDMENTS − LOSS HISTORIES AND INQUIRIES *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 295
Amendments 360, 460
Committee report adopted and placed on calendar 367
Read the second time 395
Amendments 395
Circled 396, 478
Uncircled 460, 492
Read the third time 478
Transmitted to the House 492
Signed by the President and transmitted to the Governor 900

S.B. 53 −− COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 344
Reassigned to standing committee 381
Substituted 597
Committee report adopted and placed on calendar 608
Read the second time 761
Read the third time 791
Amendments 791
Transmitted to the House 795
Signed by the President and transmitted to the Governor 869

S.B. 54 −− RESTRUCTURING DIVISION OF CHILD AND FAMILY SERVICES *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 297
Substituted 321, 723
Assigned to standing committee 322
Amendments 723
Returned to the Rules Committee 723
Enacting Clause Stricken 1043

S.B. 55 −− GOVERNMENTAL IMMUNITY ACT OF UTAH *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 322
Substituted 482
Committee report adopted and placed on calendar 490
Read the second time 673
Read the third time 687

Circled 688
Uncircled 690
Explanatory/Supplimentary Information 690
Transmitted to the House 690
Intent language 693
Signed by the President and transmitted to the Governor 1023

S.B. 56 −− JURY TRIAL FOR TERMINATION OF PARENTAL RIGHTS *(B. Wright)*
Enacting Clause Stricken 1043

S.B. 57 −− CORPORATE ACCOUNTABILITY *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 341
Assigned to standing committee 360
Returned to the Rules Committee 704
Enacting Clause Stricken 1043

S.B. 58 −− ALCOHOLIC BEVERAGE CONTROL AMENDMENTS *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 345
Assigned to standing committee 360
Amendments 399
Committee report adopted and placed on calendar 402
Read the second time 536
Read the third time 558
Transmitted to the House 558
Concurrence Calendar 843
Returned to the House 875
Concurrence 875
Signed by the President and transmitted to the Governor 900

S.B. 59 −− REVISIONS TO STATE GOVERNMENT *(P. Knudson)*
Enacting Clause Stricken 1043

S.B. 60 −− SPORTS DEVELOPMENT AND TOURISM, RECREATION, CULTURAL, CONVENTION, AND SPORTS FACILITIES TAX AMENDMENTS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 403
Assigned to standing committee 423
Substituted 482, 675
Committee report adopted and placed on calendar 490
Read the second time 675
Amendments 675
Circled 675
Uncircled 676
Read the third time 694
Transmitted to the House 694
Enacting Clause Stricken 1044

S.B. 61 −− ACCEPTANCE OF FEDERALLY FUNDED BREAKFAST PROGRAM FOR CHILDREN *(P. Julander)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Amendments 721
Returned to the Rules Committee 721
Enacting Clause Stricken 1044

S.B. 62 −− STAY OF EXECUTION AMENDMENTS *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 260
Assigned to standing committee 322
Committee report adopted and placed on calendar 458
Read the second time 643
Read the third time 656

Transmitted to the House 656
Signed by the President and transmitted to the Governor 916

S.B. 63 −− WITNESS TAMPERING AMENDMENTS *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 260
Assigned to standing committee 269
Committee report adopted and placed on calendar 323
Read the second time 392
Read the third time 406
Transmitted to the House 407
Signed by the President and transmitted to the Governor 697

S.B. 64 −− RURAL HEALTH CARE INITIATIVE *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 260
Assigned to standing committee 344
Returned to the Rules Committee 721
Enacting Clause Stricken 1044

S.B. 65 −− COUNTY CLASSIFICATION AMENDMENTS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 256
Committee report adopted and placed on calendar 304
Read the second time 355
Circled 356
Uncircled 356
Read the third time 373
Transmitted to the House 373
Concurrence Calendar 567
Concurrence 584
Returned to the House 585
Signed by the President and transmitted to the Governor 622

S.B. 66 −− TELECOMMUNICATIONS AMENDMENTS *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 230
Assigned to standing committee 257
Committee report adopted and placed on calendar 367
Read the second time 462
Read the third time 492
Substituted 493, 1028
Circled 493
Uncircled 563
Amendments 563
Transmitted to the House 564
Intent Language 565
Concurrence Calendar 920
Before the Senate 935
Refuse to Concur 935
Returned to the House 935
Refuse to Recede 965
Joint Conference Committee Assigned 965
Joint Conference Committee Report 1028
Returned to the House 1029

S.B. 67 −− DESIGNATION OF AMERICAN INDIAN HERITAGE MONTH AND AN INDIGENOUS PEOPLE DAY *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Committee report adopted and placed on calendar 148
Read the second time 154
Read the third time 169

Transmitted to the House 170
Signed by the President and transmitted to the Governor 255

S.B. 68 −− PROHIBITION OF PUBLIC FUNDING FOR ABORTION *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Substituted 148
Committee report adopted and placed on calendar 148
Read the second time 173
Read the third time 186
Amendments 186
Transmitted to the House 189
Concurrence Calendar 420
Concurrence 444
Returned to the House 445
Signed by the President and transmitted to the Governor 448

S.B. 69 −− PARTIAL BIRTH ABORTION AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Substituted 148
Committee report adopted and placed on calendar 148
Read the second time 189
Read the third time 198
Amendments 198
Transmitted to the House 200
Concurrence Calendar 525
Concurrence 546
Returned to the House 547
Signed by the President and transmitted to the Governor 581

S.B. 70 −− HEALTH CARE FACILITY LICENSING EXEMPTION *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Committee report adopted and placed on calendar 161
Read the second time 204
Read the third time 213
Transmitted to the House 214
Signed by the President and transmitted to the Governor 566

S.B. 71 −− SAFETY BELT ENFORCEMENT *(K. Hale)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 124
Committee report adopted and placed on calendar 259
Read the second time 291
Circled 291, 386
Uncircled 376, 445
Amendments 377, 445
Read the third time 385
Transmitted to the House 446
Enacting Clause Stricken 1042

S.B. 72 −− DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Committee report adopted and placed on calendar 198
Read the second time 223
Amendments 223
Read the third time 234
Transmitted to the House 235
Concurrence Calendar 818

Concurrence 821
Returned to the House 822
Signed by the President and transmitted to the Governor 842

S.B. 73 −− ESCAPE AMENDMENTS *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 123
Amendments 197
Read the second time 225
Read the third time 235
Transmitted to the House 235
Signed by the President and transmitted to the Governor 342

S.B. 74 −− AEROSPACE AND AVIATION DEVELOPMENT ZONE AMENDMENTS *(M. Dmitrich)*
Read the first time by short title and referred to the Rules Committee. 118
Assigned to standing committee 124
Amendments 196
Committee report adopted and placed on calendar 198
Read the second time 219
Amendments 219
Read the third time 233
Circled 233
Uncircled 331
Enacting Clause Stricken 331, 1044

S.B. 75 −− CONSUMER CREDIT CONTRACTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 122
Returned to the Rules Committee 725
Enacting Clause Stricken 1044

S.B. 76 −− REVISIONS TO ROYALTY ON BRINE SHRIMP *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 124
Substituted 257
Amendments 257
Committee report adopted and placed on calendar 259
Read the second time 288
Read the third time 325
Amendments 325
Transmitted to the House 326
Signed by the President and transmitted to the Governor 566

S.B. 77 −− EXPANSION OF NEW MOTOR VEHICLE WARRANTIES *(P. Arent)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 124
Amendments 146, 163
Committee report adopted and placed on calendar 148
Read the second time 155
Read the third time 171
Transmitted to the House 171
Signed by the President and transmitted to the Governor 255

S.B. 78 −− EXEMPTIONS TO RESIDENTIAL PROPERTY TAX *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 124
Returned to the Rules Committee 722
Enacting Clause Stricken 1044

S.B. 79 −− REPEAL OF CHILD WELFARE WORKER DESIGNATIONS *(D. Eastman)*
Read the first time by short title and referred to the Rules Committee. 119

Assigned to standing committee 123
Committee report adopted and placed on calendar 161
Read the second time 206
Read the third time 214
Transmitted to the House 215
Signed by the President and transmitted to the Governor 481

S.B. 80 −− CAPITAL PUNISHMENT AMENDMENTS − EXCLUDED DAYS *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 123
Amendments 259
Committee report adopted and placed on calendar 259
Read the second time 292
Read the third time 327
Transmitted to the House 328
Signed by the President and transmitted to the Governor 566

S.B. 81 −− CHILD AND FAMILY SERVICES − PLEA IN ABEYANCE *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 123
Reassigned to standing committee 296
Committee report adopted and placed on calendar 403
Read the second time 576
Amendments 576
Read the third time 590
Transmitted to the House 591
Signed by the President and transmitted to the Governor 916

S.B. 82 −− DEPOSITS INTO UINTAH BASIN REVITALIZATION FUND *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 124
Committee report adopted and placed on calendar 148
Read the second time 155
Circled 155
Uncircled 252
Substituted 253
Read the third time 262
Amendments 263
Transmitted to the House 263
Concurrence Calendar 567
Concurrence 585
Returned to the House 585
Signed by the President and transmitted to the Governor 622

S.B. 83 −− UNINSURED EMPLOYERS' FUND AMENDMENTS *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 122
Committee report adopted and placed on calendar 161
Read the second time 202
Read the third time 211
Circled 212
Uncircled 213
Transmitted to the House 213
Signed by the President and transmitted to the Governor 420

S.B. 84 −− PARTY TO FELONY OFFENSE ENHANCEMENT *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 123
Committee report adopted and placed on calendar 198
Read the second time 226
Read the third time 235

Transmitted to the House 235
Signed by the President and transmitted to the Governor 320

S.B. 85 −− POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 122
Committee report adopted and placed on calendar 148
Read the second time 152
Read the third time 167
Circled 167
Uncircled 168
Amendments 168
Transmitted to the House 168
Signed by the President and transmitted to the Governor 244

S.B. 86 −− MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 123
Amendments 246
Committee report adopted and placed on calendar 246
Read the second time 278
Read the third time 286
Transmitted to the House 287
Signed by the President and transmitted to the Governor 595

S.B. 87 −− DRIVER LICENSE CERTIFICATE AMENDMENTS *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 124
Committee report adopted and placed on calendar 148
Read the second time 171
Read the third time 185
Transmitted to the House 185
Signed by the President and transmitted to the Governor 255

S.B. 88 −− UNIFORM BUILDING STANDARDS ACT − MANUFACTURED HOUSING AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 122
Substituted 160, 203
Committee report adopted and placed on calendar 161
Read the second time 203
Read the third time 212
Circled 212
Uncircled 230
Transmitted to the House 230
Signed by the President and transmitted to the Governor 566

S.B. 89 −− CONTRACTOR LICENSING AMENDMENTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 119
Assigned to standing committee 122
Substituted 439
Committee report adopted and placed on calendar 442
Read the second time 615
Amendments 615
Read the third time 628
Transmitted to the House 628
Signed by the President and transmitted to the Governor 916

S.B. 90 −− MEDICAL NEGLECT − EXCLUSION *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 120

Assigned to standing committee 123
Substituted 362
Amendments 362
Committee report adopted and placed on calendar 367
Read the second time 396
Read the third time 409
Circled 409
Uncircled 429
Transmitted to the House 429
Enacting Clause Stricken 1042

S.B. 91 −− EMERGENCY MEDICAL SERVICE PROVIDER AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 122
Committee report adopted and placed on calendar 198
Read the second time 218
Read the third time 232
Transmitted to the House 232
Concurrence Calendar 843
Concurrence 875
Returned to the House 876
Signed by the President and transmitted to the Governor 900

S.B. 92 −− REPEAL OF UNSOLICITED COMMERCIAL AND SEXUALLY EXPLICIT EMAIL ACT *(P. Arent)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 122
Committee report adopted and placed on calendar 161
Read the second time 203
Read the third time 212
Transmitted to the House 212
Signed by the President and transmitted to the Governor 359

S.B. 93 −− TELECOMMUNICATIONS ANNUAL REPORT AMENDMENTS *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 124
Committee report adopted and placed on calendar 198
Read the second time 220
Read the third time 233
Circled 233
Uncircled 241
Transmitted to the House 241
Concurrence Calendar 925
Concurrence 935
Returned to the House 936
Signed by the President and transmitted to the Governor 973

S.B. 94 −− MINE CERTIFICATION REQUIREMENTS *(M. Dmitrich)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 124
Committee report adopted and placed on calendar 161
Read the second time 215
Read the third time 230
Transmitted to the House 231
Signed by the President and transmitted to the Governor 320

S.B. 95 −− ISSUING A BAD CHECK OR DRAFT *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 122
Amendments 719

Returned to the Rules Committee 719
Enacting Clause Stricken 1044

S.B. 96 −− UTAH OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 122
Committee report adopted and placed on calendar 161
Read the second time 204
Read the third time 212
Transmitted to the House 213
Signed by the President and transmitted to the Governor 420

S.B. 97 −− CERTIFICATION DEADLINE FOR POLITICAL PARTIES *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 141
Committee report adopted and placed on calendar 198
Read the second time 218
Read the third time 232
Transmitted to the House 233
Concurrence 343, 369
Returned to the House 369
Signed by the President and transmitted to the Governor 389

S.B. 98 −− FEES FOR ELECTRONIC PROCESSING OF CERTAIN MOTOR VEHICLE TRANSACTIONS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 142
Committee report adopted and placed on calendar 161
Read the second time 206
Read the third time 215
Transmitted to the House 215
Signed by the President and transmitted to the Governor 320

S.B. 99 −− CHILD AND FAMILY SERVICES − STANDARD OF REVIEW *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 295
Returned to the Rules Committee 723
Enacting Clause Stricken 1044

S.B. 100 −− ADOPTION RESPONSIBILITIES − STATE OVERSIGHT *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 295
Returned to the Rules Committee 723
Enacting Clause Stricken 1044

S.B. 101 −− USE OF EDUCATION REVENUES *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 158
Returned to the Rules Committee 722
Enacting Clause Stricken 1044

S.B. 102 −− JOURNAL OF NOTARY PUBLIC ACTS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 158
Amendments 720
Returned to the Rules Committee 720
Enacting Clause Stricken 1044

S.B. 103 −− CHILD REMOVAL AMENDMENTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 120
Assigned to standing committee 295
Amendments 402

Committee report adopted and placed on calendar 403
Read the second time 577
Amendments 577
Read the third time 591
Transmitted to the House 591
Enacting Clause Stricken 1042

S.B. 104 −− SELECTION OF MENTAL HEALTH THERAPIST IN TERMINATION OF PARENTAL RIGHTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 121
Assigned to standing committee 295
Committee report adopted and placed on calendar 403
Read the second time 578
Read the third time 591
Transmitted to the House 591
Signed by the President and transmitted to the Governor 937

S.B. 105 −− ABUSE, NEGLECT, AND DEPENDENCY AMENDMENTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 121
Assigned to standing committee 295
Amendments 724
Returned to the Rules Committee 724
Enacting Clause Stricken 1044

S.B. 106 −− DISHONORED CHECKS − MOTOR VEHICLE REPAIR FACILITIES *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 121
Assigned to standing committee 183
Substituted 283
Amendments 283
Committee report adopted and placed on calendar 284
Read the second time 353
Circled 353, 384
Uncircled 375, 403
Read the third time 384
Amendments 403
Transmitted to the House 404
Returned to the Rules Committee 843
Enacting Clause Stricken 1044

S.B. 107 −− ADVANCED PRACTICE REGISTERED NURSE MODIFICATIONS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 121
Assigned to standing committee 208
Committee report adopted and placed on calendar 442
Read the second time 616
Read the third time 628
Transmitted to the House 629
Signed by the President and transmitted to the Governor 900

S.B. 108 −− REVISOR'S STATUTE *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 121
Placed on calendar 159
Read the second time 201
Read the third time 210
Transmitted to the House 210
Signed by the President and transmitted to the Governor 420

S.B. 109 −− INDIVIDUAL INCOME TAX CONTRIBUTIONS FOR EDUCATION *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 137
Assigned to standing committee 158
Committee report adopted and placed on calendar 240
Read the second time 277

Read the third time 285
Transmitted to the House 286
Concurrence Calendar 544
Concurrence 547
Returned to the House 548
Signed by the President and transmitted to the Governor 581

S.B. 110 −− CONSTRUCTION SERVICES COMMISSION AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 137
Enacting Clause Stricken 1044

S.B. 111 −− MECHANICS' LIENS AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 137
Assigned to standing committee 159
Committee report adopted and placed on calendar 229
Read the second time 252
Substituted 252
Read the third time 262
Transmitted to the House 262
Signed by the President and transmitted to the Governor 481

S.B. 112 −− UNIFORM ANATOMICAL GIFT ACT AMENDMENTS *(K. Hale)*
Read the first time by short title and referred to the Rules Committee. 137
Assigned to standing committee 159
Committee report adopted and placed on calendar 240
Read the second time 277
Read the third time 286
Transmitted to the House 286
Signed by the President and transmitted to the Governor 525

S.B. 113 −− ADMINISTRATIVE PROCEDURES ACT AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 149
Assigned to standing committee 159
Committee report adopted and placed on calendar 198
Read the second time 219
Read the third time 233
Transmitted to the House 233
Signed by the President and transmitted to the Governor 698

S.B. 114 −− AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 149
Assigned to standing committee 245
Amendments 440
Committee report adopted and placed on calendar 442
Read the second time 617
Amendments 617
Read the third time 630
Circled 630
Uncircled 651
Amendments 652
Transmitted to the House 652
Concurrence Calendar 818
Concurrence 821
Returned to the House 821
Signed by the President and transmitted to the Governor 842

S.B. 115 −− SPECIAL ELECTION DATES *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 183
Committee report adopted and placed on calendar 229

Read the second time 252
Circled 252
Uncircled 265
Amendments 265
Read the third time 275
Transmitted to the House 275
Signed by the President and transmitted to the Governor 420

S.B. 116 −− COUNTY RECORDER AMENDMENTS *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 221
Committee report adopted and placed on calendar 273
Read the second time 296
Read the third time 330
Amendments 330
Transmitted to the House 331
Enacting Clause Stricken 1042

S.B. 117 −− MEDICAL ARBITRATION AGREEMENT AMENDMENTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 380
Returned to the Rules Committee 726
Enacting Clause Stricken 1044

S.B. 118 −− JUDICIARY AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 183
Committee report adopted and placed on calendar 229
Read the second time 265
Circled 265
Uncircled 266
Read the third time 275
Transmitted to the House 276
Signed by the President and transmitted to the Governor 525

S.B. 119 −− PROSECUTION JURISDICTION AMENDMENT *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 208
Committee report adopted and placed on calendar 259
Read the second time 292
Read the third time 328
Transmitted to the House 328
Signed by the President and transmitted to the Governor 566

S.B. 120 −− RESIDENTIAL PROPERTY TAX EXEMPTION *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 245
Committee report adopted and placed on calendar 273
Read the second time 297
Amendments 297
Read the third time 331
Transmitted to the House 331
Signed by the President and transmitted to the Governor 543

S.B. 121 −− LOCAL SALES AND USE TAX DISTRIBUTION TASK FORCE *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 164
Enacting Clause Stricken 1044

S.B. 122 −− PAYMENT OF CLAIMS ON DECEASED SETTLOR'S ESTATE *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 164
Assigned to standing committee 245
Read the second time and placed on Consent Calendar 285

Read the third time 347
Transmitted to the House 347
Signed by the President and transmitted to the Governor 481

S.B. 123 −− COURT REPORTER AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 193
Amendments 259
Committee report adopted and placed on calendar 259
Read the second time 293
Read the third time 328
Transmitted to the House 329
Signed by the President and transmitted to the Governor 697

S.B. 124 −− PROHIBITION ON SALES AND USE TAX INCENTIVE PAYMENTS BY A MUNICIPALITY *(S. Killpack)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 245
Committee report adopted and placed on calendar 304
Read the second time 387
Read the third time 405
Transmitted to the House 405
Concurrence Calendar 697
Concurrence 727
Returned to the House 728
Signed by the President and transmitted to the Governor 768

S.B. 125 −− CONFIDENTIALITY OF DRUG TESTING *(P. Julander)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 193
Committee report adopted and placed on calendar 246
Read the second time 278
Amendments 278, 434
Circled 280, 325
Uncircled 287, 434
Read the third time 325
Transmitted to the House 435
Signed by the President and transmitted to the Governor 595

S.B. 126 −− AMENDMENTS TO WARRANTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 295
Amendments 569
Committee report adopted and placed on calendar 570
Read the second time 760
Enacting Clause Stricken 760, 1044

S.B. 127 −− SAFEGUARDING PERSONAL INFORMATION *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 245
Returned to the Rules Committee 719
Enacting Clause Stricken 1044

S.B. 128 −− LONG−TERM CARE FACILITIES AMENDMENTS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 245, 261
Substituted 302
Committee report adopted and placed on calendar 304
Read the second time 387
Read the third time 405
Circled 405

Uncircled 410
Intent Language 410
Transmitted to the House 410
Concurrence Calendar 843
Concurrence 876
Returned to the House 876
Signed by the President and transmitted to the Governor 900

S.B. 129 −− COMMUNITY ASSOCIATIONS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 193
Committee report adopted and placed on calendar 240
Read the second time 267
Read the third time 276
Transmitted to the House 276
Concurrence Calendar 568
Concurrence 585
Returned to the House 586
Signed by the President and transmitted to the Governor 622

S.B. 130 −− RESTRICTIONS ON USE OF UNMARKED POLICE VEHICLES *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 184
Assigned to standing committee 256
Returned to the Rules Committee 727
Enacting Clause Stricken 1044

S.B. 131 −− UNIFORM PRINCIPAL AND INCOME ACT *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 192
Assigned to standing committee 221
Committee report adopted and placed on calendar 323
Read the second time 394
Read the third time 408
Circled 408, 876
Uncircled 417, 879
Transmitted to the House 417
Concurrence Calendar 853
Before the Senate 876
Concurrence 879
Returned to the House 879
Signed by the President and transmitted to the Governor 900

S.B. 132 −− UTAH CONSTRUCTION TRADES LICENSING ACT − ELECTRICAL LICENSING AMENDMENTS *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 192
Assigned to standing committee 208
Amendments 270
Committee report adopted and placed on calendar 273
Read the second time 293
Read the third time 329
Transmitted to the House 329
Signed by the President and transmitted to the Governor 566

S.B. 133 −− BULK DELIVERY OF MOTOR FUEL *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 192
Assigned to standing committee 257
Committee report adopted and placed on calendar 284
Read the second time 353
Circled 353
Uncircled 376
Read the third time 385

Transmitted to the House 385
Signed by the President and transmitted to the Governor 697

S.B. 134 −− GOVERNOR'S COMMISSION FOR WOMEN AND FAMILIES *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 192
Assigned to standing committee 245
Amendments 271, 349, 391
Committee report adopted and placed on calendar 273
Read the second time 294
Circled 294, 371, 384
Uncircled 349, 384, 391
Read the third time 371
Substituted 384
Transmitted to the House 392
Concurrence Calendar 697
Concurrence 728
Returned to the House 728
Signed by the President and transmitted to the Governor 768

S.B. 135 −− CENTER FOR MULTICULTURAL HEALTH *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 192
Assigned to standing committee 221
Committee report adopted and placed on calendar 273
Read the second time 296
Read the third time 330
Transmitted to the House 330
Concurrence Calendar 818
Concurrence 820
Returned to the House 820
Signed by the President and transmitted to the Governor 842

S.B. 136 −− UNIFORM INTERSTATE FAMILY SUPPORT ACT *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 210
Assigned to standing committee 256
Committee report adopted and placed on calendar 304
Read the second time 354
Amendments 354
Read the third time 371
Transmitted to the House 372
Signed by the President and transmitted to the Governor 566

S.B. 137 −− INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION − APPLICATION FEE *(K. Hale)*
Read the first time by short title and referred to the Rules Committee. 210
Assigned to standing committee 256
Read the second time and placed on Consent Calendar 285
Read the third time 348
Transmitted to the House 348
Signed by the President and transmitted to the Governor 481

S.B. 138 −− FISHING AND HUNTING LICENSE AMENDMENTS *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 217
Assigned to standing committee 245
Substituted 283
Committee report adopted and placed on calendar 284
Read the second time 352
Circled 352
Uncircled 375
Read the third time 384
Transmitted to the House 384
Signed by the President and transmitted to the Governor 697

S.B. 139 −− INDIVIDUAL INCOME TAX − NONRESIDENT INCOME AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 217
Assigned to standing committee 257
Amendments 302
Committee report adopted and placed on calendar 304
Read the second time 388
Read the third time 405
Transmitted to the House 406
Signed by the President and transmitted to the Governor 869

S.B. 140 −− HUMAN SERVICES LICENSING AMENDMENTS *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 230
Assigned to standing committee 256
Substituted 301
Committee report adopted and placed on calendar 304
Read the second time 355
Circled 355, 408, 429
Uncircled 393, 429, 431
Read the third time 408
Amendments 431
Transmitted to the House 432
Enacting Clause Stricken 1042

S.B. 141 −− NEW JUDGE − SECOND DISTRICT COURT *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 230
Assigned to standing committee 245, 284
Read the second time 353
Read the third time 371
Transmitted to the House 371
Signed by the President and transmitted to the Governor 900

S.B. 142 −− VALIDITY OF MARRIAGE LICENSES *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 241
Assigned to standing committee 256
Committee report adopted and placed on calendar 304
Read the second time 356
Read the third time 372
Transmitted to the House 373
Signed by the President and transmitted to the Governor 566

S.B. 143 −− CRIMINAL OFFENSE ATTEMPT AMENDMENTS *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 241
Assigned to standing committee 256
Committee report adopted and placed on calendar 284
Read the second time 353
Circled 353
Uncircled 376
Read the third time 384
Transmitted to the House 385
Signed by the President and transmitted to the Governor 697

S.B. 144 −− CORPORATIONS SOLE AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 241
Assigned to standing committee 257
Committee report adopted and placed on calendar 304
Read the second time 388
Read the third time 406
Circled 406
Uncircled 415
Amendments 415

Intent Language 416
Transmitted to the House 416
Concurrence Calendar 699
Concurrence 728
Returned to the House 729
Signed by the President and transmitted to the Governor 768

S.B. 145 −− COUNTY SURVEYOR AMENDMENTS *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 269
Committee report adopted and placed on calendar 304
Read the second time 357
Read the third time 373
Transmitted to the House 374
Signed by the President and transmitted to the Governor 566

S.B. 146 −− OLYMPIC LAW REVISIONS AND CLEANUP *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 322
Committee report adopted and placed on calendar 382
Read the second time 536
Read the third time 558
Circled 558
Uncircled 574
Transmitted to the House 574
Signed by the President and transmitted to the Governor 836

S.B. 147 −− CONDOMINIUM AMENDMENTS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 281
Committee report adopted and placed on calendar 367
Read the second time 396
Read the third time 409
Transmitted to the House 409
Signed by the President and transmitted to the Governor 698

S.B. 148 −− TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 246
Enacting Clause Stricken 1044

S.B. 149 −− PETE SUAZO UTAH ATHLETIC COMMISSION ACT AMENDMENTS *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 256
Committee report adopted and placed on calendar 304
Read the second time 354
Circled 354
Uncircled 357
Read the third time 374
Transmitted to the House 374
Signed by the President and transmitted to the Governor 698

S.B. 150 −− JUDICIAL CONFIRMATION PROCESS AMENDMENTS *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 256
Committee report adopted and placed on calendar 284
Read the second time 353
Circled 354, 404, 623
Uncircled 386, 407, 624
Amendments 386, 407
Read the third time 404
Transmitted to the House 408

Concurrence Calendar 596
Before the Senate 623
Concurrence 624
Returned to the House 625
Signed by the President and transmitted to the Governor 647

S.B. 151 −− WASTE WATER AMENDMENTS *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 246
Assigned to standing committee 322
Substituted 484
Amendments 484
Committee report adopted and placed on calendar 490
Read the second time 755
Amendments 755
Failed 756
Returned to the staff for filing 756
Enacting Clause Stricken 1044

S.B. 152 −− DIVISION OF COMMUNITY DEVELOPMENT NAME CHANGE *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 247
Assigned to standing committee 269
Read the second time and placed on Consent Calendar 305
Read the third time 369
Transmitted to the House 370
Signed by the President and transmitted to the Governor 566

S.B. 153 −− LOCAL GOVERNMENT BOARDS OF EXAMINERS *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 260
Enacting Clause Stricken 1044

S.B. 154 −− SCHOOL BUILDING LEGISLATIVE TASK FORCE *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 261
Assigned to standing committee 321
Committee report adopted and placed on calendar 402
Read the second time 539
Read the third time 559
Transmitted to the House 559
Signed by the President and transmitted to the Governor 836

S.B. 155 −− COUNTY MENTAL HEALTH AMENDMENTS *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 282
Committee report adopted and placed on calendar 323
Read the second time 395
Circled 395, 478
Uncircled 459, 491
Amendments 459
Read the third time 478
Transmitted to the House 492
Concurrence Calendar 897
Concurrence 934
Returned to the House 935
Signed by the President and transmitted to the Governor 956

S.B. 156 −− SUBSTITUTE TEACHERS VOLUNTEER PROGRAM *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 343
Amendments 442
Committee report adopted and placed on calendar 443
Read the second time 630
Read the third time 650

Transmitted to the House 651
Enacting Clause Stricken 1042

S.B. 157 −− AUTHORIZATION TO PERFORM MARRIAGES *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 322
Amendments 451
Committee report adopted and placed on calendar 457
Read the second time 631
Read the third time 651
Transmitted to the House 651
Signed by the President and transmitted to the Governor 916

S.B. 158 −− CRIMINAL OFFENSE AMENDMENTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 344
Committee report adopted and placed on calendar 491
Read the second time 757
Read the third time 787
Transmitted to the House 788
Signed by the President and transmitted to the Governor 928

S.B. 159 −− ANNEXATION OF PUBLIC LAND TO SPECIAL AND LOCAL DISTRICTS *(M. Dmitrich)*
Read the first time by short title and referred to the Rules Committee. 273
Assigned to standing committee 322
Committee report adopted and placed on calendar 490
Read the second time 756
Read the third time 787
Transmitted to the House 787
Signed by the President and transmitted to the Governor 937

S.B. 160 −− CONTROLLED SUBSTANCES ACT AMENDMENTS *(P. Julander)*
Read the first time by short title and referred to the Rules Committee. 274
Assigned to standing committee 295
Read the second time and placed on Consent Calendar 367
Read the third time 428
Transmitted to the House 429
Signed by the President and transmitted to the Governor 595

S.B. 161 −− JUDICIAL CONDUCT COMMISSION *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 274
Assigned to standing committee 282
Committee report adopted and placed on calendar 367
Read the second time 468
Amendments 468, 530
Read the third time 496
Circled 496
Uncircled 530
Transmitted to the House 532
Concurrence Calendar 752
Concurrence 774
Returned to the House 774
Signed by the President and transmitted to the Governor 836

S.B. 162 −− INTERSTATE INSURANCE PRODUCT REGULATION − COMPACT *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 343
Amendments 424
Committee report adopted and placed on calendar 428
Read the second time 578

Read the third time 592
Circled 592
Uncircled 627
Transmitted to the House 627
Signed by the President and transmitted to the Governor 900

S.B. 163 −− PROPERTY TAX − CONFIDENTIALITY OF CERTAIN INFORMATION *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 594
Assigned to standing committee 596
Committee report adopted and placed on calendar 638
Read the second time 811
Substituted 811
Read the third time 824
Transmitted to the House 825
Signed by the President and transmitted to the Governor 928

S.B. 164 −− AMENDMENTS TO THE UTAH COMPREHENSIVE HEALTH INSURANCE POOL *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Substituted 601
Committee report adopted and placed on calendar 608
Read the second time 762
Circled 762
Uncircled 763
Returned to the staff for filing 764
Enacting Clause Stricken 1044

S.B. 165 −− WORKERS' COMPENSATION AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 345
Assigned to standing committee 360
Reassigned to standing committee 422
Amendments 475, 593
Committee report adopted and placed on calendar 477
Read the second time 580
Read the third time 593
Transmitted to the House 594
Concurrence Calendar 969
Refuse to Concur 1008
Refuse to Recede 1024
Conference Committee Assigned 1024
Enacting Clause Stricken 1042

S.B. 166 −− OFF−HIGHWAY VEHICLE REGISTRATION PROVISIONS *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 344
Substituted 366
Amendments 366
Committee report adopted and placed on calendar 367
Read the second time 465
Read the third time 493
Transmitted to the House 493
Signed by the President and transmitted to the Governor 752

S.B. 167 −− VICTIM RESTITUTION AMENDMENTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 477
Assigned to standing committee 505
Committee report adopted and placed on calendar 570
Read the second time 760
Read the third time 790

Amendments 790
Transmitted to the House 791
Signed by the President and transmitted to the Governor 869

S.B. 168 −− DRIVER LICENSE RELATED AMENDMENTS *(C. Walker)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 344
Committee report adopted and placed on calendar 367
Read the second time 465
Circled 465
Uncircled 499
Amendments 499
Read the third time 506
Transmitted to the House 507
Signed by the President and transmitted to the Governor 752

S.B. 169 −− SALES AND USE TAX AGRICULTURAL EXEMPTIONS *(R. Allen)*
Read the first time by short title and referred to the Rules Committee. 546
Assigned to standing committee 568
Committee report adopted and placed on calendar 638
Read the second time 812
Read the third time 825
Transmitted to the House 825
Enacting Clause Stricken 1042

S.B. 170 −− PUBLIC TRANSIT DISTRICT AMENDMENTS *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 344
Committee report adopted and placed on calendar 458
Read the second time 641
Substituted 641
Circled 641
Uncircled 662
Read the third time 685
Amendments 686
Transmitted to the House 686
Concurrence Calendar 973
Concurrence 1008
Returned to the House 1009
Signed by the President and transmitted to the Governor 1028

S.B. 171 −− PROPERTY TAX TREATMENT OF TRANSPORTABLE FACTORY−BUILT HOUSING UNITS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 297
Assigned to standing committee 322
Committee report adopted and placed on calendar 382
Read the second time 470
Read the third time 497
Circled 497
Uncircled 529
Transmitted to the House 530
Signed by the President and transmitted to the Governor 752

S.B. 172 −− EDUCATION ARTICULATION LEGISLATIVE TASK FORCE *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 285
Assigned to standing committee 321
Committee report adopted and placed on calendar 609
Read the second time 765
Read the third time 797
Transmitted to the House 798
Enacting Clause Stricken 1042

S.B. 173 −− BAIL BOND REINSTATEMENT AMENDMENTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 345
Assigned to standing committee 360
Amendments 425
Committee report adopted and placed on calendar 428
Read the second time 579
Substituted 579
Read the third time 592
Transmitted to the House 593
Signed by the President and transmitted to the Governor 956

S.B. 174 −− ADOPTION OF UNIFORM JUVENILE COMPACT *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 344
Committee report adopted and placed on calendar 491
Read the second time 757
Read the third time 788
Transmitted to the House 788
Enacting Clause Stricken 1043

S.B. 175 −− PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 391
Assigned to standing committee 393
Amendments 486, 519, 532
Committee report adopted and placed on calendar 491
Placed on Time Certain Calendar 491
Committee report adopted 524
Read the second time 532
Substituted 532, 571
Read the third time 557
Circled 558
Uncircled 571
Concurrence Calendar 890
Concurrence 934
Returned to the House 934
Signed by the President and transmitted to the Governor 956

S.B. 176 −− FINANCIAL INSTITUTIONS AMENDMENTS *(J. Valentine)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Substituted 597
Committee report adopted and placed on calendar 608
Read the second time 761
Read the third time 795
Intent Language 796
Transmitted to the House 796
Signed by the President and transmitted to the Governor 869

S.B. 177 −− PROPERTY TAX − OUTDOOR ADVERTISING *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Committee report adopted and placed on calendar 428
Read the second time 612
Read the third time 624
Transmitted to the House 624
Signed by the President and transmitted to the Governor 853

S.B. 178 −− MORTGAGE BROKER AMENDMENTS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Substituted 597

Amendments 597
Committee report adopted and placed on calendar 608
Read the second time 762
Read the third time 796
Transmitted to the House 796
Concurrence Calendar 928
Concurrence 936
Returned to the House 936
Signed by the President and transmitted to the Governor 973

S.B. 179 −− EXPEDITED APPEALS IN CHILD WELFARE CASES *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 344
Amendments 401
Committee report adopted and placed on calendar 402
Read the second time 536
Amendments 537
Read the third time 558
Circled 558, 573
Uncircled 573, 587
Substituted 573
Transmitted to the House 587
Signed by the President and transmitted to the Governor 900

S.B. 180 −− BROWNFIELD PROPERTIES − AMENDMENTS *(B. Wright)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Committee report adopted and placed on calendar 442
Read the second time 630
Circled 630
Enacting Clause Stricken 1044

S.B. 181 −− FEDERAL RESEARCH COMMITTEE *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 417
Assigned to standing committee 451
Amendments 483
Committee report adopted and placed on calendar 490
Read the second time 678
Failed 678
Enacting Clause Stricken 1045

S.B. 182 −− ASSISTANT ADJUTANT GENERAL QUALIFICATIONS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 305
Assigned to standing committee 345
Amendments 426
Committee report adopted and placed on calendar 428
Read the second time 613
Read the third time 626
Transmitted to the House 627
Signed by the President and transmitted to the Governor 836

S.B. 183 −− LOCAL GOVERNMENTS − AUTHORITY FOR DESIGN
BUILD CONSTRUCTION *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 382
Assigned to standing committee 390
Amendments 452
Committee report adopted and placed on calendar 457
Read the second time 639
Circled 639
Uncircled 678
Amendments 678, 694

Read the third time 694
Transmitted to the House 696
Concurrence Calendar 870
Concurrence 878
Returned to the House 878
Signed by the President and transmitted to the Governor 901

S.B. 184 −− INTERLOCAL COOPERATION ACT AMENDMENTS *(G. Bell)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Committee report adopted and placed on calendar 428
Read the second time 579
Read the third time 592
Transmitted to the House 592
Signed by the President and transmitted to the Governor 836

S.B. 185 −− PUBLIC EDUCATION AMENDMENTS *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 343
Committee report adopted and placed on calendar 403
Read the second time 540
Amendments 540
Read the third time 559
Circled 559, 629
Uncircled 629, 644
Substituted 629
Transmitted to the House 645
Concurrence Calendar 856
Concurrence 877
Returned to the House 878
Signed by the President and transmitted to the Governor 901

S.B. 186 −− NOTIFICATION OF COURT ACTION TO NONCUSTODIAL PARENT *(H. Stephenson)*
Enacting Clause Stricken 1045

S.B. 187 −− WATER CONSERVANCY DISTRICTS TRUSTEES *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 294
Assigned to standing committee 322
Committee report adopted and placed on calendar 403
Read the second time 575
Read the third time 590
Transmitted to the House 590
Signed by the President and transmitted to the Governor 836

S.B. 188 −− COMPLIANCE OF TREATMENT PLAN *(P. Hellewell)*
Enacting Clause Stricken 1045

S.B. 189 −− NURSE PRACTICE ACT AMENDMENTS *(P. Julander)*
Enacting Clause Stricken 1045

S.B. 190 −− SALES AND USE TAX EXEMPTION RELATING TO FILM, TELEVISION, AND VIDEO *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 610
Assigned to standing committee 621
Committee report adopted and placed on calendar 638
Read the second time 799
Substituted 799
Read the second and third time 799
Transmitted to the House 799
Signed by the President and transmitted to the Governor 928

S.B. 191 −− OIL AND GAS RELATED TAXES AND FEES *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 583
Assigned to standing committee 597
Committee report adopted and placed on calendar 703
Read the second time 704
Substituted 704, 815
Circled 704
Uncircled 815
Read the second and third time 815
Transmitted to the House 816
Recalled 857
Placed on calendar 857
Signed by the President and transmitted to the Governor 817, 872
Before the Senate 857
Amendments 857
Transmitted to the House 858

S.B. 192 −− LOAN TRANSACTIONS AMENDMENTS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 506
Assigned to standing committee 528
Amendments 699
Committee report adopted and placed on calendar 703
Read the second and third time 850
Transmitted to the House 851
Concurrence 1032
Returned to the House 1032

S.B. 193 −− INDEPENDENT ENTITIES AMENDMENTS *(D. Eastman)*
Enacting Clause Stricken 1045

S.B. 194 −− PLUMBING APPRENTICE AMENDMENTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 403
Assigned to standing committee 422
Amendments 474
Committee report adopted and placed on calendar 477
Read the second time 644
Read the third time 657
Amendments 657
Failed 658
Returned to the staff for filing 658
Reconsideration and placed on calendar 675
Before the Senate upon reconsideration 677
Transmitted to the House 678
Returned to the Rules Committee 956
Enacting Clause Stricken 1045

S.B. 195 −− TAXATION OF MULTI−CHANNEL VIDEO OR AUDIO SERVICE *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 864
Placed on calendar 864
Read the second and third time 865
Transmitted to the House 866
Concurrence Calendar 909
Concurrence 910
Returned to the House 911
Signed by the President and transmitted to the Governor 937

S.B. 196 −− COURT FEE ADJUSTMENTS *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 491
Assigned to standing committee 528
Committee report adopted and placed on calendar 638
Read the second time 813

Substituted 813
Read the third time 825
Transmitted to the House 826
Returned to the staff for filing 910
Returned to the House 979
Concurrence Calendar 1006
Concurrence 1009
Returned to the House 1009
Signed by the President and transmitted to the Governor 1028

S.B. 197 −− HEALTH INSURANCE − CONTRACEPTIVE EQUITY AMENDMENTS *(P. Julander)*
Read the first time by short title and referred to the Rules Committee. 428
Assigned to standing committee 597
Returned to the Rules Committee 722
Enacting Clause Stricken 1045

S.B. 198 −− ELECTRIC GENERATION COMPETITIVE BID AMENDMENTS *(C. Bramble)*
Read the first time by short title and referred to the Rules Committee. 458
Placed on calendar 529
Read the second time 535
Circled 536
Uncircled 563
Returned to the Rules Committee 565
Enacting Clause Stricken 1045

S.B. 199 −− OUTSOURCING STATE JOBS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 377
Assigned to standing committee 391
Substituted 454
Committee report adopted and placed on calendar 458
Read the second time 640
Read the third time 653
Transmitted to the House 653
Concurrence Calendar 818
Before the Senate 820
Circled 820
Uncircled 827
Concurrence 827
Returned to the House 827
Signed by the President and transmitted to the Governor 842

S.B. 200 −− LICENSE AND CERTIFICATION EXTENSION FOR DEPLOYED NATIONAL GUARD MEMBERS *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 324
Assigned to standing committee 345
Amendments 427
Committee report adopted and placed on calendar 428
Read the second time 613
Amendments 613
Read the third time 627
Transmitted to the House 628
Recalled from enrolling 978
Returned to the House 996
Signed by the President and transmitted to the Governor 901, 1023

S.B. 201 −− PUNITIVE DAMAGES AMENDMENTS *(L. Hillyard)*
Read the first time by short title and referred to the Rules Committee. 443
Assigned to standing committee 450
Amendments 606
Committee report adopted and placed on calendar 609
Read the second time 767

Read the third time 798
Transmitted to the House 798
Signed by the President and transmitted to the Governor 937

S.B. 202 −− UNEMPLOYMENT INSURANCE AMENDMENTS *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 506
Assigned to standing committee 529
Committee report adopted and placed on calendar 609
Read the second time 801
Substituted 802
Read the third time 823
Amendments 823
Transmitted to the House 824
Signed by the President and transmitted to the Governor 901

S.B. 203 −− BENEFITS AMENDMENTS FOR PART−TIME STATE EMPLOYEES *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 781
Enacting Clause Stricken 1045

S.B. 204 −− REDEVELOPMENT AGENCY CHANGES *(D. Thomas)*
Read the first time by short title and referred to the Rules Committee. 377
Assigned to standing committee 390
Committee report adopted and placed on calendar 477
Read the second time 663
Read the third time 686
Transmitted to the House 687
Signed by the President and transmitted to the Governor 842

S.B. 205 −− CERTIFICATION OF CRANE OPERATORS *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 546
Assigned to standing committee 568
Committee report adopted and placed on calendar 672
Read the second time 847
Returned to the Rules Committee 847
Enacting Clause Stricken 1045

S.B. 206 −− PROPERTY TAX AMENDMENTS *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 477
Assigned to standing committee 505
Read the second time 800
Read the third time 823
Transmitted to the House 823
Signed by the President and transmitted to the Governor 937

S.B. 207 −− OFFICE OF MUSEUM SERVICES AMENDMENTS *(R. Allen)*
Read the first time by short title and referred to the Rules Committee. 378
Assigned to standing committee 390
Substituted 672
Amendments 672
Read the second time and placed on Consent Calendar 673
Read the third time 770
Transferred to the House 771
Enacting Clause Stricken 1043

S.B. 208 −− FUNDING FOR TOURISM *(P. Knudson)*
Read the first time by short title and referred to the Rules Committee. 443
Assigned to standing committee 450
Amendments 482
Committee report adopted and placed on calendar 490
Read the second time 675
Amendments 675
Read the third time 689

Amendments 689
Transmitted to the House 690
Enacting Clause Stricken 1043

S.B. 209 −− LIMITS ON PLEDGING SALES AND USE TAX REVENUES FOR BONDS *(H. Stephenson)*
Enacting Clause Stricken 1045

S.B. 210 −− MOTOR VEHICLE INSURANCE ENFORCEMENT AMENDMENTS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 546
Assigned to standing committee 568
Committee report adopted and placed on calendar 638
Read the second time 812
Circled 813
Uncircled 841
Returned to the Rules Committee 841
Enacting Clause Stricken 1045

S.B. 211 −− MANAGEMENT OF GUARDIANS AD LITEM BY ADMINISTRATIVE OFFICE OF THE COURTS *(T. Hatch)*
Enacting Clause Stricken 1045

S.B. 212 −− INDIGENT DEFENSE FUNDS AMENDMENTS *(L. Blackham)*
Enacting Clause Stricken 1045

S.B. 213 −− MOTOR VEHICLES − CLEAN AIR DISCOUNTS *(G. Davis)*
Read the first time by short title and referred to the Rules Committee. 471
Assigned to standing committee 505
Committee report adopted and placed on calendar 570
Read the second time 759
Amendments 759
Read the third time 789
Transmitted to the House 790
Enacting Clause Stricken 1043

S.B. 214 −− PROHIBITION OF OBESITY LAWSUITS AGAINST RESTAURANTS *(H. Stephenson)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Substituted 475
Committee report adopted and placed on calendar 477
Read the second time 645
Read the third time 658
Amendments 659
Transmitted to the House 661
Signed by the President and transmitted to the Governor 937

S.B. 215 −− COUNTY POWERS AMENDMENTS *(D. Gladwell)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Substituted 452
Committee report adopted and placed on calendar 457
Read the second time 639
Amendments 639
Read the third time 652
Transmitted to the House 653
Signed by the President and transmitted to the Governor 1023

S.B. 216 −− HEALTH PROVIDER REIMBURSEMENT AMENDMENTS *(P. Hellewell)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Amendments 474

Committee report adopted and placed on calendar 477
Read the second time 645
Circled 645, 677
Uncircled 677, 757
Substituted 677
Placed on Time Certain Calendar 758
Before the Senate 773
Referred to Rules Committee for interim study 773
Enacting Clause Stricken 1045

S.B. 217 −− STATE ROAD DESIGNATION *(J. Valentine)*
Enacting Clause Stricken 1045

S.B. 218 −− LAW ENFORCEMENT OVERTIME FUND *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 417
Assigned to standing committee 450
Reassigned to standing committee 623
Committee report adopted and placed on calendar 703
Read the second and third time 850
Transmitted to the House 850
Enacting Clause Stricken 1043

S.B. 219 −− AMENDMENTS TO JUSTICE COURT OPERATIONS *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 325
Assigned to standing committee 344
Committee report adopted and placed on calendar 382
Read the second time 470
Read the third time 496
Amendments 496
Transmitted to the House 497
Concurrence Calendar 752
Concurrence 774
Returned to the House 775
Signed by the President and transmitted to the Governor 802

S.B. 220 −− SAFETY REQUIREMENTS FOR PUBLIC WATER SYSTEMS *(E. Mayne)*
Enacting Clause Stricken 1045

S.B. 221 −− MATERNITY HEALTH CARE *(E. Mayne)*
Read the first time by short title and referred to the Rules Committee. 325
Assigned to standing committee 344
Committee report adopted and placed on calendar 672
Read the second time 847
Referred to Rules Committee for interim study 847
Enacting Clause Stricken 1045

S.B. 222 −− LOCAL GOVERNMENT FEASIBILITY AND ECONOMIC IMPACT STUDIES *(S. Jenkins)*
Read the first time by short title and referred to the Rules Committee. 428
Assigned to standing committee 450
Committee report adopted and placed on calendar 609
Read the second time 798
Substituted 798
Circled 799, 807
Uncircled 807, 829
Read the third time 864
Substituted 864
Failed 865
Returned to the staff for filing 865
Enacting Clause Stricken 1045

S.B. 223 −− TRANSPORTATION CONSTRUCTION AMENDMENTS *(D. Eastman)*
Read the first time by short title and referred to the Rules Committee. 403
Assigned to standing committee 424
Amendments 455
Committee report adopted and placed on calendar 458
Read the second time 642
Read the third time 655
Transmitted to the House 655
Signed by the President and transmitted to the Governor 869

S.B. 224 −− HOMELESS COORDINATING COMMITTEE *(K. Hale)*
Read the first time by short title and referred to the Rules Committee. 464
Assigned to standing committee 504
Committee report adopted and placed on calendar 609
Read the second time 765
Read the third time 797
Transmitted to the House 797
Signed by the President and transmitted to the Governor 1028

S.B. 225 −− UNINSURED AND UNDERINSURED MOTORIST COVERAGE *(D. Eastman)*
Read the first time by short title and referred to the Rules Committee. 682
Placed on calendar 682
Read the second and third time 849
Transmitted to the House 850
Signed by the President and transmitted to the Governor 928

S.B. 226 −− HEALTH CARE MALPRACTICE − DISPUTE RESOLUTION *(E. Mayne)*
Enacting Clause Stricken 1045

S.B. 227 −− CONCEALED FIREARM AMENDMENTS *(K. Hale)*
Enacting Clause Stricken 1045

S.B. 228 −− TELECOMMUNICATIONS TAX AMENDMENTS *(C. Bramble)*
Enacting Clause Stricken 1045

S.B. 229 −− TASK FORCE STUDY OF WILDFIRES IN UTAH *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 443
Assigned to standing committee 450
Committee report adopted and placed on calendar 570
Read the second time 758
Read the third time 789
Transmitted to the House 789
Enacting Clause Stricken 1043

S.B. 230 −− PERFORMANCE PLUS − READING ACHIEVEMENT *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 382
Assigned to standing committee 390
Committee report adopted and placed on calendar 477
Read the second time 661
Amendments 661, 814
Read the third time 685
Circled 685
Uncircled 814
Substituted 814
Transmitted to the House 815
Concurrence Calendar 818
Refuse to Concur 822
Returned to the House 822
Conference Committee Assigned 843
Joint Conference Committee Report 994
Returned to the House 995
Signed by the President and transmitted to the Governor 1023

S.B. 231 −− EXECUTIVE COMPENSATION AMENDMENTS *(M. Waddoups)*
Read the first time by short title and referred to the Rules Committee. 901
Placed on calendar 910
Read the second and third time 912
Transmitted to the House 912
Signed by the President and transmitted to the Governor 928

S.B. 232 −− STANDARD OF CARE FOR EMERGENCY VEHICLE DRIVERS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 381
Committee report adopted and placed on calendar 458
Read the second time 642
Circled 642
Uncircled 674
Read the third time 688
Transmitted to the House 688
Signed by the President and transmitted to the Governor 973

S.B. 233 −− AIRPORT SECURITY AMENDMENTS *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 428
Assigned to standing committee 451
Committee report adopted and placed on calendar 477
Read the second time 663
Substituted 664
Circled 664
Uncircled 674
Read the third time 688
Transmitted to the House 689
Signed by the President and transmitted to the Governor 956

S.B. 234 −− STATE FAIR PARK LEASING AGREEMENTS *(J. Evans)*
Read the first time by short title and referred to the Rules Committee. 443
Assigned to standing committee 450
Amendments 607
Committee report adopted and placed on calendar 609
Read the second and third time 799
Transmitted to the House 800
Signed by the President and transmitted to the Governor 1023

S.B. 235 −− RETIREMENT FOR AIRPORT POLICE *(R. Allen)*
Read the first time by short title and referred to the Rules Committee. 648
Assigned to standing committee 666
Committee report adopted and placed on calendar 742
Read the second and third time 866
Failed 866
Returned to the staff for filing 867
Reconsideration 917
Placed on calendar 918
Before the Senate 918
Read the second and third time 918
Returned to the House 919
Enacting Clause Stricken 1043

S.B. 236 −− UTAH PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT AMENDMENTS *(D. C. Buttars)*
Read the first time by short title and referred to the Rules Committee. 403
Assigned to standing committee 422
Committee report adopted and placed on calendar 457
Read the second time 640
Enacting Clause Stricken 640, 1045

S.B. 237 −− PIONEER AND COMMUNITY HERITAGE AMENDMENTS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 443
Assigned to standing committee 451
Committee report adopted and placed on calendar 490
Read the second time 680
Read the third time 696
Transmitted to the House 696
Signed by the President and transmitted to the Governor 916

S.B. 238 −− INDIVIDUAL INCOME TAX − EARNED INCOME TAX CREDIT *(T. Hatch)*
Read the first time by short title and referred to the Rules Committee. 325
Assigned to standing committee 344
Committee report adopted and placed on calendar 382
Read the second time 471
Read the third time 497
Amendments 497
Transmitted to the House 499
Enacting Clause Stricken 1043

S.B. 239 −− UNFAIR COMPETITION ACT *(M. Dmitrich)*
Read the first time by short title and referred to the Rules Committee. 458
Assigned to standing committee 504
Substituted 666, 839
Amendments 666, 844
Committee report adopted and placed on calendar 672
Read the second time 838
Circled 838, 839
Uncircled 839, 844
Read the second and third time 845
Transmitted to the House 845
Concurrence 1032
Intent Language 1033
Returned to the House 1033

S.B. 240 −− MOTION PICTURE TASK FORCE *(R. Allen)*
Read the first time by short title and referred to the Rules Committee. 383
Assigned to standing committee 391
Amendments 454
Committee report adopted and placed on calendar 458
Read the second time 640
Read the third time 653
Transmitted to the House 654
Concurrence Calendar 870
Concurrence 878
Returned to the House 879
Signed by the President and transmitted to the Governor 901

S.B. 241 −− FUTURE FARMERS OF AMERICA SPECIAL LICENSE PLATE *(B. Evans)*
Read the first time by short title and referred to the Rules Committee. 403
Assigned to standing committee 424
Committee report adopted and placed on calendar 458
Read the second time 642
Read the third time 655
Transmitted to the House 656
Enacting Clause Stricken 1043

S.B. 242 −− UNDOCUMENTED WORKERS DRIVER LICENSE REVISIONS *(J. Hickman)*
Read the first time by short title and referred to the Rules Committee. 403
Assigned to standing committee 424
Returned to the Rules Committee 723
Enacting Clause Stricken 1045

S.B. 243 −− HOGLE ZOO SPECIAL DISTRICT *(D. Gladwell)*
Enacting Clause Stricken 1045

S.B. 244 −− MEDICAID AMENDMENTS *(P. Julander)*
Enacting Clause Stricken 1046

S.B. 245 −− MEDICAL DISPUTE RESOLUTION AMENDMENTS *(L. Blackham)*
Read the first time by short title and referred to the Rules Committee. 368
Assigned to standing committee 380
Committee report adopted and placed on calendar 442
Read the second time 616
Circled 616, 630
Uncircled 617, 705
Read the third time 629
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Read the third time 943
Signed by the President and returned to the House 943

H.B. 62 −− LIEN RECOVERY FUND AMENDMENTS *(R. C. Webb)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 208
Committee report adopted and placed on calendar 273
Read the second time 319
Read the third time 340
Signed by the President and returned to the House 340

H.B. 64 −− AMENDMENTS TO LOCAL OPTION SALES TAX *(S. Allen)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 344
Committee report adopted and placed on calendar 382
Read the second time 518
Read the third time 556
Signed by the President and returned to the House 557

H.B. 65 −− TUITION WAIVER FOR PURPLE HEART RECIPIENTS *(G. Hughes)*
Read for the first time and referred to the Rules Committee 227
Assigned to standing committee 282
Committee report adopted and placed on calendar 367
Read the second time 517
Read the third time 555
Signed by the President and returned to the House 556

H.B. 66 −− STATE SPENDING LIMITATIONS AMENDMENTS *(G. Hughes)*
Read for the first time and referred to the Rules Committee 398
Assigned to standing committee 423
Committee report adopted and placed on calendar 609
Read the second time 750
Circled 750
Uncircled 750, 833
Substituted 750
Read for the first and second times 833
Read the third time 884
Returned to the House 884
Signed by the President and returned to the House 920

H.B. 67 −− CULTURAL AFFAIRS TASK FORCE *(S. Allen)*
Read for the first time and referred to the Rules Committee 208
Assigned to standing committee 282
Committee report adopted and placed on calendar 382
Read the second time 534
Amendments 534
Tabled on Third Reading Calendar 534
Returned to the Rules Committee 963
Enacting Clause Stricken 1040

H.B. 70 −− GERIATRIC CARE MANAGERS *(R. Lockhart)*
Read for the first time and referred to the Rules Committee 682
Placed on calendar 855
Read the second time 894
Read the third time 937
Signed by the President and returned to the House 938

H.B. 71 −− WATER CONSERVATION PLANS *(J. Buffmire)*
Read for the first time and referred to the Rules Committee 439
Assigned to standing committee 505
Committee report adopted and placed on calendar 570
Read the second time 711
Read the third time 735
Signed by the President and returned to the House 735

H.B. 72 −− RELEASE OF CLAIMS ON BEHALF OF A MINOR *(J. Dougall)*
Read for the first time and referred to the Rules Committee 268
Assigned to standing committee 282
Read the second time and placed on Consent Calendar 324
Read the third time 383
Signed by the President and returned to the House 383

H.B. 73 −− PATTERN OF UNLAWFUL ACTIVITY ACT AMENDMENTS *(T. McCartney)*
Read for the first time and referred to the Rules Committee 208
Assigned to standing committee 221
Read the second time and placed on Consent Calendar 285
Read the third time 348
Signed by the President and returned to the House 348

H.B. 74 −− EXTENSION OF SALES AND USE TAX EXEMPTION
FOR STEEL INDUSTRY *(B. Ferry)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 450
Committee report adopted and placed on calendar 609
Read the second time 750
Read the third time 784
Amendments 785
Signed by the President and returned to the House 786

H.B. 75 −− INDUSTRIAL ASSISTANCE FUND AMENDMENTS *(D. Clark)*
Read for the first time and referred to the Rules Committee 208
Assigned to standing committee 222
Committee report adopted and placed on calendar 304
Read the second time 513
Read the third time 553
Signed by the President and returned to the House 553

H.B. 78 −− SCHOOL LAND TRUST PROGRAM RESTRICTED ACCOUNT *(D. Clark)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 610

Read the third time 683
Signed by the President and returned to the House 684

H.B. 79 −− RIGHT TO DISPLAY FLAG AT PERSONAL RESIDENCE *(C. Duckworth)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 424
Committee report adopted and placed on calendar 490
Read the second time 708
Read the third time 731, 880
Signed by the President and returned to the House 731, 880
Placed on calendar 854

H.B. 80 −− WILDLIFE LICENSE AGENTS − PENALTIES FOR VIOLATIONS *(B. Last)*
Read for the first time and referred to the Rules Committee 221
Assigned to standing committee 245
Committee report adopted and placed on calendar 284
Read the second time 508
Amendments 508
Read the third time 548
Transmitted to the House 549
Signed by the President and returned to the House 595

H.B. 81 −− CRIMINAL LAW INTENT AMENDMENT *(T. McCartney)*
Read for the first time and referred to the Rules Committee 268
Assigned to standing committee 344
Read the second time and placed on Consent Calendar 571
Read the third time 649
Signed by the President and returned to the House 650

H.B. 82 −− VIRTUAL VISITATION AMENDMENTS *(D. Aagard)*
Read for the first time and referred to the Rules Committee 397
Assigned to standing committee 423
Committee report adopted and placed on calendar 477
Read the second time 572
Read the third time 588
Signed by the President and returned to the House 588

H.B. 83 −− STATE RETIREMENT − FUNDED RATIO *(A. Hardy)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 450
Committee report adopted and placed on calendar 477
Read the second time 706
Read the third time 729
Signed by the President and returned to the House 730

H.B. 85 −− HEALTH INSURANCE MANDATE AMENDMENTS *(R. Lockhart)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 855
Read the second time 895
Read the third time 938
Signed by the President and returned to the House 938

H.B. 86 −− PRIMARY CARE NETWORK AMENDMENTS *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 504
Committee report adopted and placed on calendar 609
Read the second time 745
Tabled on Third Reading Calendar 745
Read the third time 979
Amendments 979
Returned to the House 980
Signed by the President and returned to the House 1008

H.B. 88 −− STATE LAND USE MANAGEMENT PLANS *(B. Johnson)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 423
Amendments 484, 501, 709
Committee report adopted and placed on calendar 491, 501
Read the second time 709
Read the third time 732
Returned to the House 733, 857
Refuse to Recede 811
Joint Conference Committee assigned 811
Conference Committee report 856
Substituted 856
Signed by the President and returned to the House 873

H.B. 90 −− ACCESS TO CHILD WELFARE HEARINGS *(M. Morley)*
Read for the first time and referred to the Rules Committee 546
Placed on calendar 855
Read the second time 895
Read the third time 938
Signed by the President and returned to the House 939

H.B. 91 −− UTAH ADMINISTRATIVE RULEMAKING ACT AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 422
Returned to the Rules Committee 752
Amendments 753
Enacting Clause Stricken 1040

H.B. 92 −− BRUCELLOSIS VACCINATION AMENDMENTS *(B. Johnson)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 505
Committee report adopted and placed on calendar 570
Read the second time 712
Substituted 712
Amendments 712
Read the third time 735
Returned to the House 736
Signed by the President and returned to the House 803

H.B. 93 −− DNA REIMBURSEMENT COSTS *(J. S. Adams)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 504
Committee report adopted and placed on calendar 609
Read the second time 745
Read the third time 779
Circled 779
Uncircled 781
Signed by the President and returned to the House 782

H.B. 94 −− HEALTH INSURANCE POOL *(C. Bennion)*
Read for the first time and referred to the Rules Committee 397
Assigned to standing committee 422
Amendments 601
Committee report adopted and placed on calendar 609
Read the second time 715
Circled 715, 738
Uncircled 716, 763
Read the third time 738
Returned to the Staff for filing 763
Reconsideration 764

Returned to the House 764
Signed by the President and returned to the House 836

H.B. 95 −− CLARIFICATION OF DEPENDENT HEALTH CARE COVERAGE AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 379
Assigned to standing committee 423
Committee report adopted and placed on calendar 477
Read the second time 572
Read the third time 588
Signed by the President and returned to the House 589

H.B. 96 −− STATUTE OF REPOSE *(J. S. Adams)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 505
Read the second time and placed on Consent Calendar 571
Read the third time 650
Signed by the President and returned to the House 650

H.B. 97 −− PROTECTIVE ORDER AMENDMENTS *(K. Holdaway)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 528
Committee report adopted and placed on calendar 609
Read the second time 746
Tabled on Third Reading Calendar 746
Read the third time 782
Signed by the President and returned to the House 783

H.B. 100 −− SCHOOL PROFESSIONAL DEVELOPMENT DAYS *(B. Last)*
Read for the first time and referred to the Rules Committee 546
Assigned to standing committee 666
Amendments 739
Committee report adopted and placed on calendar 742
Read the second time 859
Read the third time 892
Returned to the House 892
Signed by the President and returned to the House 920

H.B. 105 −− CONTINUING EDUCATION FOR CONTRACTORS *(J. S. Adams)*
Read for the first time and referred to the Rules Committee 623
Assigned to standing committee 666
Committee report adopted and placed on calendar 742
Read the second time 867
Circled 867
Uncircled 958
Amendments 958
Read the second and third time 959
Returned to the House 959
Signed by the President and returned to the House 1008

H.B. 106 −− HEALTH INSURANCE ACT AMENDMENTS *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 504
Amendments 633
Committee report adopted and placed on calendar 638
Read the second time 832
Circled 832
Uncircled 840
Read the third time 887
Returned to the House 887
Signed by the President and returned to the House 924

H.B. 108 −− INSURANCE AND RETIREMENT FOR CHARTER SCHOOL EMPLOYEES *(M. Newbold)*
Read for the first time and referred to the Rules Committee 698
Placed on calendar 870
Read the second time 919
Read the third time 946
Circled 947
Uncircled 1010
Amendments 1010
Returned to the House 1011
Signed by the President and returned to the House 1027

H.B. 111 −− LOCAL GOVERNMENT AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 504
Amendments 704
Returned to the Rules Committee 704
Placed on calendar 704
Read the second time 858
Read the third time 891
Returned to the House 891
Signed by the President and returned to the House 924

H.B. 113 −− NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS *(L. Shurtliff)*
Read for the first time and referred to the Rules Committee 623
Assigned to standing committee 666
Returned to the Rules Committee 743
Enacting Clause Stricken 1040

H.B. 114 −− MONEY MANAGEMENT ACT AMENDMENTS *(D. Clark)*
Read for the first time and referred to the Rules Committee 567
Placed on calendar 870
Read the second time 920
Circled 920
Uncircled 950
Amendments 950
Read the second and third time 950
Returned to the House 951
Signed by the President and returned to the House 1008

H.B. 115 −− CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS *(J. M. Philpot)*
Read for the first time and referred to the Rules Committee 842
Read the second and third time 967
Signed by the President and returned to the House 967

H.B. 116 −− FACILITIES WITH REGIONAL IMPACT *(R. Becker)*
Read for the first time and referred to the Rules Committee 546
Placed on calendar 870
Read the second time 920
Read the third time 947
Signed by the President and returned to the House 947

H.B. 117 −− INDIVIDUAL INCOME TAX − TREATMENT OF CERTAIN MILITARY INCOME *(D. Peterson)*
Read for the first time and referred to the Rules Committee 567
Enacting Clause Stricken 1040

H.B. 118 −− BRAND INSPECTION AMENDMENTS *(D. Ure)*
Read for the first time and referred to the Rules Committee 546
Enacting Clause Stricken 1040

H.B. 119 −− FENCING RESPONSIBILITIES WITH GREENBELT OR CONSERVATION EASEMENT *(D. Ure)*
Read for the first time and referred to the Rules Committee 682
Placed on calendar 957
Read the second and third time 1015
Signed by the President and returned to the House 1015

H.B. 120 −− CHILD WELFARE FUNDING FOR IN−HOME SERVICES *(M. Thompson)*
Read for the first time and referred to the Rules Committee 525
Placed on calendar 925
Read the second time 948
Circled 948
Uncircled 949
Read for the second and third times 949
Signed by the President and returned to the House 949

H.B. 121 −− CODE OF CRIMINAL PROCEDURE AMENDMENTS *(J. Seitz)*
Read for the first time and referred to the Rules Committee 583
Assigned to standing committee 666
Amendments 742
Read the second time and placed on Consent Calendar 743
Read the third time 879
Returned to the House 880
Signed by the President and returned to the House 920

H.B. 122 −− PRIVATE INVESTIGATOR AMENDMENTS *(M. Dayton)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 898
Read the second and third time 985
Signed by the President and returned to the House 986

H.B. 123 −− DRUG LAB CLEANUP AND DISCLOSURE *(D. Litvack)*
Read for the first time and referred to the Rules Committee 546
Placed on calendar 870
Read the second time 918
Read the third time 946
Signed by the President and returned to the House 946

H.B. 124 −− SMALL CLAIMS COURT JURISDICTION AMENDMENTS *(S. Urquhart)*
Read for the first time and referred to the Rules Committee 525
Placed on calendar 898
Read the second and third time 948
Signed by the President and returned to the House 949

H.B. 125 −− COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 583
Assigned to standing committee 597
Returned to the Rules Committee 722
Placed on calendar 898
Read the second and third time 986
Signed by the President and returned to the House 986

H.B. 126 −− TEACHER CLASSIFICATIONS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 648
Assigned to standing committee 666
Committee report adopted and placed on calendar 742
Read the second time 866
Read the third time 892
Signed by the President and returned to the House 893

H.B. 128 −− AMENDMENTS TO OPERATING UNDER THE INFLUENCE *(D. Love)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 528
Amendments 637
Committee report adopted and placed on calendar 638
Read the second time 834
Amendments 834
Read the third time 885
Returned to the House 885
Signed by the President and returned to the House 1008

H.B. 129 −− CHILD PROTECTION TEAM MEETINGS *(C. Bennion)*
Read for the first time and referred to the Rules Committee 633
Placed on calendar 990
Read the second time 1038
Enacting Clause Stricken 1040

H.B. 131 −− EMINENT DOMAIN AMENDMENTS *(B. Ferry)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 870
Read the second time 923
Amendments 923
Read the third time 947
Signed by the President and returned to the House 948

H.B. 133 −− PROPERTY TAX − VETERAN'S EXEMPTION *(D. Bush)*
Read for the first time and referred to the Rules Committee 769
Placed on calendar 925
Read the second time 993
Circled 993
Uncircled 1013
Read the second and third time 1013
Signed by the President and returned to the House 1013

H.B. 135 −− NOTIFICATION OF SCHOOL DISTRICT OF VIOLENT OFFENSE BY A STUDENT *(M. S. Lawrence)*
Read for the first time and referred to the Rules Committee 648
Placed on calendar 890
Read the second time 950
Circled 950
Uncircled 963
Read the second and third time 964
Signed by the President and returned to the House 964

H.B. 136 −− ELECTRONIC FILING OF PRELIMINARY LIEN DOCUMENTS *(M. Morley)*
Read for the first time and referred to the Rules Committee 632
Assigned to standing committee 666
Read the second time 868
Substituted 868
Amendments 868
Read the third time 893
Amendments 893
Circled 894
Uncircled 896
Returned to the House 896
Signed by the President and returned to the House 924

H.B. 137 −− CAMPAIGN FINANCE DISCLOSURE IN MUNICIPAL ELECTIONS *(J. Dougall)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 925
Read the second time 993

Returned to the Rules Committee 993
Enacting Clause Stricken 1040

H.B. 138 −− TRESPASSING ON STATE PARK LANDS *(S. Allen)*
Read for the first time and referred to the Rules Committee 665
Placed on calendar 870
Read the second and third time 974
Amendments 974
Returned to the House 975
Signed by the President and returned to the House 1005

H.B. 139 −− EVIDENCE AMENDMENTS *(J. Murray)*
Read for the first time and referred to the Rules Committee 697
Enacting Clause Stricken 1040

H.B. 140 −− CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS *(L. Christensen)*
Read for the first time and referred to the Rules Committee 853
Placed on calendar 898
Read the second and third times 953
Amendments 953, 978
Returned to the House for filing 954
Recalled from House 974
Reconsideration 977
Before the Senate 977
Read the second and third time 978
Returned to the House 978
Signed by the President and returned to the House 1024

H.B. 142 −− AUDIT REQUIREMENTS FOR POLITICAL SUBDIVISIONS *(B. Ferry)*
Read for the first time and referred to the Rules Committee 648
Placed on calendar 925
Read the second and third time 957
Signed by the President and returned to the House 958

H.B. 145 −− APPROVAL REQUIRED FOR DISPOSAL OF RADIOACTIVE WASTE *(S. Urquhart)*
Read for the first time and referred to the Rules Committee 632
Placed on calendar 901
Read the second time 901
Substituted 901
Read the second and third time 902
Returned to the House 902
Signed by the President and returned to the House 969

H.B. 146 −− COUNTY COOPERATIVE AGREEMENTS WITH STATE FOR FIRE PROTECTION *(C. Buttars)*
Read for the first time and referred to the Rules Committee 665
Placed on calendar 819
Read the second time 830
Read the third time 882
Signed by the President and returned to the House 883

H.B. 147 −− MUNICIPAL CODE CONDEMNATION AMENDMENTS *(L. Christensen)*
Read for the first time and referred to the Rules Committee 769
Placed on calendar 870
Read the second time 975
Circled 975
Uncircled 977
Read the second and third time 977
Signed by the President and returned to the House 977

H.B. 148 −− OPTOMETRY AMENDMENTS *(B. Last)*
Read for the first time and referred to the Rules Committee 769
Placed on calendar 898
Read the second and third time 986
Signed by the President and returned to the House 987

H.B. 149 −− NEW AUTOMOBILE FRANCHISE ACT *(G. Curtis)*
Read for the first time and referred to the Rules Committee 623
Placed on calendar 910
Read the second and third time 991
Signed by the President and returned to the House 991

H.B. 150 −− WORKERS' COMPENSATION − FIRE DEPARTMENT EMPLOYEES *(J. Murray)*
Read for the first time and referred to the Rules Committee 739
Placed on calendar 957
Read the second time 1016
Circled 1016
Enacting Clause Stricken 1040

H.B. 152 −− CHARTER SCHOOL GOVERNANCE *(M. Dillree)*
Read for the first time and referred to the Rules Committee 682
Placed on calendar 802
Read the second and third time 804
Signed by the President and returned to the House 805
Reconsideration 809
Before the Senate 809
Substituted 809
Read the second and third time 810
Returned to the House 810
Signed by the President and returned to the House 817

H.B. 153 −− COMMERCIAL DRIVER LICENSE AMENDMENTS *(C. Bird)*
Read for the first time and referred to the Rules Committee 682
Placed on calendar 957
Read the second time 1016
Circled 1016
Uncircled 1036
Read the second and third time 1036
Signed by the President and returned to the House 1037

H.B. 157 −− TRANSPORTATION AMENDMENTS *(J. Dougall)*
Read for the first time and referred to the Rules Committee 648
Placed on calendar 925
Read the second and third time 960
Amendments 960
Returned to the House 962
Signed by the President and returned to the House 1008

H.B. 158 −− WATER SHARES IN A MUNICIPAL WATER COMPANY *(G. Hughes)*
Read for the first time and referred to the Rules Committee 633
Placed on calendar 855
Read the second time 897
Amendments 897
Read the third time 939
Amendments 939
Returned to the House 940
Signed by the President and returned to the House 1008

H.B. 160 −− MORTGAGE ACT AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 623
Placed on calendar 870
Read the second and third time 975, 1002

Amendments 976, 1001
Circled 976
Uncircled 1001
Returned to the House 1003
Signed by the President and returned to the House 1027

H.B. 161 −− LAW ENFORCEMENT AMENDMENTS *(C. Moss)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 505
Read the second time and placed on Consent Calendar 571
Read the third time 649
Signed by the President and returned to the House 649

H.B. 162 −− MUNICIPAL ELECTION AMENDMENTS *(J. Dougall)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 956
Read the second time 993
Substituted 993
Read the second and third time 993
Returned to the House 994
Signed by the President and returned to the House 1024

H.B. 164 −− RESIDENT TUITION STATUS FOR NATIONAL GUARD MEMBERS *(B. King)*
Read for the first time and referred to the Rules Committee 481
Assigned to standing committee 528
Amendments 672
Read the second time and placed on Consent Calendar 673
Read the third time 771
Returned to the House 771
Signed by the President and returned to the House 836

H.B. 165 −− CHILD PROTECTION REGISTRY *(M. Styler)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 802
Read the second time 805
Read the third time 824
Circled 824, 955
Uncircled 954, 978
Substituted 954
Amendments 954
Returned to the House 979
Signed by the President and returned to the House 1008

H.B. 168 −− INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX TASK FORCE *(W. Harper)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 802
Read the second and third time 805
Amendments 805
Returned to the House 806
Signed by the President and returned to the House 817

H.B. 169 −− MAIL THEFT AMENDMENTS *(M. Thompson)*
Read for the first time and referred to the Rules Committee 481
Assigned to standing committee 528
Committee report adopted and placed on calendar 609
Read the second time 746
Read the third time 782
Signed by the President and returned to the House 782

H.B. 170 −− OFFICE OF THE ATTORNEY GENERAL RESPONSIBILITIES *(K. Bryson)*
Read for the first time and referred to the Rules Committee 583

Placed on calendar 1013
Enacting Clause Stricken 1041

H.B. 171 −− INSURANCE FRAUD AMENDMENTS *(J. Ferrin)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 504
Amendments 603
Committee report adopted and placed on calendar 609
Read the second time 715
Read the third time 737
Returned to the House 738
Signed by the President and returned to the House 803

H.B. 172 −− INSURANCE LIQUIDATION LAW AMENDMENTS *(J. Ferrin)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 504
Committee report adopted and placed on calendar 609
Read the second time 716
Read the third time 738
Signed by the President and returned to the House 738

H.B. 174 −− FORENSIC MENTAL HEALTH AMENDMENTS *(J. Seitz)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 344
Read the second time and placed on Consent Calendar 403
Read the third time 458
Signed by the President and returned to the House 458, 595
Recalled 480
Placed on calendar 501
Before the Senate 508
Read the second time 508
Amendments 508
Read the third time 549
Returned to the House 549

H.B. 175 −− PROCESS FOR FILLING MIDTERM VACANCIES IN THE LEGISLATURE *(W. Harper)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 208
Returned to the Rules Committee 726
Placed on calendar 1006
Enacting Clause Stricken 1041

H.B. 178 −− MOTOR VEHICLE PURCHASE AMENDMENTS *(D. Bush)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 222
Committee report adopted and placed on calendar 259
Read the second time 317
Read the third time 339
Signed by the President and returned to the House 339

H.B. 179 −− VULNERABLE ADULT ABUSE AMENDMENTS *(P. Jones)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 423
Committee report adopted and placed on calendar 570
Read the second time 715
Read the third time 737
Signed by the President and returned to the House 737

H.B. 180 −− DEATH PENALTY PROVISIONS *(S. Allen)*
Read for the first time and referred to the Rules Committee 208
Assigned to standing committee 269

Amendments 363
Committee report adopted and placed on calendar 367
Read the second time 516
Read the third time 554
Returned to the House 555
Signed by the President and returned to the House 595

H.B. 181 −− FLUORINE COST REQUIREMENTS *(M. Morley)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 344
Referred to Rules Committee for filing 491
Enacting Clause Stricken 1041

H.B. 182 −− CONSTRUCTION LIEN AMENDMENTS *(S. Clark)*
Read for the first time and referred to the Rules Committee 360
Assigned to standing committee 390
Committee report adopted and placed on calendar 672
Read the second time 838
Circled 838
Uncircled 839
Amendments 839
Read the third time 887
Returned to the House 887
Signed by the President and returned to the House 924

H.B. 183 −− CONDITIONS FOR RELEASE AFTER NOTICE REGARDING ARREST FOR DOMESTIC VIOLENCE *(P. Wallace)*
Read for the first time and referred to the Rules Committee 244
Assigned to standing committee 282
Committee report adopted and placed on calendar 367
Read the second time 516
Read the third time 555
Signed by the President and returned to the House 555

H.B. 184 −− VOYEURISM AMENDMENTS *(B. Goodfellow)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 390
Read the second time and placed on Consent Calendar 610
Read the third time 684
Signed by the President and returned to the House 684

H.B. 186 −− EVALUATION AND COUNSELING PRIOR TO TERMINATION PROCEEDINGS *(M. Thompson)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 269
Read the second time and placed on Consent Calendar 305
Read the third time 370
Signed by the President and returned to the House 370

H.B. 187 −− VIATICAL SETTLEMENT ACT *(J. Dunnigan)*
Read for the first time and referred to the Rules Committee 281
Assigned to standing committee 344
Substituted 382
Committee report adopted and placed on calendar 382
Read the second time 518
Read the third time 557
Returned to the House 557
Signed by the President and returned to the House 595

H.B. 188 −− DONATION OF SURPLUS COMPUTERS TO PERSONS WITH A DISABILITY *(C. Bird)*
Read for the first time and referred to the Rules Committee 397

Assigned to standing committee 424
Committee report adopted and placed on calendar 458
Read the second time 562
Read the third time 588
Circled 588
Uncircled 612
Signed by the President and returned to the House 612

H.B. 189 −− TOBACCO COMPLIANCE AMENDMENTS *(D. Hogue)*
Read for the first time and referred to the Rules Committee 182
Assigned to standing committee 222
Committee report adopted and placed on calendar 273
Read the second time 415
Read the third time 436
Signed by the President and returned to the House 437
Placed on calendar 699
Reconsideration 705, 714
Circled 699, 706
Uncircled 714
Signed by the President and returned to the House 714

H.B. 190 −− RESTRICTING WIRELESS TELEPHONE USE FOR SCHOOL BUS DRIVERS *(N. Hendrickson)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 256
Amendments 301
Committee report adopted and placed on calendar 304
Read the second time 512
Read the third time 552
Failed 552
Returned to the House for filing 552

H.B. 191 −− CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS *(G. Snow)*
Read for the first time and referred to the Rules Committee 192
Assigned to standing committee 209
Committee report adopted and placed on calendar 229
Read the second time 308
Circled 308
Uncircled 308
Read the third time 333
Signed by the President and returned to the House 333

H.B. 192 −− REPEAL OF THRIFTS SETTLEMENT FINANCING PROVISIONS *(G. Curtis)*
Read for the first time and referred to the Rules Committee 256
Assigned to standing committee 269
Read the second time and placed on Consent Calendar 305
Read the third time 370
Signed by the President and returned to the House 371

H.B. 193 −− COMMISSION ON CRIMINAL AND JUVENILE JUSTICE *(M. S. Lawrence)*
Read for the first time and referred to the Rules Committee 221
Assigned to standing committee 282
Committee report adopted and placed on calendar 323
Read the second time 514
Amendments 514
Read the third time 554
Signed by the President and returned to the House 554

H.B. 195 −− CONSUMER PROTECTION AMENDMENTS *(S. Allen)*
Read for the first time and referred to the Rules Committee 268
Assigned to standing committee 380

Read the second time and placed on Consent Calendar 610
Placed on Second Reading Calendar 673
Read the second time 831
Read the third time 883
Signed by the President and returned to the House 884

H.B. 197 −− LIMIT ON CHILD WELFARE RECOMMENDATIONS AND RULINGS *(M. Thompson)*
Read for the first time and referred to the Rules Committee 256
Assigned to standing committee 295
Committee report adopted and placed on calendar 638
Read the second time 837
Circled 837
Uncircled 837
Read the third time 885
Signed by the President and returned to the House 886

H.B. 198 −− CHILD WELFARE COURT REPORTS *(M. Thompson)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 344
Amendments 441
Committee report adopted and placed on calendar 443
Read the second time 560
Read the third time 586
Returned to the House 586
Signed by the President and returned to the House 665

H.B. 199 −− DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING *(C. Moss)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 504
Committee report adopted and placed on calendar 672
Read the second time 847
Read the third time 889
Signed by the President and returned to the House 889

H.B. 200 −− RECOGNITION OF FOREIGN ADOPTIONS *(W. Harper)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 380
Read the second time and placed on Consent Calendar 443
Read the third time 506
Signed by the President and returned to the House 506

H.B. 201 −− TRAFFIC SIGNAL PREEMPTION DEVICE *(J. Dougall)*
Read for the first time and referred to the Rules Committee 208
Assigned to standing committee 222
Committee report adopted and placed on calendar 260
Read the second time 318
Read the third time 339
Signed by the President and returned to the House 339

H.B. 202 −− MAIL ORDER TOBACCO SALES AMENDMENTS *(E. Hutchings)*
Read for the first time and referred to the Rules Committee 343
Assigned to standing committee 423
Read the second time and placed on Consent Calendar 610
Read the third time 684
Signed by the President and returned to the House 685

H.B. 203 −− SPECIAL GROUP LICENSE PLATE *(D. Hogue)*
Read for the first time and referred to the Rules Committee 208
Assigned to standing committee 222
Committee report adopted and placed on calendar 259
Read the second time 318

Circled 318, 433
Uncircled 413, 433
Read the third time 432
Signed by the President and returned to the House 434

H.B. 204 −− PUBLIC UTILITIES REVISIONS *(G. Curtis)*
Read for the first time and referred to the Rules Committee 244
Assigned to standing committee 257
Committee report adopted and placed on calendar 304
Read the second time 513
Read the third time 552
Signed by the President and returned to the House 553

H.B. 205 −− STATE SETTLEMENT AGREEMENTS AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 300
Assigned to standing committee 422
Committee report adopted and placed on calendar 609
Read the second time 748
Circled 748
Uncircled 828
Read the third time 880
Signed by the President and returned to the House 881

H.B. 206 −− CONSTITUTIONAL DEFENSE COUNCIL AMENDMENTS *(M. Noel)*
Read for the first time and referred to the Rules Committee 379
Assigned to standing committee 422
Amendments 452
Committee report adopted and placed on calendar 458
Read the second time 561
Read the third time 587
Returned to the House 587
Committee report adopted and placed on calendar 609
Signed by the President and returned to the House 665

H.B. 207 −− HEALTH INSURANCE AMENDMENTS *(R. Lockhart)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 504
Committee report adopted and placed on calendar 609
Read the second time 747
Read the third time 783
Signed by the President and returned to the House 783

H.B. 209 −− LICENSING OF PLUMBING AND ELECTRICAL TRADES *(S. Clark)*
Read for the first time and referred to the Rules Committee 268
Assigned to standing committee 281
Committee report adopted and placed on calendar 304
Read the second time 510
Amendments 510
Read the third time 550
Returned to the House 551
Signed by the President and returned to the House 595

H.B. 210 −− LAW ENFORCEMENT EMPLOYEE BACKGROUND CHECKS *(L. Pace)*
Read for the first time and referred to the Rules Committee 268
Assigned to standing committee 282
Committee report adopted and placed on calendar 323
Read the second time 514
Read the third time 553
Signed by the President and returned to the House 554

H.B. 211 −− RENEWAL OF FISHING LICENSE *(J. M. Philpot)*
Read for the first time and referred to the Rules Committee 473

Assigned to standing committee 505
Read the second time and placed on Consent Calendar 571
Read the third time 648
Signed by the President and returned to the House 648

H.B. 212 −− TRAFFIC ACCIDENT RESPONSE *(E. Hutchings)*
Read for the first time and referred to the Rules Committee 343
Assigned to standing committee 423
Amendments 754
Returned to the Rules Committee 754
Enacting Clause Stricken 1041

H.B. 213 −− CHANGES TO INVESTMENT ADVISORY COMMITTEE *(D. Clark)*
Read for the first time and referred to the Rules Committee 321
Assigned to standing committee 422
Read the second time and placed on Consent Calendar 673
Read the third time 769
Signed by the President and returned to the House 770

H.B. 214 −− SCHOOL AND INSTITUTIONAL TRUST LANDS − CLARIFYING REFERENCES TO RULES AND POLICIES *(J. Gowans)*
Read for the first time and referred to the Rules Committee 398
Assigned to standing committee 422
Committee report adopted and placed on calendar 477
Read the second time 573
Read the third time 589
Signed by the President and returned to the House 590

H.B. 215 −− BUILDING STANDARDS AMENDMENTS *(J. S. Adams)*
Read for the first time and referred to the Rules Committee 398
Assigned to standing committee 422
Committee report adopted and placed on calendar 672
Read the second time 838
Amendments 838
Read the third time 886
Returned to the House 886
Signed by the President and returned to the House 924

H.B. 217 −− CHANGES TO DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT CONTRACT PROCEDURES AND REQUIREMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 504
Committee report adopted and placed on calendar 609
Read the second time 748
Circled 748
Uncircled 828
Read the third time 881
Signed by the President and returned to the House 881

H.B. 218 −− PRIVATE HEALTH INSURANCE − WAIVER OF HEALTH CONDITION *(C. Bennion)*
Read for the first time and referred to the Rules Committee 439
Assigned to standing committee 504
Amendments 604, 749, 784
Committee report adopted and placed on calendar 609
Read the second time 743
Circled 743
Uncircled 749
Read the third time 784
Returned to the House 784
Signed by the President and returned to the House 873

H.B. 219 −− CONSTRUCTION BOND AMENDMENTS *(M. Morley)*
Read for the first time and referred to the Rules Committee 398
Assigned to standing committee 422
Amendments 668, 888
Committee report adopted and placed on calendar 672
Read the second time 838
Circled 839
Uncircled 841
Read the third time 887
Returned to the House 888
Signed by the President and returned to the House 924

H.B. 220 −− OFF−HIGHWAY VEHICLE AMENDMENTS *(B. Goodfellow)*
Read for the first time and referred to the Rules Committee 398
Assigned to standing committee 423
Committee report adopted and placed on calendar 491
Read the second time 710
Read the third time 733
Signed by the President and returned to the House 733

H.B. 222 −− ROBBERY AMENDMENTS *(C. Frank)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 610
Read the third time 683
Signed by the President and returned to the House 683

H.B. 223 −− STATE SCHOOL BOARD CANDIDATE SELECTION COMMITTEES *(K. Morgan)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 504
Returned to the Rules Committee 726
Enacting Clause Stricken 1041

H.B. 225 −− PROVISION FOR EMERGENCY MEDICAL SERVICES *(P. Wallace)*
Read for the first time and referred to the Rules Committee 596
Placed on calendar 957
Read the second time 1010
Circled 1010
Uncircled 1014
Read the second and third time 1014
Signed by the President and returned to the House 1015

H.B. 226 −− LEGISLATIVE APPROVAL FOR CAPITAL PROJECTS *(D. Ure)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 504
Amendments 607
Committee report adopted and placed on calendar 609
Read the second time 748
Circled 748
Uncircled 750
Read the third time 786
Returned to the House 787
Signed by the President and returned to the House 898

H.B. 227 −− MIDWIFE CERTIFICATION ACT *(J. Biskupski)*
Read for the first time and referred to the Rules Committee 503
Assigned to standing committee 596
Returned to the Rules Committee 704
Enacting Clause Stricken 1041

H.B. 228 −− SALE, EXCHANGE, OR DONATION OF REAL PROPERTY BY STATE AGENCIES *(D. Ure)*
Read for the first time and referred to the Rules Committee 583
Enacting Clause Stricken 1041

H.B. 229 −− PUBLIC UTILITY EASEMENTS *(R. C. Webb)*
Read for the first time and referred to the Rules Committee 389
Assigned to standing committee 423
Committee report adopted and placed on calendar 491
Read the second time 710
Read the third time 733
Amendments 733
Returned to the House 734
Signed by the President and returned to the House 803

H.B. 230 −− PROPERTY TAX LEVY FOR EDUCATION *(M. Styler)*
Read for the first time and referred to the Rules Committee 665
Returned to the House 682

H.B. 231 −− REVIEW AND APPROVAL OF FEDERAL MONIES RECEIVED BY THE STATE *(C. Bennion)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 505
Committee report adopted and placed on calendar 609
Read the second time 832
Circled 832
Uncircled 901
Read the third time 940
Signed by the President and returned to the House 940

1st Sub. H.B. 232 −− WATER WELL AMENDMENTS *(D. Peterson)*
Read for the first time and referred to the Rules Committee 397
Assigned to standing committee 423
Committee report adopted and placed on calendar 491
Read the second time 711
Read the third time 734
Signed by the President and returned to the House 735

H.B. 233 −− GRAZING PERMIT FEE AMENDMENTS *(E. Anderson)*
Read for the first time and referred to the Rules Committee 398
Assigned to standing committee 423
Read the second time and placed on Consent Calendar 491
Read the third time 583
Signed by the President and returned to the House 584

H.B. 234 −− SUNSET EXTENSION ON UNAUTHORIZED PRACTICE OF LAW *(S. Urquhart)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 505
Read the second time and placed on Consent Calendar 639
Read the third time 729
Circled 729
Uncircled 770
Signed by the President and returned to the House 770

H.B. 235 −− TURKEY HUNTING PERMITS *(D. G. Buxton)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 505
Read the second time and placed on Consent Calendar 571
Read the third time 648
Signed by the President and returned to the House 649

H.B. 236 −− FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER AMENDMENTS *(D. Litvack)*
Read for the first time and referred to the Rules Committee 481
Assigned to standing committee 528
Committee report adopted and placed on calendar 609
Read the second time 747
Circled 747
Enacting Clause Stricken 1041

H.B. 237 −− DEPARTMENT OF CORRECTIONS − THERAPY PROVIDER QUALIFICATIONS *(D. Bourdeaux)*
Read for the first time and referred to the Rules Committee 420
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 673
Read the third time 771
Signed by the President and returned to the House 772

H.B. 238 −− WORKERS' COMPENSATION ACCESS TO MEDICAL RECORDS *(J. Alexander)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 504
Committee report adopted and placed on calendar 672
Read the second time 831
Read the third time 883
Signed by the President and returned to the House 883, 972
Returned to the Rules Committee 956
Placed on calendar 966
Before the Senate 972

H.B. 239 −− SEXUALLY EXPLICIT BUSINESS AND ESCORT SERVICE TAX *(D. Bourdeaux)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 528
Committee report adopted and placed on calendar 609
Read the second time 829
Circled 829
Uncircled 921
Amendments 921
Read the second and third time 922
Intent Language 922
Returned to the House 922, 1000
Refuse to Concur 969
Refuse to Recede 969
Joint Conference Committee assigned 969, 984
Substituted 1000
Joint Conference Committee Report 1000
Signed by the President and returned to the House 1024

H.B. 240 −− REVENUE AND TAXATION − OFFENSES AND PENALTIES *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 505
Returned to the Rules Committee 722
Placed on calendar 819
Read the second time 830
Read the third time 881
Signed by the President and returned to the House 882

H.B. 241 −− COMMITMENT FOR MENTAL RETARDATION *(C. Bird)*
Read for the first time and referred to the Rules Committee 596
Placed on calendar 898
Read the second and third time 987
Signed by the President and returned to the House 987

H.B. 242 −− FUNDS CONSOLIDATION ACT − DEPOSIT AMENDMENTS *(D. Clark)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 450
Read the second time and placed on Consent Calendar 610
Read the third time 685
Signed by the President and returned to the House 685

H.B. 244 −− AMENDMENTS TO ASSET TESTING FOR MEDICAID *(D. Hogue)*
Read for the first time and referred to the Rules Committee 583
Assigned to standing committee 666
Amendments 740, 867
Committee report adopted and placed on calendar 742
Read the second time 867
Tabled on Third Reading Calendar 867
Enacting Clause Stricken 1041

H.B. 245 −− INSURANCE LAW REVISIONS *(J. Ferrin)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 504
Substituted 605
Committee report adopted and placed on calendar 609
Read the second time 743
Amendments 743
Read the third time 779
Returned to the House 779
Signed by the President and returned to the House 873

H.B. 247 −− TASK FORCE STUDYING WATER ISSUES *(M. Styler)*
Read for the first time and referred to the Rules Committee 464
Assigned to standing committee 505
Committee report adopted and placed on calendar 570
Read the second time 713
Tabled on Third Reading Calendar 713
Placed on calendar 807
Read the third time 808
Signed by the President and returned to the House 809

H.B. 248 −− DISCLOSURE OF HIGHER EDUCATION COSTS *(R. Bigelow)*
Read for the first time and referred to the Rules Committee 525
Placed on calendar 855
Read the second time 902
Read the third time 940
Signed by the President and returned to the House 941

H.B. 249 −− NURSING CARE FACILITY MEDICAID CERTIFICATION AMENDMENTS *(R. Lockhart)*
Read for the first time and referred to the Rules Committee 546
Placed on calendar 890
Read the second and third time 962
Signed by the President and returned to the House 963

H.B. 250 −− PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS *(T. Kiser)*
Read for the first time and referred to the Rules Committee 546
Placed on calendar 898
Read the second and third time 987
Signed by the President and returned to the House 988

H.B. 251 −− RADIO FREQUENCY IDENTIFICATION − RIGHT TO KNOW ACT *(D. Hogue)*
Read for the first time and referred to the Rules Committee 682
Enacting Clause Stricken 1041

H.B. 252 −− CALCULATION OF PROPERTY TAX LEVIES *(M. Newbold)*
Read for the first time and referred to the Rules Committee 525
Placed on calendar 911
Read the second and third time 911
Signed by the President and returned to the House 912

H.B. 253 −− RETIREMENT OFFICE AMENDMENTS *(A. Hardy)*
Read for the first time and referred to the Rules Committee 438
Assigned to standing committee 450
Committee report adopted and placed on calendar 477
Read the second time 707
Read the third time 730
Signed by the President and returned to the House 730

H.B. 254 −− SOLID WASTE LANDFILL AMENDMENTS *(D. G. Buxton)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 505
Returned to the Rules Committee 755
Enacting Clause Stricken 1041

H.B. 255 −− WILDLIFE RESTITUTION AMENDMENTS *(R. Barrus)*
Read for the first time and referred to the Rules Committee 449
Assigned to standing committee 505
Amendments 569
Committee report adopted and placed on calendar 570
Read the second time 713
Read the third time 736
Returned to the House 736
Signed by the President and returned to the House 811

H.B. 256 −− EXPANSION OF ECONOMIC DEVELOPMENT WEBPAGE *(S. Allen)*
Read for the first time and referred to the Rules Committee 473
Assigned to standing committee 506
Read the second time and placed on Consent Calendar 610
Placed on Second Reading Calendar 673
Read the second time 849
Read the third time 890
Returned to the Rules Committee 956
Placed on calendar 959
Before the Senate 959
Signed by the President and returned to the House 891, 960

H.B. 259 −− SPECIAL NEEDS ADOPTION − PREPLACEMENT EVALUATIONS *(A. Hardy)*
Read for the first time and referred to the Rules Committee 778
Placed on calendar 974
Read the second and third time 1037
Signed by the President and returned to the House 1038

H.B. 260 −− TOBACCO FUND ALLOCATION AMENDMENTS *(J. Seitz)*
Read for the first time and referred to the Rules Committee 665
Placed on calendar 802
Read the second and third time 803
Signed by the President and returned to the House 804

H.B. 261 −− GIFT CERTIFICATES − ELIMINATING EXPIRATION DATE *(T. McCartney)*
Read for the first time and referred to the Rules Committee 769
Enacting Clause Stricken 1041

H.B. 262 −− PENALTIES FOR PROVIDING FALSE OR MISLEADING INFORMATION IN COURT *(J. Alexander)*
Read for the first time and referred to the Rules Committee 665
Placed on calendar 855

Read the second time 903
Circled 903
Uncircled 906
Read the third time 943
Signed by the President and returned to the House 944

H.B. 263 −− STATE RETIREMENT SYSTEM AMENDMENTS *(B. King)*
Read for the first time and referred to the Rules Committee 665
Placed on calendar 870
Read the second and third time 976
Signed by the President and returned to the House 977

H.B. 265 −− DESIGNATION OF COMMEMORATIVE DAYS *(D. Bush)*
Read for the first time and referred to the Rules Committee 567
Placed on calendar 957
Read the second and third time 1018
Signed by the President and returned to the House 1019

H.B. 266 −− REVISIONS TO CHILD WELFARE *(W. Harper)*
Read for the first time and referred to the Rules Committee 778
Placed on calendar 910
Substituted 989
Read the second time 989
Circled 989
Uncircled 1026
Read the second and third time 1026
Failed 1026
Returned to the House for filing 1026

H.B. 268 −− CHILD WELFARE PROCESSES *(M. Thompson)*
Read for the first time and referred to the Rules Committee 781
Placed on calendar 855
Read the second time 903
Circled 903, 906
Uncircled 906, 1012
Substituted 906, 1012
Read the second and third time 1012
Returned to the House 1012
Signed by the President and returned to the House 1034

H.B. 270 −− RESIDENCE REQUIREMENTS FOR DRIVER LICENSE *(M. Noel)*
Read for the first time and referred to the Rules Committee 682
Placed on calendar 948
Read the second and third time 1037
Signed by the President and returned to the House 1037

H.B. 273 −− TAX AND CHARGE AMENDMENTS *(W. Harper)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 802
Read the second time 803
Circled 803, 824
Uncircled 807, 862
Read the third time 824
Amendments 862
Returned to the House 863, 1000
Refuse to Concur 925
Joint Conference Committee Assigned 925, 967
Joint Conference Committee Report 996
Amendments 996
Signed by the President and returned to the House 1024

H.B. 274 −− MUNICIPAL WEED ABATEMENT *(M. Morley)*
Read for the first time and referred to the Rules Committee 632
Enacting Clause Stricken 1041

H.B. 275 −− ADOPTION AMENDMENTS *(A. Hardy)*
Read for the first time and referred to the Rules Committee 682
Placed on calendar 925
Read the second and third time 963
Signed by the President and returned to the House 963

H.B. 276 −− ADOPTION LAW REVISIONS *(R. McGee)*
Read for the first time and referred to the Rules Committee 874
Placed on calendar 957
Read the second and third time 1019
Signed by the President and returned to the House 1019

H.B. 279 −− COUNTERFEIT TOBACCO PRODUCTS *(E. Hutchings)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 957
Read the second and third time 1016
Signed by the President and returned to the House 1016

H.B. 283 −− DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS *(D. Ure)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 802
Read the second and third time 804
Signed by the President and returned to the House 804

H.B. 289 −− ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS *(L. Pace)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 870
Read the second time 981
Circled 981
Uncircled 1013
Read the second and third time 1013
Signed by the President and returned to the House 1014

H.B. 290 −− STATE EMPLOYEE COMPENSATION STUDY TASK FORCE *(M. Newbold)*
Read for the first time and referred to the Rules Committee 648
Enacting Clause Stricken 1041

H.B. 292 −− VEHICLE FRANCHISE AMENDMENTS *(B. Last)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 910
Read the second and third time 990
Signed by the President and returned to the House 991

H.B. 293 −− REPEAL OF NATIONAL GUARD EFFICIENCY BOARDS *(J. Ferrin)*
Read for the first time and referred to the Rules Committee 583
Placed on calendar 819
Read the second time 830
Read the third time 882
Signed by the President and returned to the House 882

H.B. 294 −− PURCHASE OF FIREARMS AMENDMENTS *(J. Ferrin)*
Read for the first time and referred to the Rules Committee 632
Placed on calendar 870
Read the second and third time 981
Signed by the President and returned to the House 981

H.B. 295 −− ISSUANCE OF CONCEALED FIREARM PERMITS AMENDMENTS *(J. Ferrin)*
Read for the first time and referred to the Rules Committee 632
Placed on calendar 898
Read the second and third time 988
Signed by the President and returned to the House 988

H.B. 298 −− RESIDENCE LIEN RECOVERY FUND AMENDMENTS *(S. Clark)*
Read for the first time and referred to the Rules Committee 874
Placed on calendar 990
Read the second time 1038
Circled 1038
Enacting Clause Stricken 1041

H.B. 301 −− VOTER REGISTRATION AMENDMENTS *(M. Thompson)*
Read for the first time and referred to the Rules Committee 874
Placed on calendar 925
Read the second and third time 1020
Signed by the President and returned to the House 1021

H.B. 302 −− VOLUNTARY CONTRIBUTION ACT AMENDMENTS *(M. Styler)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 855
Read the second time 903
Read the third time 941
Signed by the President and returned to the House 941

H.B. 303 −− CHILD WELFARE REVISIONS *(S. Mascaro)*
Read for the first time and referred to the Rules Committee 874
Placed on calendar 910
Read the second and third time 991
Signed by the President and returned to the House 992

H.B. 306 −− PROPERTY TAX RELIEF *(L. Christensen)*
Read for the first time and referred to the Rules Committee 648
Enacting Clause Stricken 1041

H.B. 308 −− VEHICLE RESTRAINT SYSTEM AMENDMENTS *(C. Frank)*
Read for the first time and referred to the Rules Committee 718
Placed on calendar 957
Read the second and third time 1016
Signed by the President and returned to the House 1017

H.B. 310 −− CHILD SUPPORT AMENDMENTS *(K. Bryson)*
Read for the first time and referred to the Rules Committee 778
Placed on calendar 990
Enacting Clause Stricken 1041

H.B. 311 −− REDEVELOPMENT AGENCY AMENDMENTS *(J. S. Adams)*
Read for the first time and referred to the Rules Committee 874
Placed on calendar 957
Read the second time 984
Substituted 984
Circled 984
Uncircled 1009
Read the second and third time 1009, 1011
Failed 1009
Reconsideration 1011
Placed on calendar 1011
Returned to the House 1012
Refuse to Recede 1034
Returned to the House for filing 1010, 1034

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AND RESOLUTIONS

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S.B. 86	**Mental Health Professional Practice Act Amendments**	D. Buttars
	Governor Signed on 3/18/2004	
	Effective Date: 5/3/2004	Chapter 143
S.B. 87	**Driver License Certificate Amendments**	C. Walker
	Governor Signed on 3/18/2004	
	Effective Date: 5/3/2004	Chapter 144
S.B. 88	**Uniform Building Standards Act − Manufactured Housing Amendments**	L. Hillyard
	Governor Signed on 3/16/2004	
	Effective Date: 5/3/2004	Chapter 75
S.B. 89	**Contractor Licensing Amendments**	P. Hellewell
	Governor Signed on 3/15/2004	
	Effective Date: 5/3/2004	Chapter 14
S.B. 90	**Medical Neglect − Exclusion**	D. Thomas
	Senate/ filed on 3/3/2004	
S.B. 91	**Emergency Medical Service Provider Amendments**	S. Jenkins
	Governor Signed on 3/23/2004	
	Effective Date: 3/23/2004	Chapter 277
S.B. 92	**Repeal of Unsolicited Commercial and Sexually Explicit Email Act**	P. Arent
	Governor Signed on 3/23/2004	
	Effective Date: 5/3/2004	Chapter
S.B. 93	**Telecommunications Annual Report Amendments**	B. Evans
	Governor Signed on 3/23/2004	
	Effective Date: 5/3/2004	Chapter 279
S.B. 94	**Mine Certification Requirements**	M. Dmitrich
	Governor Signed on 3/22/2004	
	Effective Date: 5/3/2004	Chapter 233
S.B. 95	**Issuing a Bad Check or Draft**	P. Hellewell
	Senate/ enacting clause struck on 3/3/2004	

S.B. 96 **Utah Occupational Safety and Health Act Amendments** E. Mayne
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 145

S.B. 97 **Certification Deadline for Political Parties** C. Bramble
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 146

S.B. 98 **Fees for Electronic Processing of Certain Motor Vehicle Transactions** C. Bramble
Governor Signed on 3/18/2004
Effective Date: \tx90{ 5/3/2004 Chapter 147

S.B. 99 **Child and Family Services − Standard of Review** P. Hellewell
Senate/ enacting clause struck on 3/3/2004

S.B. 100 **Adoption Responsibilities − State Oversight** P. Hellewell
Senate/ enacting clause struck on 3/3/2004

S.B. 101 **Use of Education Revenues** T. Hatch
Senate/ enacting clause struck on 3/3/2004

S.B. 102 **Journal of Notary Public Acts** P. Knudson
Senate/ enacting clause struck on 3/3/2004

S.B. 103 **Child Removal Amendments** P. Hellewell
Senate/ filed on 3/3/2004

S.B. 104 **Selection of Mental Health Therapist in Termination of Parental Rights** P. Hellewell
Governor Signed on 3/16/2004
Effective Date: 5/3/2004 Chapter 76

S.B. 105 **Abuse, Neglect, and Dependency Amendments** P. Hellewell
Senate/ enacting clause struck on 3/3/2004

S.B. 106 **Dishonored Checks – Motor Vehicle Repair Facilities** D. Buttars
Senate/ filed on 3/1/2004

S.B. 107 **Advanced Practice Registered Nurse Modifications** P. Knudson
Governor Signed on 3/15/2004
Effective Date: 7/1/2004 Chapter 15

S.B. 108 **Revisor's Statute** L. Hillyard
Governor Signed on 3/17/2004
Effective Date: 5/3/2004 Chapter 90

S.B. 109 **Individual Income Tax Contributions for Education** D. Thomas
Governor Signed on 3/22/2004
Effective Date: 5/3/2004 Chapter 234

S.B. 110 **Construction Services Commission Amendments** S. Jenkins
Senate/ enacting clause struck on 3/3/2004

S.B. 111 **Mechanics' Liens Amendments** S. Jenkins
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 148

S.B. 112 **Uniform Anatomical Gift Act Amendments** K. Hale
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 149

S.B. 113 **Administrative Procedures Act Amendments** L. Hillyard
Governor Signed on 3/22/2004
Effective Date: 5/3/2004 Chapter 235

S.B. 114 **Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs** P. Knudson
Governor Signed on 3/23/2004
Effective Date: 7/1/2004 Chapter 280

S.B. 115 **Special Election Dates** C. Bramble
Governor Vetoed on 3/23/2004
Effective Date: 11/1/2004

S.B. 116 **County Recorder Amendments** T. Hatch
Senate/ filed on 3/3/2004

S.B. 117 **Medical Arbitration Agreement Amendments** P. Hellewell
Senate/ enacting clause struck on 3/3/2004

S.B. 118 **Judiciary Amendments** L. Hillyard
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 150

S.B. 119 **Prosecution Jurisdiction Amendment** B. Evans
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 151

S.B. 120 **Residential Property Tax Exemption** D. Thomas
Governor Signed on 3/23/2004
Effective Date: 1/1/2005 Chapter 281

S.B. 121 **Local Sales and Use Tax Distribution Task Force** G. Bell
Senate/ enacting clause struck on 3/3/2004

S.B. 122 **Payment of Claims on Deceased Settlor's Estate** J. Valentine
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 282

S.B. 123 **Court Reporter Amendments** L. Hillyard
Governor Signed on 3/16/2004
Effective Date: 5/3/2004 Chapter 77

S.B. 124 **Prohibition on Sales and Use Tax Incentive Payments by a County or Municipality** S. Killpack
Governor Signed on 3/23/2004
Effective Date: 7/1/2004 Chapter 283

S.B. 125 **Confidentiality of Drug Testing** P. Julander
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 152

S.B. 126 **Amendments to Warrants** P. Hellewell
Senate/ enacting clause struck on 2/26/2004

S.B. 127 **Safeguarding Personal Information** M. Waddoups
Senate/ enacting clause struck on 3/3/2004

S.B. 128 **Long−term Care Facilities Amendments** L. Blackham
Governor Signed on 3/23/2004
Effective Date: 7/1/2004 Chapter 284

S.B. 129 **Community Associations** M. Waddoups
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 153

S.B. 130 **Restrictions on Use of Unmarked Police Vehicles** J. Hickman
Senate/ enacting clause struck on 3/3/2004

S.B. 131 **Uniform Principal and Income Act** L. Hillyard
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 285

S.B. 132 **Utah Construction Trades Licensing Act − Electrical Licensing Amendments** S. Jenkins
Governor Signed on 3/22/2004
Effective Date: 5/3/2004 Chapter 236

S.B. 133 **Bulk Delivery of Motor Fuel** H. Stephenson
Governor Signed on 3/22/2004
Effective Date: 5/3/2004 Chapter 237

S.B. 134 **Governor's Commission for Women and Families** C. Walker
Governor Signed on 3/22/2004
Effective Date: 5/3/2004 Chapter 238

S.B. 135 **Center for Multicultural Health** J. Evans
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 286

S.B. 136 **Uniform Interstate Family Support Act** L. Hillyard
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Effective Date: 5/3/2004 Chapter 78

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Effective Date: 5/3/2004 Chapter

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Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 287

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Effective Date: 5/3/2004 Chapter 79

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Senate/ filed on 3/3/2004

S.B. 141 **New Judge − Second District Court** G. Bell
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 288

S.B. 142 **Validity of Marriage Licenses** G. Davis
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 289

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Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 154

S.B. 144 **Corporations Sole Amendments** L. Hillyard
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 16

S.B. 145 **County Surveyor Amendments** C. Walker
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 155

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Governor Signed on 3/18/2004
Effective Date: 7/1/2004 Chapter 156

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Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 290

S.B. 148 **Transportation Corridor Preservation Amendments** J. Hickman
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S.B. 149 **Pete Suazo Utah Athletic Commission Act Amendments** E. Mayne
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 17

S.B. 150 **Judicial Confirmation Process Amendments** D. Buttars
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Effective Date: 5/3/2004 Chapter 291

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S.B. 152 **Division of Community Development Name Change** S. Jenkins
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 18

S.B. 153 **Local Government Boards of Examiners** J. Evans
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S.B. 154 **School Building Legislative Task Force** H. Stephenson
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 292

S.B. 155 **County Mental Health Amendments** G. Davis
Governor Signed on 3/16/2004
Effective Date: 5/3/2004 Chapter 80

S.B. 156 **Substitute Teachers Volunteer Program** J. Evans
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S.B. 157 **Authorization to Perform Marriages** C. Walker
Governor Signed on 3/18/2004
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Effective Date: 5/3/2004 Chapter 241

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Governor Signed on 3/23/2004
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Governor Signed on 3/22/2004
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Effective Date: 3/23/2004 Chapter 294

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S.B. 165 **Workers' Compensation Amendments** C. Bramble
Senate/ filed on 3/3/2004

S.B. 166 **Off−highway Vehicle Registration Provisions** T. Hatch
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Effective Date: 1/1/2005 Chapter 159

S.B. 167 **Victim Restitution Amendments** G. Bell
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 160

S.B. 168 **Driver License Related Amendments** C. Walker
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 161

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House/ to Senate on 3/3/2004

S.B. 170 **Public Transit District Amendments** J. Evans
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 295

S.B. 171 **Property Tax Treatment of Transportable Factory−Built Housing Units** C. Bramble
Governor Signed on 3/22/2004
Effective Date: 5/3/2004 Chapter 243

S.B. 172 **Education Articulation Legislative Task Force** S. Jenkins
Senate/ filed on 3/3/2004

S.B. 173 **Bail Bond Reinstatement Amendments** G. Bell
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Effective Date: 5/3/2004 Chapter 91

S.B. 174 **Adoption of Uniform Juvenile Compact** D. Gladwell
Senate/ filed on 3/3/2004

S.B. 175 **Protection of Private Lawfully Obtained Property** D. Buttars
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 296

S.B. 176 **Financial Institutions Amendments** J. Valentine
Governor Signed on 3/17/2004
Effective Date: 3/17/2004 Chapter 92

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Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 162

S.B. 178 **Mortgage Broker Amendments** M. Waddoups
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 297

S.B. 179 **Expedited Appeals in Child Welfare Cases** L. Hillyard
Governor Signed on 3/17/2004
Effective Date: 5/3/2004 Chapter 93

S.B. 180 **Brownfield Properties − Amendments** B. Wright
Senate/ enacting clause struck on 3/3/2004

S.B. 181 **Federal Research Committee** G. Davis
Senate/ failed on 2/24/2004

S.B. 182 **Assistant Adjutant General Qualifications** P. Knudson
Governor Signed on 3/16/2004
Effective Date: 5/3/2004 Chapter 81

S.B. 183 **Local Governments − Authority for Design−build Construction** H. Stephenson
Governor Signed on 3/17/2004
Effective Date: 5/3/2004 Chapter

S.B. 184 **Interlocal Cooperation Act Amendments** G. Bell
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 163

S.B. 185 **Public Education Amendments** T. Hatch
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 19

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Bill Distributed on 1/31/2004

S.B. 187 **Water Conservancy Districts Trustees** H. Stephenson
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 20

S.B. 188 **Compliance of Treatment Plan** P. Hellewell
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S.B. 189 **Nurse Practice Act Amendments** P. Julander
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Governor Signed on 3/23/2004
Effective Date: 7/1/2004 Chapter 298

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S.B. 194 **Plumbing Apprentice Amendments** P. Hellewell
Senate/ filed on 3/3/2004

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S.B. 198 **Electric Generation Competitive Bid Amendments** C. Bramble
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S.B. 199 **Outsourcing State Jobs** L. Blackham
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S.B. 200 **License and Certification Extension for Deployed National Guard Members** P. Knudson
Governor Signed on 3/16/2004
Effective Date: 5/3/2004 Chapter 82

S.B. 201 **Punitive Damages Amendments** L. Hillyard
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 164

S.B. 202 **Unemployment Insurance Amendments** H. Stephenson
Governor Signed on 3/15/2004
Effective Date: 3/15/2004 Chapter 21

S.B. 203 **Benefits Amendments for Part−time State Employees** L. Blackham
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S.B. 204 **Redevelopment Agency Changes** D. Thomas
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 165

S.B. 205 **Certification of Crane Operators** G. Davis
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S.B. 206 **Property Tax Amendments** H. Stephenson
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 303

S.B. 207 **Office of Museum Services Amendments** R. Allen
Senate/ filed on 3/3/2004

S.B. 208 **Funding for Tourism** P. Knudson
Senate/ filed on 3/3/2004

S.B. 209 **Limits on Pledging Sales and Use Tax Revenues for Bonds** H. Stephenson
Bill Distributed on 1/31/2004

S.B. 210 **Motor Vehicle Insurance Enforcement Amendments** L. Blackham
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S.B. 211 **Management of Guardians Ad Litem by Administrative Office of the Courts** T. Hatch
Bill Distributed on 1/31/2004

S.B. 212 **Indigent Defense Funds Amendments** L. Blackham
Bill Distributed on 1/31/2004

S.B. 213 **Motor Vehicles − Clean Air Discounts** G. Davis
Senate/ filed on 3/3/2004

S.B. 214 **Prohibition of Obesity Lawsuits** H. Stephenson
Governor Signed on 3/19/2004
Effective Date: 5/3/2004 Chapter 194

S.B. 215 **County Powers Amendments** D. Gladwell
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 166

S.B. 216 **Health Provider Reimbursement Amendments** P. Hellewell
Senate/ enacting clause struck on 3/3/2004

S.B. 217 **State Road Designation** J. Valentine
Bill Distributed on 1/31/2004

S.B. 218 **Law Enforcement Overtime Fund** J. Evans
Senate/ filed on 3/3/2004

S.B. 219 **Amendments to Justice Court Operations** E. Mayne
Governor Signed on 3/22/2004
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S.B. 220 **Safety Requirements for Public Water Systems** E. Mayne
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S.B. 221 **Maternity Health Care** E. Mayne
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S.B. 222 **Local Government Feasibility and Economic Impact Studies** S. Jenkins
Senate/ filed on 3/1/2004

S.B. 223 **Transportation Construction Amendments** D. Eastman
Governor Signed on 3/18/2004
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S.B. 224 **Homeless Coordinating Committee** K. Hale
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 22

S.B. 225 **Uninsured and Underinsured Motorist Coverage** D. Eastman
Governor Signed on 3/23/2004
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Bill Distributed on 1/31/2004

S.B. 227 **Concealed Firearm Amendments** K. Hale
Bill Distributed on 1/31/2004

S.B. 228 **Telecommunications Tax Amendments** C. Bramble
Bill Distributed on 1/31/2004

S.B. 229 **Task Force Study of Wildfires in Utah** B. Evans
Senate/ filed on 3/3/2004

S.B. 230 **Reading Achievement Program** J. Evans
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 305

S.B. 231 **Executive Compensation Amendments** M. Waddoups
Governor Signed on 3/23/2004
Effective Date: 6/19/2004 Chapter 306

S.B. 232 **Standard of Care for Emergency Vehicle Drivers** L. Blackham
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 168

S.B. 233 **Airport Security Amendments** J. Evans
Governor Signed on 3/18/2004
Effective Date: 5/3/2004 Chapter 169

S.B. 234 **State Fair Park Leasing Agreements** J. Evans
Governor Signed on 3/18/2004
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S.B. 235 **Retirement for Airport Police** R. Allen
Senate/ filed on 3/3/2004

S.B. 236 **Utah Public Officers' and Employees' Ethics Act Amendments** D. Buttars
Senate/ enacting clause struck on 2/23/2004

S.B. 237 **Pioneer and Community Heritage Amendments** L. Blackham
Governor Signed on 3/15/2004
Effective Date: 5/3/2004 Chapter 23

S.B. 238 **Individual Income Tax − Earned Income Tax Credit** T. Hatch
Senate/ filed on 3/3/2004

S.B. 239 **Unfair Business Practices** M. Dmitrich
Governor Vetoed on 3/23/2004
Effective Date: 5/3/2004

S.B. 240 **Motion Picture Task Force** R. Allen
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 307

S.B. 241 **Future Farmers of America Special License Plate** B. Evans
Senate/ filed on 3/3/2004

S.B. 242 **Undocumented Workers Driver License Revisions** J. Hickman
Senate/ enacting clause struck on 3/3/2004

S.B. 243 **Hogle Zoo Special District** D. Gladwell
Bill Distributed on 1/31/2004

S.B. 244 **Medicaid Amendments** P. Julander
Bill Distributed on 1/31/2004

S.B. 245 **Medical Dispute Resolution Amendments** L. Blackham
Governor Signed on 3/16/2004
Effective Date: 5/3/2004 Chapter 83

S.B. 246 **Waste Amendments** J. Valentine
Bill Distributed on 1/31/2004

S.B. 247 **State Government Amendments** J. Evans
Bill Distributed on 1/31/2004

S.B. 248 **Transportation General Obligation Bond** D. Eastman
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 308

S.B. 249 **Defining Practice of Chiropractic Physician** D. Buttars
Governor Signed on 3/23/2004
Effective Date: 5/3/2004 Chapter 309

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Effective Date: 3/16/2004 Chapter 84

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Senate/ filed on 3/3/2004

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Governor Signed on 3/15/2004
Effective Date: 3/15/2004

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Governor Signed on 3/16/2004
Effective Date: 3/16/2004

S.C.R. 3 **Resolution Supporting Hill Air Force Base** D. Thomas
Governor Signed on 2/20/2004
Effective Date: 2/20/2004

S.C.R. 4 **Resolution Recognizing 50th Anniversary of Landmark Case of Brown V. Board of Education** J. Evans
Governor Signed on 3/16/2004
Effective Date: 3/16/2004

S.C.R. 5 **Scholarship and Education Programs Resolution** S. Killpack
Bill Distributed on 1/31/2004

S.C.R. 6 **Utah Athletic Foundation Resolution** B. Evans
Senate/ filed on 3/3/2004

S.J.R. 1 **Resolution Reappointing Legislative Fiscal Analyst** P. Knudson
Senate/ to Lieutenant Governor on 3/12/2004
Effective Date: 1/21/2004

S.J.R. 2 **Resolution Approving Compensation of In−session Employees** B. Evans
Senate/ to Lieutenant Governor on 3/12/2004
Effective Date:

S.J.R. 3 **Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion** R. Allen
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S.J.R. 4 **Joint Rules Resolution − Fiscal Note Process Amendments** L. Hillyard
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Effective Date: 2/18/2004

S.J.R. 5 **Resolution Urging Congress to Address Citizen Children of Undocumented Parents** G. Davis
Senate/ to Lieutenant Governor on 3/9/2004
Effective Date: 2/19/2004

S.J.R. 6 **Resolution on Impeachment Authority** J. Valentine
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Effective Date: 1/1/2005

S.J.R. 7 **Resolution Recognizing Sugar House Sesquicentennial** G. Davis
Senate/ to Lieutenant Governor on 3/11/2004
Effective Date: 2/17/2004

S.J.R. 8 **Utah Athletic Foundation Joint Resolution** B. Evans
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S.J.R. 9 **Resolution on Ethnic Advisory Councils** J. Evans
Senate/ filed on 3/3/2004

S.J.R. 10 **Master Study Resolution** M. Waddoups
Senate/ to Lieutenant Governor on 3/15/2004
Effective Date: 3/3/2004

S.J.R. 11 **Resolution Honoring O. William Asplund** L. Hillyard
Senate/ to Lieutenant Governor on 3/9/2004
Effective Date: 2/27/2004

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Senate/ to Lieutenant Governor on 3/11/2004
Effective Date: 1/20/2004

S.R. 2 **Senate Rules Resolution − Technical Amendments** L. Hillyard
Senate/ to Lieutenant Governor on 3/12/2004
Effective Date: 1/22/2004

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STATE OF UTAH

SENATE JOURNAL

SEVENTH EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, April 21, 2004

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh 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 Seventh Extraordinary Session convening on Wednesday, April 21, 2004, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

SEVENTH EXTRAORDINARY SESSION of the FIFTY−FIFTH LEGISLATURE

Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty−Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Seventh Extraordinary Session at 12:00 noon on Wednesday, April 21, 2004.

The Senate was called to order with President Mansell presiding.

Prayer − Senator Karen Hale

Pledge− Senator James Evans

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

PROCLAMATION

WHEREAS, since the close of the 2004 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,OLENE S. WALKER, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 55th Legislature of the State of Utah into a Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 21st day of April, 2004 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2004 General Session 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 Complex in Salt Lake City, Utah, this 6th day of April, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of April 6, 2004, and signed by Governor Olene S. Walker, 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 Seventh Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 21st day of April, 2004, 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 2004 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 Complex in Salt Lake City, Utah, this 6th day of April, 2004.

Gayle F. McKeachnie
Lieutenant Governor

Roll call − All Senators present, except Senator Buttars excused.

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty−Fifth Legislature as the rules for the Seventh Extraordinary Session.

President Mansell appointed a committee comprised of Senators Howard Stephenson, Sheldon Killpack, and Mike Dmitrich to notify the Governor that the Senate is convened in the Seventh Extraordinary Session in accordance with her proclamation.

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

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: April 6, 2004

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

UTAH COMPREHENSIVE HEALTH INSURANCE POOL BOARD OF DIRECTORS

Robert H. Perry appointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors for a term to expire June 30, 2005. Section 31A−29−104, Utah Code Annotated 1953, as amended.

BOARD OF STATE HISTORY

John D. Barton appointed to fill the unexpired term of Ross Peterson on the Board of State History, a term to expire April 1, 2007. Section 9−8−204, Utah Code Annotated 1953, as amended.

BOARD OF SUBSTANCE ABUSE AND MENTAL HEALTH

Cameron Cuch appointed to fill the unexpired term of Carleen Kurip on the Board of Substance Abuse and Mental Health, a term to expire September 1, 2006. Section 62A−15−106, Utah Code Annotated 1953, as amended. Mr. Cuch is a Democrat.

RADIATION CONTROL BOARD

Dan Perry appointed to fill the unexpired term of Thomas K. Chism on the Radiation Control Board, a term to expire July 1, 2004. Section 19−3−103, Utah Code Annotated 1953, as amended. Mr. Perry is a republican.

PERMANENT COMMUNITY IMPACT FUND BOARD

Maloy Dodds reappointed as a member of the Permanent Community Impact Fund Board for a term to expire March 1, 2008. Section 9−4−304, Utah Code Annotated 1953, as amended.

SOIL CONSERVATION COMMISSION

Paul B. Leishman reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2008. Section 4−18−3, Utah Code Annotated 1953, as amended.

Ralph H. Staheli reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2008. Section 4−18−3, Utah Code Annotated 1953, as amended.

Dee A. Waldron reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2008. Section 4−18−3, Utah Code Annotated 1953, as amended.

Stanley W. Wood reappointed as a member of the Soil Conservation Commission for a term to expire May 8, 2008. Section 4−18−3, Utah Code Annotated 1953, as amended.

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

Olene S. Walker
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, 0; Absent, 3.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	B. Evans	Knudson

* * *

Senator James Evans introduced Jim Shea Jr., 2002 Olympic Gold Medalist in the Skeleton to the Senate.

President Mansell directed the committee to wait upon the Governor to notify her 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 Waddoups, and at 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

VETO OVERRIDE SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Wednesday, April 26, 2004

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Veto Override 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 Veto Override Session convening on Wednesday, April 26, 2004, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL

FIRST VETO OVERRIDE SESSION OF THE FIFTY−FIFTH LEGISLATURE

In accordance with a joint proclamation of the members of the Fifty−Fifth Legislature of the State of Utah, the Senate met in the Senate Chamber at the State Capitol in the First Veto Override Session at 2:00 p.m. on Monday, April 26, 2004.

Prayer −Senator Sheldon Killpack
Pledge of Allegiance − Senator Patrice Arent

The Senate was called to order at 2:00 p.m., with President Al Mansell presiding.

Roll Call − All Senators present

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

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Call for the Legislative Veto Override Session issued under the date of April 22, 2004, and signed by Al Mansell, President, Utah State Senate and Martin R. Stephens, Speaker, Utah State House of Representatives, is a true and correct copy of the original Call for the Legislative Veto Override Session calling the Fifty−fifth Legislature of the State of Utah into a Legislative Veto Override Session at the

State Capitol at Salt Lake City, Utah on Monday, the 26th day of April, 2004, at 2:00 p.m., for the purposes named in the Call.

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 26th day of April, 2004.

Gayle F. McKeachnie
Lieutenant Governor

STATE OF UTAH

LEGISLATIVE DEPARTMENT

CALL OF LEGISLATIVE VETO OVERRIDE SESSION

Pursuant to Article VII, Section 8 of the Utah Constitution and Utah State Legislative Joint Rule 17, its presiding officers, the Honorable Al Mansell, President of the Utah State Senate, and the Honorable Martin R. Stephens, Speaker of the Utah House of Representatives, have polled the members of the Senate and the House of Representatives, and do hereby call the Utah State Legislature into a Legislative Veto Override Session to convene at 2:00 p.m. on April 26, 2004.

Two−thirds of each house voted in favor of convening a Veto Override Session for the purpose of overriding the disapproval by Governor Olene S. Walker of the following bills or items of appropriation passed by the Legislature which adjourned on March 3, 2004, but which were disapproved by the Governor after adjournment, viz:

S.B. 115	SPECIAL ELECTION DATES
S.B. 239	UNFAIR BUSINESS PRACTICES
H.B. 1	SUPPLEMENTAL APPROPRIATIONS ACT
	a. Item 65
H.B. 3	SUPPLEMENTAL APPROPRIATIONS ACT II,
	a. Item 18
	b. Item 30
	c. Item 31
	f. Item 85

H.B. 115	CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS
H.B. 140	CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS
H.B. 158	WATER SHARES IN A MUNICIPAL WATER COMPANY

Al Mansell, President
Utah State Senate
Martin R. Stephens, Speaker
House of Representatives

* * *

On motion of Senator Waddoups the Senate voted that the President of the Senate and the Officers of the Senate for the First Veto Override Session be the same as for the 2004 General Session of the Fifty−Fifth Legislature.

On motion of Senator Hillyard, the Senate voted that the Senate Rules and the Joint Rules of the 2004 General Session of the Fifty−Fifth Legislature be adopted for the First Veto Override Session.

* * *

President Mansell appointed Senators Dan Eastman, Peter Knudson, and Ed Mayne as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Mansell appointed a committee comprised of Senators Curtis Bramble, Dave Thomas, and Ron Allen to notify the Governor that the Senate is convened in the First Veto Override Session.

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

Senator Bramble reported that the Governor has been notified.

COMMUNICATIONS TO THE LT. GOVERNOR

The Honorable Lieutenant Governor: April 22, 2004

Attached is a copy of the official Call for the Legislature Veto Override Session. We hereby request transmittal from your office the following bills, with copies of the Governor's veto messages attached thereto, for further consideration by the Legislature:

S.B. 115 − Special Election Dates, (Senator Curtis Bramble)

S.B. 239 − Unfair Practices Act (Senator Mike Dmitrich)

Al Mansell, President
Utah State Senate

COMMUNICATIONS FROM THE LT. GOVERNOR

Mr. President: April 26, 2004

Pursuant to your request are the following bills, accompanied by Governor Walker's veto messages, for further consideration during the Legislative Veto Override Session:

S.B. 115 − Special Election Dates, (Senator Curtis Bramble)

S.B. 239 − Unfair Practices Act (Senator Mike Dmitrich)

Gayle F. McKeachnie
Lieutenant Governor

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to suspend the reading of **S.B. 115** and **S.B. 239** with their accompanying veto messages, place them immediately on the Third Reading Calendar for reconsideration, and print the veto message in the Senate Journal.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed S.B. 115 SPECIAL ELECTION DATES, and have transmitted the bill to the Lieutenant Governor for filing.

The intention of Senate Bill 115 is to increase voter turn−out for special elections, which is commendable. General obligation bond elections dominated the discussion concerning this bill. However, the provisions of this bill extend beyond bond elections. It applies to any special election.

Limiting special elections to one date in both June and November severely limits the financial flexibility of local governments. It is conceivable that mid−year budget pressures could force a school district, for example, to seek a voted leeway to keep its budget in balance. Election dates in June are too late in the fiscal year and November dates may be too early in the fiscal year to realize the need for additional revenues. The only mid−year alternative is to cut teachers.

The state generally defers to locally elected governments as to matters particularly pertinent to the local community including locally levied taxes and bond issues. This bill attempts to come between these governments and their own citizens.

Just as the state dislikes federal mandates, we need to carefully consider the mandates we place on local governments. I believe this bill interjects the state's will on local governments and limits their ability to meet their own needs in a prudent manner."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed S.B. 239 S03, Unfair Business Practices, and have transmitted it to the lieutenant governor for filing.

Senate Bill 239 introduces new terms that are not well−defined and could be used to initiate frivolous litigation. These new terms have not been adjudicated by the courts and could be used in ways opposite to the intent of the sponsor of the bill.

Utah enjoys a legal climate where business litigation is relatively predictable. This bill would cause uncertainty and complexity to our legal climate and could be a disincentive to internal business growth and the relocation of business to our state.

In order to preserve the predictability of the Utah legal climate I am vetoing this bill."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed line item 65 of appropriation in H.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, and have transmitted the bill to the Lieutenant Governor for filing.

Item 65 includes the intent language that "recommends the USOE to contract a review body that has satisfied the Interim Education Committee's RFP process." I am troubled by the legislature issuing an RFP and selecting a vendor in behalf of a state agency.

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 this line item in H.B. 1 takes a small step in the wrong direction, I feel compelled to veto.

I find it unfortunate that the appropriation to the Jean Massieu Charter school is a part of this line item. I hope that the Utah State Office of Education can find non−lapsing funds to assist this school in meeting its needs. However, I feel the separation of powers issue outweighs the appropriation of this money.

I am very supportive of competency−based education and pledge to continue efforts to make it a reality. However, the implementation of competency−based education is a responsibility of the executive branch within the policy guidelines established by the legislature."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed the following line item appropriations in H.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II, and have transmitted the bill to the Lieutenant Governor for filing.

Item 18 To Department of Administrative Services − Purchasing

The Legislature intends that all departments and divisions, except for the division of Juvenile Justice Services, in state government be encouraged to contract with private non−state governmental entities to provide services to the citizens of the State of Utah. The Legislature further intends that a report be presented to the Executive Appropriation Committee in October 2004 on the extent that departments and divisions used private non−state governmental entities to provide services to the citizens of Utah. The Legislature also intends that the report describe (1) additional services that the departments and divisions reasonably believe could be delivered by private non−state governmental entities, and (2) which services cannot be delivered by private non−state governmental entities.

The scope of this language is very broad. It is unclear if the intent is to contract for program services, or go so far as to look at employee leasing as an

alternative to hiring employees. The Division of Purchasing does not have the staff nor the resources to coordinate such a report without additional funding.

I agree that departments and divisions should constantly review their operations to identify cost savings and to promote efficiencies. The Privatization Board also exists to review services provided by the state that could be contracted with the private sector. If areas of concern exist, the Privatization Board should review them and make recommendations for change.

Item 30 To Department of Commerce − Commerce General Regulation
From General Fund Restricted − Commerce Service Fund − Public Utilities Regulatory Fund

Schedule of Programs:

Public Utilities	150,000
Committee of Consumer Services	(150,000)

The Legislature intends that the Division of Public Utilities use these funds to assess the impact of Public Service Commission decisions on Utah's business climate.

Item 31 To Public Service Commission

From General Fund Restricted − Commerce Service Fund − Public Utilities

Regulatory Fund 20,000

Schedule of Programs:

Committee of Consumer Services 20,000

The Legislature intends that these funds be used to pay for the annual telecommunications report.

The offsets to these items were deleted with a floor amendment. This action makes the technical change to clean up these items.

Item 85 To State Board of Education − State Office of Education

From Uniform School Fund, One−time 1,000,000

Schedule of Programs:

Student Achievement 1,000,000

It is the intent of the Legislature that the USOE use this one−time appropriation to contract with a private entity which meets the qualifications of the RFP approved by the Education Interim Committee. It is further the intent of the Legislature that this funding be used strictly to implement the proposal in the school districts, and not for software program development.

I am troubled by the legislature issuing a RFP and selecting a vendor in behalf of a state agency. 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 this line item in H.B. 3 takes a small step in the wrong direction, I feel compelled to veto.

I am very supportive of competency−based education and pledge to continue efforts to make it a reality. However, the implementation of competency−based education is a responsibility of the executive branch with the policy guidelines established by the legislature.

While I am not vetoing "Item 82 To Department of Administrative Services − Finance Mandated" which calls for a legislative tuition tax credit study, I am not happy that this money is appropriated to an executive branch department. If the legislature chooses to conduct a study, it should appropriate the funds to the Legislative Fiscal Analyst's or Legislative Research and General Counsel's office. Money appropriated to the executive branch should not be mandated and controlled by the legislature. Again, this is a separation of powers issue."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 115, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, and have transmitted it to the lieutenant governor for filing.

I am very sympathetic to the families of special needs children. I want to see that special needs children receive the educational assistance they need, and so I have left the $1.4 million funding intact for the Legislature to re−authorize. I have asked the State School Board to set up a system to contract with special needs providers. This will accomplish the educational objectives of the bill for special needs children.

Unfortunately, H.B. 115 raises constitutional questions, federal law compliance and funding issues that I cannot allow to become law.

The attached legal analysis outlines two constitutional questions. First, the use of Uniform School Fund money for Utah State Board of Education (USBE) administration of the program appears to be a violation of Utah Const., Art. X, Sec. 5(4). Second, the bill places USBE as the oversight body for a program of private schools and private school students without designating the schools or programs as part of the public education system. This raises serious questions concerning the constitutional role and authority of the USBE.

Parents who place their child in a private school normally give up the rights and safeguards afforded them by the federal Individuals With Disabilities Education Act (IDEA). However, due to the extensive involvement of the USBE in the program created by HB 115, it is unclear to what extent IDEA rights and safeguards will apply to those students who receive a scholarship and attend a private school. Should it be determined that IDEA law does apply, multiple unanswered questions concerning administration and funding of the program are raised.

The bill creates a three year entitlement for a student when a scholarship is awarded. However, the bill provided only one−time funding for fiscal year 2005. Language in the bill states that, “The legislature shall annually appropriate money to the board from the General Fund to make scholarship payments.” These provisions imply ongoing funding requirements for a future Legislature.”

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

“This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 140, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

While I appreciate the concerns and concepts expressed in H.B. 140, I believe the bill has several technical flaws and should be further developed before becoming law. Significant questions and confusions linger about some of the major policy changes made in this bill. For example, I am particularly concerned about the new provisions having to do with a “mature minor”. If this bill becomes law, it risks opening the door for minors, contrary to their parents’ wishes, to seek

judicial approval for health care decisions such as access to abortion, contraceptives, or other treatments. Such a major policy change deserves full and thorough discussion in an open public hearing before being added to the laws of our state.

There are a number of other concerns as well. The Judicial Council has pointed out that the bill now creates conflicting language as to the timing and manner for a judge to appoint the guardian ad litem. Such confusion has the potential to delay important court processes. The Judicial Council has also stressed that the bill purports to define the ethical responsibilities of attorneys, a function that constitutionally belongs to the Supreme Court. Serious questions have also been raised as to provisions allowing one party to influence the legal representation of another party the way this bill does. In addition, H.B. 140 may create new costs for the Juvenile Court, but provides no funding to pay for them.

Given the importance of these issues relative to the child welfare system in Utah, I strongly encourage the legislature to grapple with these topics during the next few months through either committees or its normal audit process. I appreciate Representative Christensen's efforts and concerns on these issues and pledge the full cooperation of the executive branch in seeking continuous improvement in the state's child welfare system."

Olene S. Walker
Governor

* * *

Mr. President and Speaker Stephens: March 23, 2004

"This is to inform you that on March 23, 2004, I vetoed H.B. 158, Water Shares in a Municipal Water Company, and have transmitted it to the lieutenant governor for filing.

There is no reasonable basis for a statute that only applies to mutual water companies operated in counties of the first class. This bill would have the effect of allowing an exemption from Public Service Commission regulation, mutual water companies in Salt Lake County and exposing all other mutual water companies in the rest of the state to regulation. The cost of this regulation both to the state and to the water companies is excessive for the benefit derived.

If the bill were to be signed, the Public Service Commission would likely forbear enforcement of the bill for one year until they could get clarifications from the Legislature because of the inequities and uncertainties that would be created.

The Public Service Commission does not have the resources to regulate all the mutual water companies outside of Salt Lake County."

Olene S. Walker
Governor

* * *

On motion of Senator Bramble, the Senate voted to override the Governor's veto of **S.B. 115**,SPECIAL ELECTION DATES. Senator Bramble explained the bill. Senators Thomas and Hale commented. The veto override 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	Gladwell	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

Voting in the negative were: Senators

Arent	J. Evans	Hale	Julander
Thomas			

S.B. 115 was transmitted to the House for further consideration.

* * *

On motion of Senator Dmitrich, the Senate voted to override the Governor's veto of **S.B. 239**,UNFAIR BUSINESS PRACTICES.

Senator Dmitrich explained the bill. Senators Bramble, Hillyard, Waddoups, Blackham and Valentine commented. The veto override passed on the following roll call:

Yeas, 27; Nays, 2; 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

Julander	Killpack	Knudson	Mayne
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

Voting in the negative were: Senators

Arent	Hale

S.B. 239 was transmitted to the House for further consideration.

On motion of Senator Waddoups, and at 2:50, the Senate sauntered.

The Senate was called to order at 3:25 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr President: April 26, 2004

I am directed to inform the Senate that on April 26, 2004, the House, upon reconsideration of S.B. 115, has voted to override the Governor's veto by a vote of 50 ayes, 22 nays, and 3 being absent. The same is transmitted herewith for notification and transmittal to the Governor; and

Mr President: April 26, 2004

I am directed to inform the Senate that on April 26, 2004, the House, upon reconsideration of S.B. 239, has voted to override the Governor's veto by a vote of 56 ayes, 16 nays, and 3 being absent. The same is transmitted herewith for notification and transmittal to the Governor.

Carole E. Peterson
Chief Clerk

* * *

President Mansell appointed Senators Dan Eastman, Peter Knudson, and Ed Mayne as a committee to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

President Mansell appointed Senators Curtis Bramble, Dave Thomas, and Ron Allen as a committee to notify the Governor that the business of the Senate has been concluded.

Senator Eastman reported that the House has been notified.

Senator Bramble reported that the Governor has been notified.

* * *

On motion of Senator Waddoups and at 3:45 p.m., the Senate adjourned sine die.

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